

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

PLANNING BOARD

ROCCO FERRARO
Chairman

PAUL PELAGALLI
Attorney

JANIS DEAN
Secretary



MEMBERS

Emad Andarawis

Michael Hale

Joel Koval

Eric Ophardt

Kim Paulsen

Tom Werner

(alternate) Eric Prescott

Planning Board Meeting
October 8, 2013

Those present at the October 8, 2013 Planning Board meeting were:

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

Those absent were: K. Paulsen

Those also present were: J. Scavo, Director of Planning
J. Bianchi, M J Engineering and Land Surveying, P. C.
M. Montague, Environmental Specialist
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 will be sitting as a full voting member in the absence of Ms. Paulsen.

Minutes Approval:

Mr. Andarawis moved, seconded by Mr. Werner, approval of the minutes of the meeting of September 24, 2013 as written. Ayes: Ophardt, Andarawis, Prescott, Hale, Werner, Koval, Ferraro. Noes: None.

Public Hearings:

[2013-027] **Boni Builders, Inc. – Grooms Road** – Proposed (2) lot subdivision, 912-914 Grooms Road – Preliminary public hearing and possible determination. SBL: 271.-2-35.1

Mr. Ferraro explained the review and approval process to those present, stating that the Board was required to render a determination pursuant to SEQRA (State Environmental Quality Review Act) prior to conducting a public hearing on this application. He explained that the Planning Board would assume Lead Agency status for the project and issue a negative declaration as a “formality” which neither granted nor implied approval of the subdivision application.

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

Mr. Ferraro, Chairman, called the public hearing to order at 7:04p.m. The Secretary read the public notice as published in the Daily Gazette on October 1, 2013.

Mr. Duane Rabideau, consultant for the applicant, explained that this subdivision application, presented conceptually at the September 11, 2013 Planning Board meeting, has been revised in accordance with comments issued by Mr. Scavo, Mr. Myers, and M J Engineering and Land Surveying, P.C. Mr. Rabideau explained that the large swath of designated wetland and its adjacent buffer area that bisects the property will remain undisturbed. Referencing the previous request made by the Trails Subcommittee of the Open Space, Trails, and Riverfront Committee for a 15’ easement along Grooms Road, the speaker reported that there is an existing 25’ wide strip of land from the edge of pavement to the property boundary which would allow for future trail development.

Mr. Scavo explained that comments prepared by Myers, Director of Building and Development, have been forwarded to all Board members.

Mr. Scavo explained that Mr. Myers, Director of Building and Development, provided the following comments in a memo dated October 3, 2013. Deeded access for the driveway will be required. The applicant must ensure that the 200’ required distance between wells and septic system is provided. Adequate sight distance at the driveway must be confirmed.

Mr. Scavo read the comments issued by the Planning Department. The mitigation fee for the Western Clifton Park GEIS preparation will be applicable: a payment of \$348 per each new dwelling unit will be required to be paid prior to the stamping of the final plan. A parkland fee of \$850.00 will be required prior to the stamping of the final plan. The following note must be added to the final plat:

The subdivision is compliant with Conservation Residential Development Option 208-16(E)(2)(b) 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.”

The following note should be added to the final plan prior to stamping:

STANDARD NOTE FOR LOTS IN PROXIMITY TO AVIATION ACTIVITY:

This parcel (Subdivision) is located in an area where aviation activity occurs. Such activity may include, but is not limited to periodic noise, vibration, hours of operation, and other associated activities. A study describing this impact in detail is available for inspection in the offices of the Albany International Airport.

Mr. Montague, Environmental Specialist, reported that the ECC found the subdivision plan acceptable: members offered no comments or recommendations on the application.

Mr. Bianchi reported that many of the comments issued by M J Engineering and Land Surveying, P.C. have been addressed by the applicant, though he explained that two comments previously issued remain. He recommends that any existing wetlands be identified on the plot plans submitted for building permits as well as within deeds for disclosure purposes to future land owners: a similar notation should also be placed on the final plat.

Mr. Dan Hartnett, representative of the Trails Subcommittee of the Open Space, Trails, and Riverfront Committee, recommended that a note be added to the subdivision plan indicating that future trail construction may occur along Grooms Road frontage.

There being no additional public comment, Mr. Ophardt moved, seconded by Mr. Andarawis, to close the public hearing at 7:12p.m. The motion was unanimously carried.

In response to Mr. Ophardt’s question regarding the feasibility of installing a trail segment along the property’s frontage due to an existing “ditch and back slope,” Mr. Rabideau distributed photographs of the property which substantiated his description of the property along the roadway as “relatively flat.” In his opinion, the granting of an additional easement would not be necessary. Mr. Scavo confirmed Mr. Rabideau’s belief that there would be sufficient room for construction of a multi-use pathway within the existing right-of-way width. It was agreed that a note will be added to the plan indicating that a trail may be constructed in the future in the right-of-way along the Grooms Road frontage.

Mr. Werner offered Resolution #15 of 2013, seconded by Mr. Ophardt, to waive the final hearing for this application and to grant preliminary and final subdivision approval conditioned upon satisfaction of all comments provided by the Planning Department, Town Engineer, and all items listed in the final comment letter issued by the Planning Department. Ayes: Ophardt, Prescott, Andarawis, Hale, Werner, Koval, Ferraro. Noes: None.

Old Business:

[2013-023] **Abele – NYS Route 9 and Old Route 146** – Proposed grading and clearing for potential future development, 1714 NYS Route 9 – Conceptual review. SBL: 272.9-1-21.1

Mr. Vuillaume, consultant for the applicant, presented this application, explaining that the proposed soil disturbance plan was considered as a “Discussion Item” at the August 13, 2013 Planning Board meeting. He reported that the applicants seek approval to make incremental changes to the 4.37 acre site located north of Northside Drive and generally bordered by U S Rout 9, Old Route 146, and the Clifton Park – Halfmoon Fire District in order to improve its marketability. He stated that plans for site development were currently in the “feasibility” stage: no conceptual site plans are included as part of the application. He told Board members that subsequent to meeting with the Historic Preservation Commission to discuss the value of historic buildings and characteristics of the site, the proposed plan was modified: the application is now limited to clearing and grading of the site. Speaking to the issue of stormwater management, Mr. Vuillaume explained that, since there were no sensitive environmental features contained on the site, a Stormwater Pollution Prevention Plan could be easily prepared. Mr. Vuillaume explained that the applicant envisioned clearing to begin with the “removal of small vegetation, vines, and brush” followed by a tree inventory and identification of trees to be preserved, and finally, with the removal of “some stumps and minimal grading.” Mr. Chris Abele, applicant, explained that the stated goal is to “improve the site to make it more appealing to potential tenants.” Speaking to the issue of possible segmentation pursuant to SEQRA review, Mr. Vuillaume stated that it “may be possible to modify the application” to include a development plan that would provide the Planning Board a basis for issuing a SEQRA determination without being subject to possible criticism for “segmentation” of the review process.

Mr. Scavo read the comments and recommendations provided by Mr. Myers, Director of Building and Development. Mr. Myers noted that the application has been revised since initially presented since it now appears that it is limited to clearing and grading of the site. The application states that “only small vegetation will be removed:” he recommended that a tree survey identifying trees to be removed and preserved be required and approved by the town. Section 208-114 of the Town Code is applicable and all requirements must be met before site work commences. Clearing should not begin until “it is known what is proposed for the site.” Mr. Myers observes that at least one building is shown on two parcels. Due to the historic nature of the area, specific approval for any buildings that are to be removed must be received from the Historic Preservation Commission. A grading plan will be required prior to any tree removal. Approval from the Town of Halfmoon will be required for the Route 9 access. Mr. Myers believes that the proposed 20’ buffer will be “useless” since it contains only scrub brush. He notes that the application is likely made in anticipation of Town Center zoning which “may or may not be approved” by the Town Board.

Mr. Scavo offered the following comments. He asked that the applicant provide “the method and approach” to be employed for site clearing, including the type of equipment to be used. He expressed his concern that heavy equipment may result in damage to mature trees by compacting the soils that surround them. Mr. Abele explained that it was likely that bulldozers would be used to clear brush and shrubs. Mr. Hale commented that it would be better to utilize brush hogs rather than bulldozers for site clearing to limit impacts to larger trees. He recommended that disturbance to the site be minimized to the greatest extent practicable. Mr. Vuillaume stated that soil disturbance would be limited to less than one acre.

Mr. Montague, Environmental Specialist, reported that the ECC issued the following recommendation. The applicant should complete a tree inventory which would identify the trees to be cleared and the ones to be preserved: this recommendation is in keeping with the goals of tree preservation as stated in the Town Comprehensive Plan.

Mr. Bianchi reported that M J Engineering and Land Surveying, P.C. offered the following comments and recommendations regarding this application. Given that the proposal at this time is only for lot clearing and grading, the action could be considered either an Unlisted or Type 2 action. Based upon the applicant's last appearance before the Planning Board, M J Engineering and Land Surveying, P.C. understands that it is the applicant's intention to create a "shovel ready" site and increase visibility to the site from Route 9 and that the current plan attempts to achieve that goal. Absent a defined use or uses, however, there is a potential of SEQRA segmentation. It is recommended that there be some level of conceptual planning for the parcel's end use such that the Town may review the proposal and take an action on SEQRA without being subject to segmentation. Prior to the action being classified under SEQRA or the SEQRA process initiated, it is recommended that further discussions occur between the applicant and Town staff. The project is within the Town's B-4 zoning district. The proposal is for only clearing and grading: there are no proposed activities that are subject to the applicable zoning district regulations including permitted uses and bulk lot requirements. The project is also located within the Town of Halfmoon and any activities within Halfmoon must also receive regulatory approval from the Town of Halfmoon. The project proposes only to clear and grade the center portions of the property with a total land disturbance in excess of 1 acre. As such, it would be subject to the NYSDEC Phase 2 Regulations. Since there is no proposal for any new impervious areas, a basic Stormwater Pollution Prevention Plan would be required. Additional information would be necessary beyond the plan submitted to demonstrate conformance with the General Permit. Should the project proceed through the regulatory approval process as it exists, the Stormwater Pollution Prevention Plan must include documentation relative to the existence and/or absence of historic features as well as threatened and endangered species. Existing site contours must be shown to ensure appropriate erosion control measures are provided and placed in the correct locations. Calculations for the size of the siltation basin must be furnished. Plans should include the size of the trees to remain for clarity: it may be prudent to inventory the trees for the purpose of preserving healthy and desirable trees.

Mr. Ferraro emphasized the fact that he is concerned with plans for site clearance that would possibly "denude" the site, explaining that the parcel to be selectively cleared is very visible and current site conditions offer "visual effectiveness" for those traveling the Route 9 – Northway – Route 146 corridor. He also pointed out that, although some of the existing buildings may not be suitable for preservation or restoration – they may not be "valuable or salvageable" - they may provide the basis for the parcel's design plan, helping the developer to "emulate yesterday tomorrow." Mr. Anadarawis concurred with Mr. Ferraro's comment, stating that the "intact village streetscape" may provide a design guideline for future build-out of the site. Mr. Abele remarked that he was aware of the town's position with respect to historic preservation and good planning and explained that it is his goal to "incorporate some elements of the past with modern desirability." He did comment that today's developments must be designed to "survive the marketplace." Mr. Werner observed that the proposed plan shows the apparent

encroachment of privately-owned buildings from adjoining lots onto the property: Mr. Abele reported that negotiations regarding potential property transfers are on-going with adjoining neighbors. In response to Mr. Vuillaume's question regarding whether it would be best to proceed with this application as an "administrative action," Mr. Scavo agreed that since site disturbance would be limited to the use of "brush hogs" rather than bulldozers, the application could be reviewed and work overseen by Town staff, avoiding the possible issue of segmentation under SEQRA law.

[2013-028] **Siena Fence Company** – Proposed 1,500 SF storage building, 202 Ushers Road – Conceptual site plan review. SBL: 259.-2-30.21

Mr. Chris Litchfield, representative of the Siena Fence Company, presented this application for the Board's consideration, explaining that the plan has been revised to reflect the concerns raised by Mr. Myers, Director of Building and Development, Mr. Scavo, and the Town Engineer. The proposed storage building is described as a steel 30' x 50' x 18' Essex Steel building with a 12' x 50' "lean to" along its easterly side. It will be located, per required setbacks, 130' from the centerline of US and NYS Route 9. The applicant proposes the installation of juniper shrubs along the Ushers Road frontage. Existing display areas will be relocated beyond the 80' required setback from the centerline of Route 9. The encroachments noted by the Town Engineer at the September 11, 2013 meeting will be addressed. The fence line encroachment along the easterly property line onto the Lands of the Delaware and Hudson Railroad Corp. and the Lands of Fortune will be moved to be within the property boundary. Mr. Litchfield explained that the fence line shown on the site plan on the Lands of Fortune belongs to Mr. Fortune: it is not an encroachment. He explained that the signage on the site had been approved by the Town. The existing ingress/egress location will be used as an access during the construction of the storage building.

Mr. Scavo reported that Mr. Myers, Director of Building and Development, provided the following comments regarding this application. The storage building must meet all the requirements of the NYS Building Code. He notes that he believes that there are multiple occupants (a fence company and a playground company) using this property and that additional signage has been installed without necessary approvals. It appears that the applicant has displays and signage installed within the Route 9 right-of-way. Mr. Myers recommends that no approvals be granted until the issues of concern are corrected. Mr. Scavo explained that the issue of multiple tenants has been resolved: the fence company and the playground company are one and the same.

Mr. Scavo offered comments prepared by the Planning Department. He explained that the Saratoga County Planning Board reviewed this application at its September 19, 2013 meeting and that Board members requested that the plan be modified. The following comment was issued: there appears to be an encroachment on the south east corner of the parcel. The applicant should amend the site plan to indicate whether or not the encroachment will be corrected as part of the improvements currently being proposed. Mr. Scavo reported that the encroachment issue has been satisfactorily resolved. He reported that although he has attempted to contact NYSDOT

representatives as well as the regional representative on several occasions regarding the apparent encroachment of the sign onto NYSDOT lands, no response from the agency has been received.

Mr. Montague, Environmental Specialist, reported that the ECC issued the following comment. The ECC is concerned that the proposed landscaping plan does not meet the objective of a visual buffer as originally approved. It is recommended that additional plantings be installed to provide a greater buffer.

Mr. Ferraro commented that, upon visiting the site, he did not find the site “visually unappealing,” and that existing landscaping appeared to be sufficient.

Mr. Bianchi explained that after review of the preliminary plans submitted for review, M J Engineering and Land Surveying, P.C. offered the following comments. Subsequent plans should include architectural elevations of the building with a listing of the materials of construction for review by the Planning Board. The plan continues to show a construction entrance between the existing project entrance along Ushers Road and the intersection of U.S. Route 9: the applicant should consider using the existing ingress/egress for construction access with continual sweeping of the roadway rather than an additional temporary access as its proposed location may be undesirable considering its proximity to the intersection. If a construction entrance is deemed necessary, the plans need to include specifications and/or a detail for this sediment and erosion control measure. As noted in Comment 8 of the September 5, 2013 review letter, the submitted plan shows several encroachments from the subject parcel onto adjacent parcels. The current plan provides notation that these will be corrected as part of this site plan. The Planning Board and/or Town staff may want to consider a condition that requires verification these encroachments are addressed as part of a building permit or issuance of a certificate of occupancy. In general, the plan includes several corrections that address the prior comments issued. The final site plan to be stamped by the Planning Board Chairman must include these changes, verifying that the stamping professional is aware of them and has made them under his seal.

Mr. Dan Hartnett, representative of the Trails Subcommittee of the Open Space, Trails, and Riverfront Committee, asked that there be confirmation that there was sufficient existing right-of-way along Ushers Road to allow for installation of a multi-use pathway segment. Mr. Scavo confirmed that there was sufficient right-of-way width.

In response to Mr. Werner’s question regarding the type of building materials to be used in construction of storage facility, Mr. Litchfield explained that it was to be a steel building with roofing, siding, and trim that would “closely match” the existing building. Mr. Werner expressed concern about visibility of the building from Route 9, though Mr. Litchfield explained that the building would not be visible from the roadway because of existing topography.

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

Mr. Ophardt moved, seconded by Mr. Werner, to grant preliminary and final site plan approval to this application conditioned upon satisfaction of all items listed in the final comment letter issued by the Planning Department. The motion was unanimously carried.

New Business:

[2013-032] **Fairchild II**- Proposed 124,000 SF of office/industrial space within (6) buildings, Maple Line Road and VanPatten Drive – Conceptual site plan review. SBL: 259.-2-84.1

Mr. Tom Andress, consultant for the applicant, introduced Mr. Mark Rekucki, applicant. He then presented this application for the Board's consideration. The proposal calls for extending Fairchild Square into the remaining lands of VanPatten on parcels totaling 12.29 acres located at the intersection of Maple Line Road and Van Patten Drive that are situated within the LI1 zoning district. The applicant requests approval to construct six (6) office/industrial buildings totaling 124,000 SF. It is anticipated that the development will require the subdivision of lands and possible reconfiguration of existing parcels. The application calls for the installation of a new internal roadway northward from Maple Line Drive to connect the existing Fairchild Square businesses with those proposed and an access road to the proposed commercial/industrial building to the south of Maple Line Drive. Utilities will be provided to the proposed new buildings via extension of existing Clifton Park Water Authority and Saratoga County Sewer District lines. Mr. Andress described the project plan as "fluid," with development expected to be less intense than construction within the first phase. Buildings would be oriented to the center of the industrial park and would be constructed of earth tone colored materials. Mr. Andress explained that it was the applicant's intent to minimize traffic impacts to Maple Line Drive, noting that two curb cuts onto the residential street from the southern-most parcel would make traffic flow through the site easier. He stated that the applicant will request preparation of a comprehensive traffic study.

Mr. Scavo reported that Mr. Myers, Director of Building and Development, submitted the following comments in a memo dated October 3, 2013. The access roadway proposed is to be installed directly through the existing stormwater management area. The applicant should verify that the site will contain the required 40% greenspace when the project is complete. Work may be required on Maple Line Road as a result of the construction: removal of the one-way restriction may be necessary. Mr. Myers questions why the parcel is to be combined with 2 Fairchild since 2 Fairchild has received a variance for a school. He comments that he "would expect that there would be considerable review required for anything adjacent to it [the school], especially on the same parcel.

Mr. Scavo read comments prepared by the Planning Department. The applicant should complete a Long Environmental Assessment Form since this is a Type I action pursuant to SEQRA. "No Standing Any Time" signs should be posted on both sides of Maple Line Road within the right-of-way between the two industrial sites. Clearing limits should be shown and disturbance to existing mature trees should be minimized. Section 208-64(A)(3) of the Town Code is applicable:

All applicants for projects proposed in the LII area shall be required to conduct a tree survey which indicates the location of all trees and other plants with a diameter of six inches or more on the property. The applicant shall ensure that at least 50% of trees and other plants of six (6) inches or more in diameter, outside of the site improvement areas, are preserved. Site improvement areas include, but are not limited to, building footprints and parking lots.

Section 208-66(A) of the Town Code reads as follows:

Ingress/Egress. There shall not be more than one curb cut per lot unless the Planning Board finds that traffic safety will be improved with the additional of another curb cut. The approved curb cut shall be wide enough to accommodate safely and in accordance with accepted traffic control standards approved by the Town Engineer the type of traffic to be generated by the use and shall meet all of the fire safety requirements of the Town of Clifton Park. The distance between curb cuts on two separate parcels shall be a minimum of 120 feet measured from the center line of the curb cut. Design should take into consideration the possibility of shared curb cuts with adjacent properties and parallel service roads in order to minimize the amount of curb cuts in a given area. In the case of a corner lot, no curb cut shall be located closer than 100 feet to the intersection.

Section 208-66(C) of the Town Code reads as follows:

The architectural design shall consider building façade, including color, and other design features, such as exterior materials and treatments, roof structure, exposed mechanical equipment and service and storage areas. Architectural block or similar façade along the road frontage shall be required.

The applicant will be required to provide building elevations with a future submittal.

In response to Mr. Scavo's question regarding the size and number of loading docks shown on the project plan, Mr. Andress explained that it was the applicant's intention to provide "flexibility" in the space provided: some buildings may offer access for multiple tenants to a single dock while other buildings may require several loading areas. When questioned about the proposed location of access drives, Mr. Andress stated that the applicant is willing to consider possible curb cuts onto VanPatten Drive, though he noted that a significant easement area on the lot south of Maple Line Road may preclude an alternative access for Lot #1.

Mr. Montague, Environmental Specialist, reported that the ECC issued the following comments and recommendations. The applicant should maintain a minimum 40% greenspace, calculated per parcel, in accordance with Light Industrial zoning requirements. The applicant should propose a planting plan that includes non-deciduous trees to provide an adequate buffer along Maple Line Road and VanPatten Drive. 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, after consideration of the materials submitted for conceptual site plan review, M J Engineering and Land Surveying, P. C. offered a number of comments and recommendations. The project generally proposes office and industrial uses contained within six (6) buildings totaling 124,000 SF of usable floor space on 12.29 acres of land. Based upon

review of Part 617 of the New York State Environmental Conservation Law (ECL), Section 617.4(b)(6)(i) the project appears to be a Type I action as it is a project or action that involves the physical alteration of 10 acres (or more). Assuming that the Clifton Park Planning Board is to request Lead Agency status under SEQRA, a coordinated review is required for Type I actions. Under a coordinated review, involved/interested agencies to be engaged may include, but is not necessarily limited to, the following: Clifton Park Water Authority – potential public water supply connection permit; Saratoga County Sewer District #1 – sanitary sewer connection permit NYSDOH – potential extension of public water mains; NYSDEC – potential extension of sewer mains/sewer plan approval, permit coverage under stormwater SPDES, identification of threatened and endangered species, potential joint permit for impacts to regulated wetlands and watercourses and the potential taking of additional water for public use; NYS Office of Parks, Recreation and Historic Preservation – identification of cultural or historic resources. Additional involved/interested agencies may be defined as the project proceeds through the Town's regulatory review. Since it is believed that the proposed action is a Type I, the applicant must submit a Full Environmental Assessment Form such that the SEQRA lead agency can evaluate Part I and determine if the project will have any adverse impacts. There must be clarification as to whether or not each parcel will be subdivided or whether they will be lease parcels or lines to demonstrate conformance to zoning and bulk lot requirements. Should lots be formally created, subdivision approval by the Planning Board shall be applied for and acted upon in advance of the site plan for any lot. The site plan application indicates that the project is proposing to service each new lot with public water from the Clifton Park Water Authority (CPWA) via extending new water main(s) throughout the project. 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 plans shall be subject to the review and approval by the CPWA. Should the new water mains be conveyed to the CPWA as public water mains, the project would then also be subject to NYSDOH plan approval and potentially the NYSDEC for the taking of additional water. Reports prepared that define the proposed on-site distribution system as well as examine the need for any off-site improvements to the existing water distribution system should be furnished to the Town as well as other authorities having jurisdiction when they become available. The site plan application indicates the project is proposing to service each new lot with sanitary sewer by way of connection to the Clifton Park Sewer District infrastructure with ultimate conveyance to the Saratoga County Sewer District No. 1 sewer system. It is recommended that the Town be furnished with documentation that both the Clifton Park Sewer District and SCSD is willing and capable of servicing this project. The plans shall be subject to the review and approval by the SCSD. Should the new sewer mains be conveyed as public sewers, the project would then also be is subject to the review and approval by the NYSDEC. Reports prepared that define the on-site collection system as well as examine the need for any off-site improvements to the existing sewer collection system should be furnished to the Town as well as other authorities having jurisdiction when they become available. The project would result in disturbances in excess of 1 acre and, therefore, is subject to the NYSDEC Phase 2 Stormwater Regulations and General Permit GP-0-10-001. Prior amendments to the development of the first phase of this project have been advanced via amendments to the previously approved Stormwater Pollution Prevention Plan. Because this project extends into a new area not previously contemplated for development, a fully conforming Stormwater Pollution Prevention Plan (SWPPP) will be required that addresses stormwater quality, quantity and green infrastructure elements and must

be submitted as part of subsequent plan submissions to the Town. Given the size of the proposed development, it is recommended that a traffic impact study be conducted to determine to what extent the additional vehicle trips may impact the surrounding road network and associated level of service. The project is located within the Town's L1 (Light Industrial) zoning district. The exact uses are not fully defined other than offices, which are permitted principal uses within the L1 zone pursuant to Section 208-64(1)(i) of the Zoning Code. If and when additional uses are defined, they shall be subject to the requirements of Section 208-64 (1) of the Code. The plans as submitted appear to meet the minimum bulk lot requirements of the L1 district as outlined in Section 208-65 with the following exceptions. The plans show no lot line between proposed Lots #2 and 3 and, therefore, it cannot be determined whether or not the two lots conform to zoning. It cannot be determined if the minimum green space is being provided pursuant to Section 208-65(B) of the Zoning Code for each individual lot proposed. There should be a calculation provided on the plans for the number of parking spaces required based upon the known building uses to demonstrate conformance with Section 208-99(B). Lot #1 proposes two curb cuts: Section 208-66(A) requires that there be no more than one curb cut per lot unless the Planning Board finds that traffic safety will be improved with the additional of another curb cut. If the Board determines that a second curb cut is necessary, the standard of 120-feet between curb cuts shall be applied as noted in Section 208-66(A) of town zoning, noting that this horizontal separation is for curb cuts on two independent parcels. Illustrations of proposed buildings on Lots #3, 4 and 5 suggest that there will be loading docks for delivery vehicles. The plan must indicate the types of vehicles that are likely to frequent the site to ensure that adequate maneuverability is provided internal to the parking lots. Turning templates may be used to demonstrate this. A portion of proposed Lot #2 appears to be planned for consolidation with a portion of 2 Fairchild Square. There must be a discussion with the town with respect to how this specific lot development will be reviewed, whether it is part of Fairchild II or as a site plan amendment for 1 Fairchild Square. How this piece is handled administratively has impacts on how SEQRA would be handled. The project proposes a connection with the adjacent parcel to the north. The current configuration must be modified to provide clear separation from parking stalls and the travel way. The details for this connection need to be finalized as part of subsequent submissions. The plan does not show any accommodations for pedestrians similar to the project to the north which has sidewalks along internal roads: the Planning Board may desire to have a continuation of the sidewalks within this project for consistency. A majority of the proposed buildings appear to propose the architectural rear of the building fronting to existing public roads. Section 208-66(C) of the Town Zoning has specific requirements for the building facade facing the road frontage. Subsequent plans should include architectural renderings with materials of construction for review by the Planning Board as required by Section 208-66(C) of the Town Zoning. Should the project propose the creation of new lots, the applicant shall coordinate with the Town for 911 emergency response numbers for each lot and assigned 911 addresses for each lot shall be provided on any filed subdivision plat. Further comments will be forthcoming when more detailed plans and reports are submitted.

Mr. Dan Hartnett, representative of the Trails Subcommittee of the Open Space, Trails, and Riverfront Committee, requested that the applicant consider continuation of the internal pedestrian circulation plan with connections to the existing crosswalk connecting Maple Line

Road to the VanPatten Trail as well as to the existing Fairchild sidewalk network. Mr. Harnett asked that the applicant provide bike racks at the front of each of the proposed buildings.

Mr. Koval commented on the apparent differences between this application and the development of Phase I of the Fairchild complex, explaining that this phase will impact residential properties on Maple Line Road and the Ashleigh Section of Country Knolls. He cautioned the applicant to “be sensitive to the location” of the development. Mr. Werner identified several issues of concern. He stated that mixing residential with industrial traffic was not desirable and asked the applicant to provide alternative plans for traffic flow. Recommending that the applicant “build upon the traffic study” prepared for Phase I of the Fairchild site, he asked that an updated traffic report be completed. Observing that the building proposed for the southerly side of Maple Line Road would be quite visible to those traveling on Maple Line Road and VanPatten Drive, he asked that the applicant consider installing significant landscaping to help screen the facility. Mr. Hale commented that the connections appear logical, though street level views may be helpful in illustrating how the buildings will look. Mr. Ferraro expressed his concern that, based upon the number of buildings proposed, the number of required parking spaces, and the loss of greenspace, the project appears to be “very dense.” He recommended that the applicant consider the use of landscaped berms “to soften the look” of the development. Mr. Andress pointed out that development of a number of buildings is necessary to make the project economically feasible. Mr. Ferraro appreciated the fact that the loading docks were oriented to the center of the site, though he advised the applicant to make the site – particularly the facility proposed for Lot #1 – architecturally appealing, to work to maintain the integrity of the wooded areas of the parcels, to consider the preparation of a tree inventory, and to take all fire safety requirements into account when designing the project. Board members did not comment positively or negatively on this application.

[2013-031] **Carlson Farm 2013** – Proposed (3) lot subdivision, Moe Road and Carlson Way – Conceptual review. SBL: 277.2-3-43

Mr. Scott Lansing, consultant for the applicant, explained that Shaker Builders, Inc. seeks approval to subdivide a 6.04 acre parcel located on the southeasterly corner of Moe Road and Carlson Way into three (3) lots to “facilitate the construction of two (2) single family homes.” He explained that the property currently fronts on three public streets: Moe Road, Carlson Way, and Balsalm Way, placing it within the Carlson Farms Cluster Subdivision on lands that were to be dedicated to the Town of Clifton Park. The two residential lots would be .38 acres in size and would be developed in accordance with the Carlson Farms Cluster Subdivision’s approved lots sizes and setback requirements. The remaining 5.28 acre parcel that contains the multi-use pathway will be conveyed to the Town. Mr. Lansing explained that as part of the original Carlson Farms Subdivision approval, the developer was to build a multi-use pathway connecting Balsalm Way to Huntwood Drive. During construction of the pathway, however, the developer was instructed by representatives of the Town of Clifton Park to halt construction of the pathway: the pathway was never completed. Since the time construction of the pathway was stopped construction labor and material costs have increased substantially and a construction company able to construct the wetland crossing (boardwalk) must be remobilized, adding additional expense. The applicant is requesting approval of the additional lots, in part, to offset

the additional costs associated with construction of the multi-use pathway. Water and sanitary sewer service for the proposed lots will connect to the existing water supply and sewer systems serving the Carlson Farms Subdivision. Mr. Lansing addressed several of the issues of concern identified by M J Engineering and Land Surveying, P.C. He asked that the Board determine whether the application would be considered a minor subdivision which would require the completion of a short Environmental Assessment Form or a Type I action that would require preparation of Full Environmental Assessment Form. Mr. Lansing reported that the original lot yield calculated for the project was fifty-four (54), though the cluster subdivision as constructed contains forty-six (46) lots. He reasoned that an additional two lots should be permitted since the resulting total would be less than the originally calculated lot yield. He reported that since the subdivision was filed eight years ago, it is not necessary for the applicant to seek approval of an amendment to the realty subdivision approval that was received from NYSDOH.

Mr. Scavo reported that Mr. Myers, Director of Building and Development, commented that the multi-use trail should be completed prior to the granting of approvals for additional lots.

Mr. Scavo offered comments prepared by the Planning Department. He stated that the applicant should ensure that the proposed new residences will not be impacted by seasonally high water tables due to their proximity to wetland areas. He explained that the Planning Board previously approved two additional lots within the cluster subdivision to provide funding for the restoration of the historically significant farmhouse situated on the parcel. He noted that since the historic farmhouse has been restored it has been included on several house tours and provides a significant benefit to the community.

Mr. Montague, Environmental Specialist, reported that the ECC offered the following comment on this application. The applicant should install split rail fencing to indicate the border of the ACOE wetlands that adjoin Lot #7.

Mr. Bianchi reported that the following comments resulted after M J Engineering and Land Surveying, P. C reviewed all documents and the proposed subdivision plan presented with the application. It is believed that this application is an amendment to a previously approved subdivision. 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 begin a new SEQRA review process specific to the amendments and make independent findings. The Town Engineer would defer to Town staff as far as how to handle SEQRA on this amendment. If this application is determined to be an amendment to a previously approved realty subdivision and a new SEQRA review initiated, it would have to follow the Type I action procedures. If this application is deemed to be a minor subdivision, there are no comments on the submitted Short Environmental Assessment Form. Should the application be deemed an amendment to a major subdivision requiring additional review as a Type I action, a Full Environmental Assessment Form may be needed in order to complete a full SEQRA review. The lot being proposed for further subdivision resides within the Residential 1 (R-1) zoning district. The narrative indicates that the additional lots are being created under the Town's Cluster regulations. If that is the case, then the appropriate lot calculations must be furnished to determine allowable lot yield. Further, it may be necessary to base the lot density

calculations on the overall parcel area (prior to the creation of Carlson Farms) rather than the 6.04 acre parcel. It appears that this application is being treated as a minor amendment of a previously approved subdivision. If the original subdivision was approved within the last 5 years, it may be necessary to seek approval of an amendment of the realty subdivision approval that was received from the NYSDOH. The project narrative indicates that previously delineated regulated wetland boundaries have changed. It is believed that the prior wetland boundaries had a jurisdictional determination from the Army Corps of Engineers (ACOE). If that is the case, it appears appropriate to request an updated jurisdictional determination from ACOE for the adjusted wetland boundary. The applicant must provide more information regarding the wetland boundary previously completed and to what extent wetland permitting may have been required. Subsequent plans must include lot grading to demonstrate conformance to Section 86-7(A)(5) of the Town Code. It is believed that this proposal should be considered part of a larger common plan as defined by the NYSDEC with respect to stormwater management planning and design since there is still active construction occurring within the subdivision. As such, the project is subject to the NYSDEC Phase II Stormwater Regulations and General Permit GP-0-10-001. The Stormwater Pollution Prevention Plan of record must be updated to incorporate the proposed changes. The SWPPP must account for any required water quality and quantity controls that may be necessary to mitigate increased runoff from the development because of the additional lots. A note must be added to the plat indicating that no utilities shall be installed under the driveway. 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.

Mr. Dan Hartnett, representative of the Trails Subcommittee of the Open Space, Trails, and Riverfront Committee, expressed his concern regarding the precedent “for the future of the town” should the Planning Board approve the creation of additional lots from lands that were to be deeded as open space or parkland to the Town of Clifton Park. He asked that the Board request that the approved trail be completed as soon as possible.

Mr. Lansing provided rationale for the applicant’s subdivision request, pointing out that there has been a change to the delineated wetland areas within the boundaries of the Carlson Farm subdivision, that the total number of lots within the subdivision will be within the originally calculated lot yield number for the cluster subdivision, and that the cost of trail construction has substantially increased since its construction was begun - and halted - several years ago.

Mr. Hale stated that he was concerned with the possible impacts of high groundwater in proximity to the proposed new residences. Mr. Werner stated his concern for the reduction in dedicated open space and/or park area. He asked that the trail connection be completed as soon as possible. Mr. Andarawis asked that there be clarification of “what the purpose of the land [slated to be developed with two single-family homes] was and will be.” Mr. Ferraro questioned whether the owners of adjoining lots purchased their properties based upon the assumption that the surrounding property was to be dedicated open space and/or parkland. He believes that Planning Board review should include a discussion of the expectations held by these property owners. Mr. Ophardt recommended that the residents of Huntwood be made aware of the trail

construction. Mr. Ferraro stated that he “did not have a problem with” consideration of the application, but was firm in his support for trail construction. Mr. Koval believes that there are a number of issues to be considered when discussing the application, including the rationale used to establish the total number of buildable lots approved for the cluster subdivision, the community benefit derived from the dedicated open space/park land that may be compromised by subdividing that land, and appropriate concessions to the developer for costs incurred when trail construction was interrupted by town officials. Board members agreed to Mr. Lansing’s request for a public hearing on the subdivision application.

Mr. Ophardt moved, seconded by Mr. Koval, adjournment of the meeting at 9:40p.m. The motion was unanimously carried. The next meeting of the Planning Board will be held as scheduled on October 22, 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

NOTICE OF DECISION

Resolution #15 of 2013

Preliminary and Final Subdivision Approval

At a meeting of the Planning Board of the Town of Clifton Park, Saratoga County, New York, held at the Town Office Building, One Town Hall Plaza, on October 8, 2013, there were:

Present: R. Ferraro, Chairman, E. Andarawis, M. Hale, J. Koval, E. Ophardt, T. Werner
E. Prescott – Alternate Member

Absent: K Paulsen

Mr. Werner offered Resolution #15 of 2013, and Mr. Ophardt seconded, and

Whereas, an application has been made to this Board by Boni Builders, Inc. for approval of a subdivision entitled Subdivision of the Lands of Boni Builders, Inc. consisting of (2) lots;

Whereas, pursuant to Section 276 of the Town Law, a public hearing was advertised and was held on October 8, 2013;

Whereas, the Planning Board was established as Lead Agency for this application, an unlisted action, and a negative declaration was issued pursuant to SEQRA on October 8, 2013;

Whereas, it appears to be in the best interest of the Town that said application be approved,

Now, therefore, be it resolved that the final hearing for this application is waived and that the subdivision plat entitled Subdivision of the Lands of Boni Builders, Inc. consisting of (2) lots is granted preliminary and final approval conditioned upon satisfaction of all comments provided by the Planning Department, Town Engineer, and all items listed in the final comment letter issued by the Planning Department.

Resolution #15 of 2013 passed 10/8/2013

Ayes: Ophardt, Prescott, Andarawis, Hale, Werner, Koval, Ferraro

Noes: None

Rocco Ferraro,

Chairman