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Michael Hale
Joel Koval
Eric Ophardt
Kim Paulsen
Tom Werner
(alternate) Eric Prescott

Planning Board Meeting
July 9, 2013

Those present at the July 9, 2013 Planning Board meeting were:

Planning Board: R. Ferraro, Chairman, M. Hale, J. Koval, E. Ophardt, K. Paulsen,
T. Werner
E. Prescott – Alternate Member

Those absent were: E. Andarawis

Those also present were: J. Scavo, Director of Planning
J. Bianchi, M J Engineering and Land Surveying, P. C.
P. Pelagalli, 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 Mr. Prescott would be sitting as a full voting member of the Board in Mr. Andarawis's absence.

Minutes Approval:

Mr. Hale moved, seconded by Mr. Werner, approval of the minutes of the meeting of June 25, 2013 as written. Ayes: Ophardt, Paulsen, Prescott, Hale, Werner, Koval, Ferraro. Noes: None.

Public Hearings:

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

Old Business:

[2013- 014] **Prestige Motor Car Expansion** - Proposed (2) additions to an existing warehouse building, 1926/1928 NYS Route 9 – Preliminary site plan review and possible determination. SBL: 259.-2-108

Mr. Tom Andress, consultant for the applicant, presented a brief overview of this application that remains generally as presented at the June 11, 2013 Planning Board meeting, addressing several issues of concern raised at the that meeting. In response to Mr. Ferraro's comment regarding the lack of required plantings along the Route 9 frontage on northerly portion of the site, Mr. Andress stated that additional landscaping will be installed to provide continuity and improve site aesthetics. He reported that stormwater will be redirected and improvements will be made to the existing discharge area. There will be a "general clean up" of the back area of the site that was disturbed many years ago when a restaurant was located on the parcel. A bike rack will be installed on the site. Mr. Andress reported that an additional (5) display spaces along the Route 9 frontage have been added to the plan.

Mr. Andress explained that he has consulted with Ms. Reed and Mr. Myers regarding compliance with Section 503 of the Fire Code of New York State that requires the applicant to provide a fire apparatus road to extend to within 150 feet of all portions of the building because the building has no sprinkler system. In order to meet this requirement, Mr. Andress proposed four different development alternatives that were included on the Construction Details Sheet submitted with the preliminary site plan. The first required additional paving along the northeasterly side of the building expansion to provide emergency vehicle access; the second called for the elimination of the addition proposed to the front of the existing building and the installation of a 20' wide gravel access in that area; the third proposed the elimination of the addition proposed to the rear of the existing building; the fourth for additional paving to the rear of the proposed rear addition to permit emergency vehicle access.

In response to Mr. Ferraro's question regarding the impact of the additional impervious surfaces on greenspace calculations, Mr. Andress reported that the site with proposed additions contains 53% greenspace: since minimal disturbance would be required to achieve fire access, the change to the amount of greenspace would be insignificant. Mr. Bianchi concurred with this assessment, explaining that there is some "reserve capacity" on site that would allow for increases in impervious surfaces.

Mr. Scavo reported that Mr. Myers, Director of Building and Development, provided the following comments in a memo dated July 1, 2013. Mr. Myers requests that the applicant provide a jurisdictional letter that confirms approval of the proposed wetland disturbance. He notes that additional paving around the northerly side of the building to accommodate fire department access may alter the stormwater plan though it is not expected to be a significant change. Re-routing runoff from the south building will eliminate issues in the front parking area. In his opinion, the proposed drainage plan will improve discharge to the DwaasKill and prevent further erosion.

Mr. Scavo read the comment submitted by Ms. Sheryl Reed, Chief of the Bureau of Fire Prevention in a memo dated July 9, 2013. Per Section 503 of the Fire Code of New York State, the fire apparatus access road must extend to within 150 feet of all portions of the building.

Mr. Scavo reported that comments prepared by the Trails Subcommittee of the Open Space, Trails, and Riverfront Committee have been forwarded to Planning Board members.

Mr. Scavo read comments prepared by the Planning Department. All proposed landscaping enhancements must be shown on the final site plan. A note should be added to the plan which states the following:

This site plan addition is bound by all covenants, restrictions, and conditions of the site plan approval for Planning Board project #2008-010 and shall be incorporated as a site plan addition to that project.

The applicant's engineer should provide a cost estimate for the proposed stormwater improvements in order for the establishment of a specific site inspection escrow account which would provide the funding for the Town's Designated Engineer to conduct periodic site inspections to ensure that work is completed in accordance with the approved site plan. A meeting with the Town's Stormwater Management Officer is required prior to the commencement of any site disturbance. All stormwater control measures, including silt fencing, shall be in place and inspected by Town Staff prior to the commencement of any additional site disturbance for the proposed addition. Prior to the stamping of the final plan, a material and performance specification sheet for the proposed DS 150 Erosion Control Blanket must be submitted for review and acceptance.

Mr. Montague, Environmental Specialist, reported that the ECC provided the following comments on the site plan application. The applicant should provide detailed plans for restoration of the stream bank, and if necessary, should acquire a NYSDEC Permit for construction that places fill within the 100-year flood zone of a protected stream. The ECC recognizes the stormwater detention pond and grading completely eliminates the buffer zone to the Dwaas Kill and recommends modifying the design to provide a larger buffer zone.

Mr. Bianchi reported that, after review of the site plan and other documents submitted for preliminary site plan review, M J Engineering and Land Surveying, P.C. offered the following comments. As noted in Comment 16.c of our June 7, 2013 review letter, the proposed P-2 stormwater practice did not provide the required 25-foot buffer extending from the maximum water surface elevation of the pond per Section 6.1.5 of the NYSSMDM. In order to provide the required buffer without reducing the scope of the proposed building expansion, further infringement into the LC Zone would be required. Considering the option to achieve full compliance, which would require further infringement into the LC Zone, M J Engineering and Land Surveying, P.C., would support the Town in approving the stormwater practice as proposed. He commented that this issue is minor in nature and can be dealt with directly between the applicant, MJ and the Town's Stormwater Management Officer. Should subsequent plan modifications be required to address this technical issue, there may be a need to present it to the Planning Board at a later date. Mr. Bianchi explained that at the previous Planning Board meeting, the Trails Subcommittee representative requested installation of a bicycle rack. Though the consultant's response indicates that the bicycle rack is shown on the submitted plans, it is not distinguishable on the plans.

In response to Mr. Ferraro's concerns that the proposed stormwater management plan would impact the Dwaas Kill and its surrounding environmentally sensitive area, Mr. Bianchi explained that the proposed modifications to the system would only improve existing conditions by providing additional treatment for flows from the northern portion of the site and re-routing and treating other runoff more effectively.

Mr. Raymond Seymour, 7 Nadler Road, representative of the Friends of Clifton Park Open Space, read a prepared statement for the Board's consideration. As requested, the correspondence is included without edit in its entirety:

Good evening, members of the Clifton Park Planning Board. The topic tonight is the latest proposal by Prestige Motors to invade and degrade the Land Conservation Zone at the rear and east of their property on State Route # 9 in Clifton Park, N.Y. Before any action is taken by the Planning Board, we implore the Planning Board to deal with the following issues.

First and foremost, the character and extensiveness of this project demand that it be extensively reviewed and explored by the all concerned parties. To that end, FRIENDS, requests that a public hearing be scheduled for a non-summer date to allow sufficient preparation and participation of interested parties.

Second, that the Planning Board review the history of this application with the following questions in mind.

1. Have past concessions by the Planning Board been exploited by the applicant to produce a self inflicted "hardship"?
2. Is the site and therefore this proposal an example of excessive development and drainage complications on too small a site?

Third, the Planning Board in concert with their Counsel and Town Counsel should review the present interpretation of "utility provision" in the L.C. Zone law section 208-69.2., A. (2). This provision is being used by the applicant to utilize the L.C. Zone as a drainage system and facility while the law states that the L.C. Zone should only be invaded for "...water sewage and cable CROSSINGS " (emphasis added)

Fourth, does the complexity of this and "newness" of this project require a complete SEQR and SWEEP review to address, as examples, the following issues?

1. What is the impact of increased volumes of water from such impervious surfaces as: (a) parking, demonstration and storage lots; (b) increased roof areas; (c) parking lots on businesses to the north on Ushers Rd. which now drain under the railroad bed; (d) filling of the wetland at the front of the property?
2. What is the impact of these combined drainage sources on the Dwass Kill "trout stream" classification in terms of temperature rise and phosphate, nitrogen increases?
4. Will this extensive disturbance ruin extensive and delicate wildlife and aquatic habitat and corridors which will be difficult if not impossible to properly and timely restore?

Fifth, does location of this drainage system and facility in the Dwass Kill floodplain inhibit and change stream drainage flows and patterns that may result in on site soil erosion, water pollution from the junkyard across the stream and downstream property destruction?

Conclusion. The intent of the Comprehensive Plan and the "Purpose: statement for the L.C. Zone are consistent. They are: "...to delineate, preserve, protect and conserve

wetlands and streams and their respective regulated adjacent areas... and to preserve natural floodplains, as designated by the Town of Clifton Park." A complete and extensive review of this proposal combined with extensive public participation is the only way to assure this intent is met.

Mr. Frank Berlin, 980 Main Street, stated that "the Town and its residents spent hundreds of hours developing protections for open space lands" and he expressed his concerns regarding the applicant's request for approval to "disturb significant areas within a designated LC zone" to allow for the installation of stormwater management facilities. He believes that the proposed stormwater management design will negatively impact the thermal quality and general integrity of the nearby classified trout stream as well as nesting areas for wood turtles that inhabit the area. Stating that he believes that it was the intent of LC zoning legislation to permit the crossing of streams with utility lines – not permitting the "flow of water along streams" – he asked the Planning Board to "protect the land being compromised" and to deny this application that would establish a precedent for other such requests. He concluded his remarks by stating that the ACOE "does not seem to care about wetland disturbance and the installation of stormwater facilities within a wetland that may impact nature."

When asked by Mr. Ferraro to comment on the determination by the Director of Building and Development and Chief Zoning Officer which would permit the installation of stormwater management facilities within the LC zone, Mr. Pelagalli stated that, in his capacity as Chief Zoning Officer, Mr. Myers has the authority to render a determination regarding the proposed construction and that even if attorneys "see things differently," they would not offer comment on the decision. Mr. Pelagalli noted that since Mr. Myers has determined that the proposed use is a permitted use under existing codes, Planning Board members must respect that decision. Mr. Ophardt agreed that although there was extensive review of the stormwater management design and comment by the Planning Board as it reviewed many applications for development of this site, members must accept the fact that Mr. Myers has approved the proposed use within the LC zone. Mr. Koval described Mr. Myers as "a very careful man who, based upon previous recommendations and comments deserves the Board's respect." Mr. Ferraro echoed Mr. Koval's comments as did Ms. Paulsen who labeled his decisions as "very conservative." Mr. Prescott, who previously served on the Zoning Board of Appeals, stated that Mr. Myers always "erred on the side of caution" when advising the ZBA and he "felt comfortable" with the decision rendered regarding this application. Mr. Pelagalli reported that he has served as Counsel to the Planning Board since 1992 and believes that Mr. Myers is the "most conservative" of all the zoning officials he has worked with. Mr. Hale stated that he considers approval of the management facilities within the LC zone as a "trade off" since the site currently permits "unabated drainage" which creates a "pollution source." He recommended that, if space permitted, the applicant install planting along the stormwater management basin to provide some shading. Mr. Andress agreed, suggesting that the installation of red maples might be reasonable. Mr. Ferraro commented that he views the proposed site expansion and modification of the stormwater management areas as improvements to the site. He endorsed Mr. Scavo's recommendation regarding the establishment of an escrow account that would fund periodic site inspections to ensure that work is completed in accordance with conditions imposed with site plan approvals since work is to be done within and in close proximity to "an extremely sensitive environmental area." In response to Mr. Werner's question regarding the building treatment for the side of the

building expansion which faces Route 9, Mr. Andress stated that the materials will be compatible with existing building treatments though there would likely be more glass used on the facade. Mr. Ferraro expressed his concerns regarding the aesthetics of the site and his concerns regarding the negative visual impacts created by the trailer that is consistently parked within the designated display area along the Route 9 frontage. He emphatically stated that a condition of approval included in the Notice of Decision would be that no trailer storage was permitted within the display area. Ms. Paulsen pointed out that the narrative included with the original application for approval of the display area stated that the area was to provide display space for “high end vehicles.” Mr. Ferraro agreed and reiterated his concern regarding the apparent permanent storage of the trailer along Route 9.

In response to Mr. Seymour’s question regarding the design of the stormwater management basin and its maintenance over time, Mr. Bianchi reported that NYSDEC regulations require that the applicant/property owner be responsible for proper functioning of the installation and its long-term maintenance. Agency regulations require the execution of a legal document that ensures that maintenance will be provided, granting the town authorization to complete remedial work and recover costs from those responsible should the applicant/property owner fail to maintain the system properly.

Mr. Ophardt moved, seconded by Mr. Werner, to establish the Planning Board as Lead Agency for this application, an unlisted action, and to issue a negative declaration pursuant to SERQA. The motion was unanimously carried.

Mr. Koval moved, seconded by Mr. Hale, to grant preliminary and final site plan approval to this application conditioned specifically on the addition of a note to the plan that states that no trailers will be permitted to park within the area that was designated for display of “high end vehicles,” that an escrow account be established to provide funding for periodic site visits by the Town’s Designated Engineer during installation of the stormwater management area, satisfaction of all the comments offered by the Planning Board, M J Engineering and Land Surveying, P.C., and all items included in the final comment letter prepared by the Planning Department. The motion was unanimously carried.

New Business:

[2013-018] **Park View Estates** – Proposed (4) lot subdivision, Longkill Road – Conceptual review. SBL: 250.-1-11.1

Mr. Andrew Schauffert, consultant for the applicant, presented this application that calls for the subdivision of 1.95 acres of land into (4) single-family, similarly sized, residential lots. The lot areas range in size from 21,157.60 SF to 21,540.40 SF. The property to be developed is located on the easterly side of Longkill Road directly across from its intersection with Parkside Drive and just south of Kain Terrace. The new residences will be served by the Clifton Park Water Authority and connection to the sanitary sewer recently constructed by Kain Development. One lot will be accessed via a driveway from Kain Terrace: the others will be served by individual driveways onto Longkill Road.

Mr. Scavo read the comments provided by Mr. Myers, Director of Building and Development, in a memo dated July 1, 2013. The new subdivision should not be proposed with non-conforming setbacks, i.e. the 30' setback shown on Lot #4 should be the required 50'. The proposed lot sizes appear to conform to the required 20,000 SF minimum. The sewer easement further supports the proposal to move the path required by the Kain subdivision to the westerly side of Longkill Road. Mr. Myers commented that he is uncertain why the proposed sewer is not located within the right-of-way. The sewer connection to the manhole on Kain Terrace may need modification since it does not appear to align with the flow. The driveway at Lot #1 may conflict with the crosswalk at Parkside Trail.

Mr. Scavo presented the comments prepared by the Planning Department. A referral to the Saratoga County Planning Board is required since the project is located adjacent to County Route 82. Pursuant to Section 208-98 of the Town Code, Longkill Road has a unique front building setback requirement of 100' from the center line in a residential district: the subdivision map should be revised to reflect the appropriate setbacks. A property encroachment from 9 Woodridge Court must be addressed on Lot #1 prior to the issuance of preliminary approval of the subdivision. Since Kain Terrace is a privately owned road until dedicated to the Town, the applicant must receive written approval from the owner of the Kain Terrace property for the proposed water and sewer connections as well as the driveway access for Lot #4. Noting that there is a concern with a property north of the site where a drainage ditch terminates at a driveway, the applicant must address the adequacy of the drainage ditch along Longkill Road to accept the additional stormwater flows from impervious surface runoff produced by the proposed driveways. Mr. Scavo explained that the town has issued a Stop Work Order to the developer of the Kain Development Subdivision due to problems with the stormwater management systems: it is unclear when those problems will be remedied and, therefore when construction will begin again.

Mr. Shauffert addressed Mr. Scavo's concerns regarding the encroachment issue, stating that Mr. Heflin has agreed to convey adequate property to the owner of 9 Woodridge Drive to ensure that the existing garage and required setbacks are contained within the boundaries of that property.

Mr. Montague, Environmental Specialist, stated that, after review of the subdivision plan presented for conceptual review, the ECC offered the following recommendation. The ECC recommends that this project be carried out in keeping with the goals of tree preservation as stated in the Town Comprehensive Plan, to the greatest extent practicable.

Mr. Bianchi reported that M J Engineering and Land Surveying, P. C. offered the following comments on this application. Based upon our review of Part 617 of NYS Environmental Conservation Law, the project appears to be an "Unlisted" action. If the Planning Board is to request Lead Agency status under SEQRA, the need to undergo a coordinated review is optional. Under a coordinated review, involved/interested agencies to be engaged may include, but is not necessarily limited to the following: Clifton Park Water Authority – public water supply; Saratoga County Sewer District #1 – public sanitary sewer supply; NYS Office of Parks, Recreation and Historic Preservation – identification of cultural or historic resources if determined to be subject to the NYSDEC Phase 2 Stormwater Regulations; NYS Dept of

Environmental Conservation – Extension of public sewers and identification of threatened and endangered species if determined to be subject to the NYSDEC Phase 2 Stormwater Regulations; Saratoga County Planning Board_– 239m referral for projects located along a County highway.

Mr. Bianchi offered the following general comments regarding the application. The project proposes to service each new lot with public water from the Clifton Park Water Authority via individual service connections to an existing water main. The applicant shall provide documentation of the CPWA's ability and willingness to service the project with potable water. Any action on the subdivision application should be conditioned upon receipt of plan approval from the CPWA. The applicant proposed to service each lot with public sanitary sewers from the Saratoga County Sewer District No. 1 via extending a new public sewer main throughout the project. The applicant shall provide documentation of the SCSD's ability and willingness to service the project with public sewers. Any approvals offered by the Planning Board should be conditioned on receipt of SCSD's review and approval. The extension of public sanitary sewers to the project is subject to the review and approval by the NYSDEC. Any approvals offered by the Planning Board should be conditioned on receipt of NYSDEC's review and approval.

Mr. Bianchi provided the following comments on the proposed subdivision plans. The project is located within the Town's Residential I District (R1). The proposal for single family homes is a permitted principal use within the district as noted in Section 208-10(B)(2) of the Town's Zoning Code. Based upon a review of the proposed lot configurations, they appear to meet the minimum bulk lot requirements as identified in Section 208-11 of the Zoning Code for the R1 District, with the exception following exceptions:

- a. Section 208-98 requires lots along Longkill Road to be no closer than 100 feet from the center line of the street: all of the proposed lots show the homes within this minimum setback.
- b. The front yard setback for Lot #4 (corner lot) with respect to Kain Terrace is only 30 feet. Section 208-11 requires a minimum of 50 feet for the front yard setback.

The applicant will be required to apply for and obtain relief from the Zoning Board of Appeals or modify the lots prior to the Planning Board acting on the application. Section 179-26(A) of the Town's Subdivision Regulations requires that the owner shall offer to the Town, Class A, B, money in lieu of land or a combination of the three. The plan submitted suggests no land will be offered as part of the project. The Town will need to review the proposal for what appears to be an offer of payment in lieu of for public land to ensure it is acceptable. There is an existing encroachment of a garage on proposed Lot #1 from an adjacent lot. This encroachment should be resolved prior to the Planning Board acting on the subdivision as it creates non-conformity with respect to required yard setbacks for an accessory structure. Note #10 of the Subdivision Notes indicate the total disturbance anticipated for the development of will be less than 1 acre. The limits of disturbance are without actual proposed grading and need to be validated based upon such information. In the event the net disturbance exceeds 1 acre, the project will be subject to the NYSDEC Phase 2 Stormwater Regulations and General Permit GP-0-10-001. Four individual driveways are proposed with the subdivision. The Planning Board may consider the use of shared driveways for two adjacent lots to reduce this number. Should the Planning Board desire this option, it is suggested that the town be provided with draft maintenance agreements, which should be reviewed by the Planning Board attorney. Ultimately, all driveway locations are subject to the review and approval by the Saratoga County Department of Public Works as Longkill Road is a county highway. All lot grading shall be such that drainage is directed away

from the homes and towards 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. Should any basement sump pumps be deemed required under the criteria stated in Section 86-7(A)(6) of the Town Code, their end discharge locations must be noted on the plans. It is suggested that the buffer running along the rear of each lot be placed in a deed restriction limiting and/or prohibiting certain activities within the buffer. Notation reflecting such deed restriction should also be added to the subdivision plat. The plans should identify the minimum size and materials of construction for each individual water service. It is believed that the proposed extension of the public sanitary sewer will require supporting plan/profiles as well as construction details conforming to the SCSD Rules and Regulations. While the Town may not be the agency having jurisdiction over these improvements, subsequent plans shall include this information. A note shall be added to the plat indicating that no utilities shall be installed under proposed driveways. Prior to approval or filing of the subdivision plat with the Saratoga County Clerk, the appropriate 911 emergency response numbers must be obtained, assigned to each lot created, and placed on the filed plat.

In response to Mr. Hartnett's request from the Trails Subcommittee of the Open Space, Trails, and Riverfront Committee that the approved multi-use pathway from Kain Terrace to Parkside Trail be relocated to the westerly side of Lonkill Road, Mr. Scavo explained that there are significant issues with installation of a trail along either side of the roadway and that C. T. Male is currently working to redesign the trail to accommodate existing utilities. Mr. Scavo speculated that adequate right-of-way width would permit installation of the trail on either side of the road, though he noted that relocation of the sidewalk would require the Planning Board to review and approve an amendment to the Kain Subdivision. Mr. Ferraro confirmed that the trail link approved for the Kain Subdivision was to be installed along the easterly side of Longkill: he recommended that the applicant for Park View Estates confer with the developer of that subdivision to determine the best location for the trail link. Board members discussed the problems existing utilities, including water lines, on both sides of Longkill Road posed for trail construction, possible locations for crosswalks to link the trail with Parkside Trail, and the fact that Longkill Road is a county-owned roadway. Though Mr. Koval commented that it appeared that driveways for some of the lots could be easily combined to reduce the number of curb cuts, Mr. Hale remarked that increased number of driveways often slows traffic. Mr. Pelagalli commented that combined driveways would require the establishment of legally-binding agreements between property owners to ensure adequate long-term maintenance of the shared drives. Mr. Koval expressed his concerns regarding traffic conflicts between the private property owners attempting to enter and exit their properties and those entering or existing Parkside Trail. Mr. Shauffert reported that the sight distance at the Parkside Trail – Longkill Road intersection exceeds acceptable standards. Mr. Scavo commented that he preferred that the driveway serving Lot #1 be aligned – as shown on the current plan - with Parkside Trail to create a “quasi-intersection,” though Mr. Ophardt stated that it was “not a good idea” to align a residential driveway with a standard roadway. Though Ms. Paulsen suggested that the applicant relocate the proposed driveway for Lot #1 to the north, Mr. Heflin, applicant, stated that the parcel's topography made it more reasonable to locate the driveway to the south. Mr. Shauffert and the applicant agreed to consider alternative driveway locations. Mr. Koval commented that although he respected the applicable setbacks required by the Zoning Code, he favored lots with larger

backyards. Board members discussed the diminishment of backyard areas resulting from the required setbacks from Longkill Road and recommended that restrictions regarding clearing and soil disturbance be added to property deeds. Though Mr. Shauffert argued that proposed site disturbance would be less than one acre (and, therefore, be under the threshold for preparation of a Stormwater Pollution Prevention Plan), Mr. Ferraro supported Mr. Bianchi's recommendation that the applicant prepare a Stormwater Pollution Prevention Plan to ensure that compliance with existing NYS DEC requirements for clearing and land disturbance are met. He supported his position by arguing that additional clearing by those purchasing homes prior to the build-out of all four properties could easily increase the amount of disturbance beyond the one-acre threshold. Mr. Bianchi explained that preparation of a stormwater management plan for disturbance of an area greater than one acre but less than five acres would require minimal work while providing substantially greater protection for the developer. Mr. Ferraro concluded the discussion by returning the trail location issue, stating that, in his opinion, there would "not be much of a net gain" in requiring the relocation of the trail segment to the westerly side of the roadway. Board members did not comment favorably or unfavorably on the application.

[2013-019] **Delmonico's Restaurant** – Proposed 850 SF patio, 3 Northside Drive – Conceptual review. SBL: 272.0-1-38

Mr. Gavin Vuillaume, consultant for the applicant, presented this application for the Board's consideration, stating that the proposal calls for the creation of an 850 SF of outdoor dining space that would accommodate approximately 32 additional diners. The patio area would be constructed along the westerly side of the building, defined by a concrete block wall topped with 4' high black aluminum fencing. The area would include a concrete block gas fireplace. The property is located on a 1.86 acre parcel to the north of Route 146 on the southerly side of Northside Drive. The parcel is located within the B4 zoning district. Mr. Vuillaume explained that the site is currently being renovated in accordance with approvals issued by the Planning Board on June 27, 2012. The restaurant is served by the Clifton Park Water Authority and connection to the Saratoga County Sewer District #1. A total of 92 parking spaces have been provided on site.

Mr. Scavo read the comments offered by Mr. Myers, Director of Building and Development in a memo dated July 1, 2013. Mr. Myers notes that the occupant load with patio seating totals 212, though the actual occupant load with the expansion is 295: parking availability must be verified.

Mr. Scavo reported that Ms. Sheryl Reed, Chief of the Bureau of Fire Prevention, reported that the proposed patio must meet all requirements of the Fire Code of New York State specific to occupancy load calculations, restroom facilities, sprinkler system, fireplace, flame torches, and gas heater units.

Mr. Scavo reported that after Professional Staffers met with the applicant to discuss proposed changes to the approved site plan, it was determined that the proposed changes to the building were significant; therefore, Planning Board review of this application as an amendment to the approved site plan was required. Mr. Scavo commented that this site lies within the original Town Center study area and that the study encouraged outdoor dining venues. He

reported that during a recent site visit he observed that there was a neon strip visible along the building's façade: he noted that such lighting was not part of former site plan approvals. A description of materials used for the building's façade must be provided.

Mr. Montague, Environmental Specialist, stated that the ECC offered no comment after review of this conceptual application.

Mr. Bianchi stated that M J Engineering and Land Surveying, P.C. reviewed the materials submitted for review and offered the following comments. It is understood that this application is an amendment to a previously approved plan. The Planning Board as the SEQRA Lead Agency can either make a determination that this amendment is consistent with the Board's prior SEQRA findings and no further action is required or alternatively may re-initiate a new SEQRA review process specific to the amendments and make independent findings. The engineering firm deferred to Town staff as far as how to handle SEQRA on this site plan amendment. Per Section 208-99 of the Town Code, total parking required at restaurants shall be 1 for each 75 SF of customer service area (excluding kitchens and storage areas) or 1 for each 3 seats, whichever is greater. Based on this, it would appear the minimum number of spaces required would be 71 spaces. The site plan provided shows that 92 spaces will be provided. Assuming the provided site plan is current and accurate, the parking provided appears to conform with what is required by the Town Code. In the event the 32 seats proposed are above and beyond what has already been approved for building occupancy, there should be confirmation that the anticipated water usage and sewer generation as a result of the additional seating does not exceed any permit thresholds imposed by other regulatory agencies having jurisdiction. It is suggested that the plans provide more detailed description of the materials of construction for the patio. At a minimum, construction details for the fence and patio surface finish would be appropriate. For clarity, it is suggested that the final map submitted to the Town include only those improvements being considered as part of this specific site plan application.

Mr. Vuillaume explained that a pick-up window has been added to the easterly side of the building for patrons ordering "take-out" meals. Mr. Werner recommended that the site plan include directional signage to ensure proper traffic flow. Mr. Ferraro recommended that the area containing the land banked parking space remain in its natural state: Mr. Vuillaume agreed that this was reasonable. In response to Mr. Koval's question regarding live entertainment at the site, the applicant stated that there will be no such entertainment is proposed. It was noted that a canopy would likely be included in the patio's design though no such item has been considered to date. It was agreed that specifications for a canopy would be provided for the Board's consideration as a Discussion Item at a future meeting.

Mr. Werner moved, seconded by Ms. Paulsen, to establish the Planning Board as Lead Agency for this application, an unlisted action, and to issue a negative declaration pursuant to SERQA. The motion was unanimously carried.

Mr. Ophardt moved, seconded by Mr. Hale, to grant preliminary and final site plan approval to this application conditioned specifically upon the inclusion of appropriate traffic signage on the plan, review of the canopy design by the Planning Board at a future meeting, and

satisfaction of all items listed in the final comment letter prepared by the Planning Department. The motion was unanimously carried.

[2013-020] **Trojanski Builders** – Proposed (8) lot subdivision, 535 Clifton Park Center Road – Conceptual review. SBL: 271.19-2-4

Mr. Gavin Vuillaume, consultant for the applicant, presented this application that calls for the development of a 6.31 acre parcel located within the R1 zoning district on the northerly side of Clifton Park Center Road approximately ½ mile west of its intersection with Moe Road. The application seeks approval of an (8) lot subdivision served by a single curb cut onto Clifton Park Center Road, connection to the Clifton Park Water Authority water service, and the Saratoga County Sewer District #1. The speaker reported that Sewer District representative have stated that the pump station located at the intersection of Clifton Park Center and Moe Roads has sufficient reserve capacity to accept projected additional flows. The sight distance at the proposed curb cut exceeds acceptable standards. Lots, ranging in size from 20,000 SF to 37,400 SF, will conform to zoning code requirements. Stormwater will be managed on site - directed to management areas located along the westerly side of the entrance drive and within the proposed cul-de-sac. Mr. Vuillaume read a statement from Environmental Design Partnership's Environmental Specialist that reported that inspection of the site found the presence of the Frosted Elfin butterfly. The potential butterfly habitat area which crosses Lots #4 and 5 has been labeled on the plan and deed restrictions will ensure continued protection and proper maintenance of the area. A Full Environmental Assessment Form has been submitted for review.

Mr. Scavo explained that Mr. Myers, Director of Building and Development, offered the following comments on this application. All lots appear to meet minimum bulk requirements since lots range in size from 20,000 SF to 37,400 SF.

Mr. Scavo read comments prepared by the Planning Department. This project is a Type I action pursuant to SEQRA. As such, coordinated review will be required. Mr. Scavo recommended that the Planning Board assume Lead Agency status for the application. He noted that Part I of the Full Environmental Assessment Form submitted with the conceptual plan identified the presence of the Frosted Elfin butterfly on the site and he recommended that the applicant provide a written site assessment of the identified "potential butterfly habitat area" that includes flora and fauna on the parcel that is conducive to that habitat. A map showing existing site conditions with 5' topographic contours should be provided in accordance with Section 179-8 of the Town Code. The consultant should indicate whether or not the proposed water and sewer connections to the Clifton Park Center Road – Moe Road intersection will be made by directional boring: a traffic control plan may be required if directional boring is not feasible. Mr. Scavo asked that the applicant seek input from Mr. Kukuk, Highway Superintendent, regarding the installation of connecting utility lines since there is a "significant drainage structure" located to the east of the proposed subdivision.

Mr. Ferraro questioned the long-term viability of butterfly habitat area that was shown to cross the side yards of two separate lots, asking how fencing that was proposed to define the area would be maintained and how proper maintenance of habitat area would be ensured by potential homeowners who would likely be unfamiliar with habitat preservation. Mr. Hale commented

that the removal of larger trees from the habitat area could be beneficial and that the most dangerous threat to the endangered species would be the use of “foggers” or other chemicals used for pest control. Mr. Scavo asked that the applicant evaluate the importance of the identified habitat in connection with larger wildlife corridors. Mr. Ophardt recalled approvals for site development within the Wood Road corridor that required the applicant to provide substantially more protections for endangered species’ habitat areas. Mr. Scavo explained that the protections and management plan imposed by the Statement of Findings associated with the Wood Road Corridor Study required significantly more protection for the Karner Blue butterfly and enhancement and/or expansion of identified habitat areas to encourage reintroduction of the species: those requirements do not apply to this parcel. Stating that it may be prudent to confine the habitat area within a single lot and, therefore, single ownership, Mr. Ferraro suggested that the subdivision may be designed with seven similarly-sized lots and one larger one or be reduced in number by one lot. Mr. Vuillaume explained that it may not be economically feasible to reduce the number of proposed lots.

Mr. Montague, Environmental Specialist, stated that the ECC offered the following comments on this application. The ECC requests that the applicant explain what constitutes the designation of a “Potential Butterfly Habitat Area,” (e.g. is there blue lupine in the designated area). In keeping with the recommendations and goals of the Town Comprehensive Plan, the applicant should retain existing vegetation to the maximum extent practical and/or the use of landscaping and grading to provide visual and auditory buffering between the project and adjacent roadways or other properties. The ECC recommends that this project be carried out in keeping with the goals of tree preservation as stated in the Town Comprehensive Plan to the greatest extent practicable.

Mr. Bianchi stated that review of this application by M J Engineering and Land Surveying, P.C. resulted in the following comments and recommendations. 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 Clifton Park Planning Board is to request Lead Agency status under SEQRA, a coordinated review is required for Type I actions. Under a coordinated review, involved/interested agencies to be engaged may include, but not necessarily limited to, the following: Clifton Park Water Authority – public water supply plan approval; NYS Dept of Health – realty subdivision approval and public water supply plan approval; Saratoga County Sewer District No. 1 – public sewer plan approval; NYS Dept of Environmental Conservation – public sewer plan approval, permit coverage under stormwater SPDES, identification of threatened and endangered species, potentially taking of additional water; NYS Office of Parks, Recreation and Historic Preservation – identification of cultural or historic resources.

Mr. Bianchi explained that the following comments are applicable with respect to the SEQRA document submitted for review. Under A.16 there is indication of no wetlands within or contiguous to the parcel. An explanation of how this was determined must be provided. Under A.17.a please indicate whether or not sufficient capacity exists to allow the proposed public utility connections. Under B.1.g the source of the vehicle trip determination must be provided.

The project proposes to service each new lot with public water from the Clifton Park Water Authority via extending a new public water main throughout the project. The applicant shall provide documentation of the CPWA's ability and willingness to service the project with potable water. Any action on the subdivision application should be conditioned upon receipt of plan approval from the CPWA. 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. As part of the project's regulatory review, the applicant must 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 applicant proposed to service each lot with public sanitary sewers from the Saratoga County Sewer District No. 1 via extending a new public sewer main throughout the project. The applicant shall provide documentation of the SCSD's ability and willingness to service the project with public sewers. Any approvals offered by the Planning Board should be conditioned on receipt of SCSD's review and approval. The extension of public sanitary sewers to the project is subject to the review and approval by the NYSDEC. Any approvals offered by the Planning Board should be conditioned on receipt of NYSDEC's review and approval. The project will disturb more than 1 acre of land. As such, it will be subject to the NYSDEC Phase II Stormwater Regulations and General Permit GP-0-10-001. The submitted full environmental assessment form (FEAF) indicates 5 acres of disturbance will be required for the project. As the project proceeds through the Town's regulatory review process, the type of Stormwater Pollution Prevention Plan needs to be determined (basic or full SWPPP) which will be based upon whether or not more or less than 5 acres of disturbance is ultimately proposed. The applicant is advised that the project disturbance calculation shall include any that may be required for off-site utility extensions serving the project. The concept plan and submitted FEAF indicates there are no regulated (mapped or unmapped) wetlands within the project boundaries. Documentation as to how this determination was made must be provided. If a physical review of the site was completed by qualified staff, then subsequent plan submissions shall note the date of the physical review and by whom it was completed. The project is located within the Town's Residential I District (R1). The proposal for single family homes is a permitted principal use within the R1 district as noted in Section 208-10(B)(2) of the Town's Zoning Code. Based upon a review of the proposed lot configurations, they appear to meet the minimum bulk lot requirements as identified in Section 208-11 for the R1 district. It is noted that in some instances, in order to provide the minimum lot width at the building line, lots are proposed with a front setback line greater than required. Section 179-26(A) of the Town's Subdivision Regulations requires that the owner shall offer to the Town, Class A, B, money in lieu of land, or a combination of the three. The plan submitted suggests no land will be offered as part of the project. The town will need to review the proposal for what appears to be an offer of payment in lieu of for public land to ensure it is acceptable. 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 Clifton Park Center Road. The proposed point of access to the project appears to provide adequate sight distances for entering and exiting. Notwithstanding, there should be indication on the plan what the required and provided turning sight distances are. The concept plan shows an area with potential butterfly habitat. Should this area require protection, there must be a determination as to how this protection will exist in perpetuity. External regulatory agencies may require protective buffers that may render Lots #5 and 6 unbuildable or require a consolidation of these two lots into a single viable lot. It is

suggested that the applicant provide the Town with comments from regulatory agencies that have jurisdiction relative to this area prior to any formal subdivision approval to ensure that a Town approval is not contrary to any imposed mitigation and/or avoidance plans for this area. The concept plan shows two areas set aside for stormwater management. Given the conceptual nature of the plan, the type of practice has not yet been determined. The applicant should be aware that the Town prohibits the use of a P-5 practice and in the event it is determined that the P-5 practice is the only viable option, supporting materials must be submitted to the Town for review before it will be deemed acceptable for use. As noted in a previous comment, it is unknown if the total disturbance for the project will exceed 5 acres and therefore, the project's stormwater design may or may not require permanent stormwater management systems, including green infrastructure. It can be concluded from the concept plan that the 5-acre threshold will be exceeded with the inclusion of stormwater management facilities. As the project proceeds through the Town's regulatory review process, the applicant is urged to meet with the Town's Stormwater Management Officer to review any proposed green infrastructure practices in an effort to avoid those that may be deemed undesirable.

Mr. Dan Hartnett, representative of the Trails Subcommittee of the Open Space, Trails, and Riverfront Committee, recommended that subdivision approval be conditioned upon the construction of a multi-use pathway from the proposed subdivision easterly to the Moe Road – Clifton Park Center Road intersection. Mr. Ferraro stated that although he “liked the idea” of the trail connection as recommended, environmental impacts to the significant drainage corridor to the east of the subdivision may make trail installation difficult. He also noted that trail development would require the cooperation of other property owners residing between the proposed development and the intersection. Noting that demands on the applicant should be commensurate with the scope of the project, he recommended that the applicant convey additional right-of-way to allow for future trail development. Mr. Koval expressed his agreement with Mr. Ferraro's position regarding trail development, stating that although he viewed the recommended trail link as an important connection in the overall trail system he was concerned with the difficulties presented by the existing “substantial drainage system structure.” He spoke to the issue of habitat preservation, recommending that the applicant consider reconfiguring the subdivision to allow the habitat preservation area to be contained within one parcel. In response to Mr. Werner's question regarding an existing curb cut and gravel driveway from Clifton Park Center Road, Mr. Vuillaume that the existing drive formerly provided access to the rear of the lot: it is no longer utilized. Board members did not comment favorably or unfavorably on the application.

Mr. Koval moved, seconded by Mr. Prescott adjournment of the meeting at 9:40p.m. The motion was unanimously carried. Since there is only one meeting during the month of July, the next meeting of the Planning Board will be held as scheduled on August 13, 2013.

Respectfully submitted,

Janis L. Dean,
Secretary

cc: Planning Board Members, Planning Department, Supervisor, Assessor, Zoning Board, Department of Building and Development, Town Clerk, Town Board Members, Highway Superintendent, Lou Renzi, Town Attorney, Tom McCarthy, Town Attorney, Paul Pelagalli, Town Attorney, ECC, Clifton Park Water Authority