

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

December 11, 2012

Those present at the December 11, 2012 Planning Board meeting were:

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

Those absent were: T. Werner

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 congratulated Mr. Ophardt on the birth of his third child – Abigail Grace Ophardt – born on November 27, 2012. All members of the Planning Board and audience extended their congratulations as well.

The Chairman distributed the draft Planning Board meeting schedule for 2013 to all members.

Mr. Ferraro announced that Mr. Prescott would be sitting as a full voting member in Mr. Werner's absence.

Public Hearings:

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

Old Business:

[2012-032] **Rotondi, Benito and Barbara** – Proposed (2) lot subdivision, 347 Ushers Road – Revised conceptual review. SBL: 259.-3-8

Mr. Duane Rabideau, consultant for the applicant, presented this application, explaining that although the application continues to request approval of a keyhole lot, it has been substantially revised to reflect concerns raised by Mr. Scavo, Planning Board members, and M J Engineering and Land Surveying, P. C. The plan now calls for a combined drive: the proposed home will be accessed by extension of the existing driveway: an existing single curb cut onto Ushers Road will be utilized to access both homes. Connection for both properties to an existing water line located near the intersection of Ashley Drive and Ushers Road required a variance from the Clifton Park Water Authority since the service line was not located directly in front of the existing home: that variance has been granted. Both properties will be connected to the Saratoga County Sewer District. Evergreen plantings in the northwesterly portion of the site and along the newly created property boundary will provide screening to minimize visual impacts. The proposed property line has been moved southward and grading limit lines have also been added to the subdivision plan. Photographs presented to Board members by Mr. Rabideau illustrated existing site conditions and the areas where additional screening would be warranted. Mr. Rabideau explained that since the owners of the existing residence will be transferring that property to a family member and relocating to the new home, they are interested in making the site as aesthetically pleasing as possible. Mr. Rabideau assured the Board that all technical comments issued by M J Engineering and Land Surveying, P. C. will be satisfactorily addressed.

Mr. Scavo reported that Mr. Myers, Director of Building and Development, found the application acceptable and offered no additional comment on the application.

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

Mr. Scavo reported that Mr. Montague, Environmental Specialist, reported that the ECC offered no comment on this application.

Mr. Scavo offered comments prepared by the Planning Department. Citing Section 208-86A of the Town Code, he explained that approval of a keyhole lot is left to the discretion of the Planning Board. He noted that pursuant to Section 208-86E of the Code, a landscaped buffer between properties is required, though the requirement may be waived by the Board if “topographic conditions or existing vegetation provide adequate screening.”

Mr. Bianchi reported that M J Engineering and Land Surveying, P. C. reviewed the revised subdivision plan and offered the following comments. Various plan revisions have been

advanced to address comments raised by the Planning Board with respect to the key-hole lot configuration, however, the Planning Board should continue to review the proposal against the criteria outlined in Section 208-86(A) of Town Zoning for key-hole lots. Additional plan revisions may be warranted to address any additional comments or concerns raised by the Planning Board. USGS contour lines at five-foot intervals must be shown on the plan pursuant to Section 179-8(B)(1)(a) of Town Subdivision Regulations. Comment 4 of the October 9, 2012 review identified the potential need for a landscape buffer between the existing home and proposed key-hole lot pursuant to Section 208-86(E) of Town Zoning. The plans as submitted illustrate that a buffer is being proposed. The Planning Board should determine if this is sufficient to meet the intent of the respective section of the Town Zoning. At a minimum, the plan needs to identify the species to be planted along with the caliper of the tree at installation. It is recommended that there be at least two species of trees planted to prevent blight that commonly occurs when one species is planted at one precise location. Our October 9, 2012 review letter identified the specific notation that must be placed on the plan for key-hole lots as outlined in Section 208-86(F) of the Town Code: the plan submitted still does not include this information. Appropriate fire access to the proposed lot that in accordance with the Fire Code of NYS must be provided. The plans have been revised; however, the Enforcement Officer has determined that the driveway to the proposed house must be a minimum of 20 feet wide. The applicant must coordinate with the Town with respect to the required minimum driveway width and provide a typical driveway section identifying materials of construction that demonstrates that the proposed driveway would be capable of supporting the imposed loads of responding emergency vehicles. The area of total land disturbance anticipated must be provided for the purpose of evaluating permit requirements with respect to the NYSDEC Phase 2 Stormwater Regulations and General Permit GP-0-10-001. The plan submitted provides a general delineation, however, the total numerical value of the land disturbance is not stated. Further, with the proposed plan modifications (i.e. utility extensions and driveway modifications), it appears that all disturbances, including those that may occur on the adjacent existing residence have not been accounted for. Subsequent plans must define the total areas of disturbance along with a stated value of the land disturbance to determine if the project is subject to the General Permit and if a site specific Stormwater Pollution Prevention Plan is required. Comment 8 of our October 9, 2012 review identified the potential need to coordinate with various state agencies with respect to the absence or presence of historic places and archeological resources and listed endangered or threatened species or critical habitat in the event the project is determined to be subject to the General Permit, GP-0-10-001. In the event it is determined that the project is subject to GP-0-10-001, the applicant must submit correspondence from the respective agencies to demonstrate permit eligibility. Confirmation from the Clifton Park Water Authority (CPWA) regarding their ability and willingness to service the project with public water is required. The plan must note the minimum sizes and construction materials to be used for the individual water services proposed. A notation on the plan must identify the need to obtain a permit from the Town for work within the Town's right-of-way. As stated in Comment 12 of the October 9, 2012 review, prior to filing of the subdivision plat with the Saratoga County Clerk, the appropriate 911 emergency response number for the new lot must be obtained and placed on the filed plat. The plans now propose connecting both the existing and proposed homes to public sewers owned and operated by the Saratoga County Sewer District No. 1 (SCSD). There needs to be confirmation from the SCSD of their ability and willingness to service the project with public sewers. Any approvals offered by the Planning Board should be conditioned on receipt of SCSD

review and approval. The plans suggest that each lot will be serviced with individual grinder pumps and low pressure force mains that at some point will connect and become a shared service before connecting to the SCSD sewers. M J Engineering believes that the SCSD will require that the services be separate up to the connection to the public sewer, though the firm defers to the SCSD in this matter. If there are any required open cuts of Town roads to allow for installation of the sewer laterals, it is recommended that a notation be provided indicating that the driving surfaces of any Town roads shall be repaired in accordance with Clifton Park standards, work is subject to inspections by Town staff, and any required repairs deemed necessary by Town are to be completed at no cost to the Town.

Mr. Bianchi emphasized the importance of several of the items included in the most recent comment letter. The applicant must submit a detailed planting plan that includes the sizes and species types to be installed: he recommended that two different types of evergreens be used. Since the driveway width must conform to standards established by the NYS Building Code, the consultant was directed to confer with Mr. Myers, Director of Building and Development and Sheryl Reed, Fire Marshall regarding driveway width and construction requirements. Calculation of the total site disturbance must be provided to determine which stormwater management regulations will be applicable. This evening's presentation prompted his final comment which concerned the need for Counsel to review the proposed shared driveway easement to ensure proper and continuous maintenance of the access drive.

Mr. Hale expressed his appreciation for the applicant's willingness to address the Board's concerns and believes that the proposed subdivision "hits the mark." He did recommend that the proposed plantings be staggered to create a more natural and aesthetically pleasing look. He also suggested the use of hemlocks rather than arborvitae. Mr. Andarawis stated his approval of the combined drive and the extension of public utilities to both properties. Explaining that, pursuant to language included in the applicable Town Code section regarding the approval of keyhole lots, he felt obligated to state that it was his opinion was that since surrounding properties were similar in size to the proposed lot there will be no impact to the character of the neighborhood. Mr. Ferraro reiterated his comments of the previous meeting, stating that he was "not a fan" of keyhole lots. Though he respected Mr. Andarawis' rationale, he emphasized that the code reads as follows authorizes Planning Board approval "only in rare instances when required due to unusual conditions of the site." Though he believes that the proposed combined drive maintains the aesthetically pleasing entry to the properties and that installation of evergreens will help to screen the proposed residence from adjoining properties, it is difficult for him to approve the keyhole lot configuration since it appears that the existing home was centered on the nearly three acre property. He was also concerned that approval of this lot would set a precedent for future applications. Mr. Ben Rotondi, applicant, spoke to Mr. Ferraro's concern, stating that his property has 250' of frontage along Ushers Road, allowing for the creation of a keyhole lot without a lot width variance while other properties along Ushers Road have the minimal 200' of frontage that would preclude approval. In response to Mr. Ferraro's question concerning the sentiment of adjoining property owners to his proposal, Mr. Rotondi stated that his neighbor was also his "best friend" and that he had no problem with the application. Mr. Koval advised the applicant to ensure that driveway is installed in accordance with the NYS Building Code. He found the fact that there was no variance necessary significant and stated that he believes that individual property rights should be protected if there are no negative impacts to neighboring

properties. Mr. Ophardt remarked that the applicant had shown a significant “good faith effort” to address all of the Board’s concerns and he believes that the applicant has adequately met code requirements: he would support approval of the application. Mr. Ferraro thanked the applicant and consultant for their willingness to address all of the Board’s concerns. It appeared that Board members found the revised application generally acceptable.

New Business:

There were no items of new business scheduled for this evening’s meeting.

Discussion Item:

Synergy Technology Park

Mr. Ivan Zdrahal, consultant for the applicant presented this application that seeks approval of a six (6) lot commercial subdivision located on the northwesterly quadrant of the intersection of US Route 9 and Kinns Road. The speaker explained that the project was last before the Planning Board at its meeting of September 25, 2012 at which time a number of issues were raised by the Director of Building and Development, the Planning Department, the Planning Board, and M J Engineering and Land Surveying, P.C., the Town Engineer. Mr. Zdrahal and Mr. Dean Taylor, real estate representative for the applicant, were in attendance at this evening’s meeting to provide an update on the project plan. Stating that the proposed subdivision would provide a “baseline for the development of individual lots,” Mr. Zdrahal explained that the applicant has met with members of the Trails Subcommittee to discuss their recommendations and has worked to refine plan details and address technical concerns identified by the Town Engineer.

Mr. Zdrahal reported that plans call for the construction of a 10’ wide multi-use pathway on the easterly side of the proposed Synergy Drive from Kinns Road to Route 9. Verbal approval to increase of the shoulder to 5’ along Kinns Road from Synergy Drive to the Northway overpass has been received from Mr. Ted Serbalik, Saratoga County Department of Public Works representative. Further discussion with that agency will be undertaken when a comprehensive trail design is finalized.

The consultant reported that the subdivision plat and details of the proposed sewer connection have been forwarded to the Saratoga County Sewer District: approval from that agency is pending. Information regarding wetland delineations has been forwarded to both the ACOE and NYSDEC for jurisdictional approvals and appropriate applications for work and stream crossing permits have been submitted. Mr. Scavo reported that he has spoken with Mr. Rich Speidel, the regional NYSDEC representative, who has informed him that the applicant has submitted required information is working to satisfy all requirements. Mr. Zdrahal informed the Board that reports concerning streams and species have been sent to the appropriate agencies and that the proposed stormwater management plan is being refined.

Mr. Ferraro commented that it appears that the applicant has identified environmental constraints and has been sensitive to the site’s unique environmental features. He views trail

development through and around the project area as a significant component of site design, explaining that the applicant has met with members of the trails committee to discuss possible trail locations. He asked Board members for “their input” regarding trail development. Mr. Zdrahal explained that the internal trail systems will be developed as private pathways either as nature trails or connectors between project sites. Mr. Hale pointed out that the public may be attracted to the internal trail network when using the multi-use pathway along Synergy Drive and recommended that appropriate signage be installed to discourage use by the general public. While Mr. Ferraro supported the concept of trail interconnections and nature trails, Mr. Taylor pointed out that the developer would like to discourage public use of the private lands within the commercial park. Mr. Dan Hartnett, representative of the Trails Subcommittee of the Open Space, Trails, and Riverfront Committee, listed a number of recommendations prepared by that committee, including the applicant’s estimate of the cost to construct a trail along Kinns Road as an off-site improvement, a crosswalk at the intersection of Route 9 and Kinns Road, and the inclusion of a landscaped separation of the multi-use pathway from Synergy Drive in the site design. Though Mr. Taylor argued that the requested pedestrian and multi-use pathway amenities would be cost-prohibitive for the project and that the “1% increase in a project cost as a reasonable accommodation for pedestrian and bicycle safety” as recommended by the Trails Subcommittee was not realistic, Mr. Ferraro pointed out that it is the Planning Board’s responsibility to establish reasonable conditions of approval for an application. Mr. Ferraro commented that the “purple pathway” recently constructed on the SUNY-Albany campus was aesthetically pleasing, incorporating significant planting in the space between the roadway and the pathway. Mr. Ophardt recommended the incorporation of a grass strip between proposed roadway and multi-use pathway not only for its aesthetic benefit but also as a safety measure. Mr. Ferraro pointed out that Planning Board members attempt to be reasonable when imposing conditions on approvals and he stated that the applicant’s preparation of a cost assessment for the construction of a sidewalk along Route 9 was reasonable and that the incorporation of plantings between the multi-use pathway and the Synergy Drive roadway would make the project considerably more appealing. Though Mr. Taylor stated emphatically that roadway improvements to Kinns Road would be limited to the proposed 5’ improvement and dedicated turning lane, Mr. Ophardt continued to press for more significant pedestrian and bicycle accommodations in the area. Mr. Koval encouraged Mr. Taylor to work cooperatively with the Board in order to achieve a comprehensive trail design plan that was reasonable. Mr. Ferraro concluded the session by noting that although many of the technical concerns have been addressed, there were significant topographical issues to be considered during the design and approval process for the trail component of the project. He recommended that Board members meet with the applicant’s consultant and representative on site in an attempt to resolve disagreements regarding trail placement and design in an attempt to reach a “middle ground.” Mr. Scavo agreed to arrange mutually convenient times for such meetings.

Mr. Ophardt moved, seconded by Mr. Koval, adjournment of the meeting at 8:30p.m. The motion was unanimously carried. The next meeting of the Planning Board will be held as scheduled on January 8, 2012.

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