

Town of Clifton Park Planning Board
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PLANNING BOARD

ROCCO FERRARO
Chairman

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Emad Andarawis
DeniseBagramian
Jeffery Jones
Andrew Neubauer
Eric Ophardt
Greg Szczesny

(alternate) Teresa LaSalle

Planning Board Minutes
November 13th, 2019

Those present at the November 13th, 2019 Planning Board meeting were:

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

Those absent were: E. Andarawis, A. Neubauer

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

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

Mr. Ferraro announced that Ms. LaSalle would be a voting member of the Board tonight in absence of Mr. Neubauer and Mr. Andarawis.

Minutes Approval:

Mr. Szczesny moved, seconded by Ms. Bagramian, approval of the minutes of the October 22nd, 2019 Planning Board meeting as written. The motion was unanimously carried.

Public Hearings:

2019-037 Boni, Ryan 2 Lot Subdivision

Applicant proposes to subdivide a 13.07 acre parcel into 2 lots (10.04 acres and 2.82 acres) to accommodate 2 single family homes, Variances have been granted. Rt 146A, Zoned: CR, Status: PB

Preliminary Review with Possible Final Determination

SBL: 264.-3-66.11

To be reviewed by: MJE

Consultant: none

Applicant: Boni Last Seen on: 8-13-19

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 Reviewed 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. Should it be determined that additional environmental review is required, SEQRA discussions will be reopened and a decision rendered when deemed appropriate. Mr. Ferraro then asked Mr. Scavo to read for the public’s benefit highlights from the findings presented in a Draft Negative Declaration for the Planning Board’s consideration.

Ms. Bagramian moved, second by Mr. Szczesny, to establish the Planning Board as Lead Agency for this application, an unlisted action, and to issue a negative declaration pursuant to SEQRA for reasons stated in the written resolution declaring the negative declaration.

The motion was unanimously carried.

Mr. Ferraro called upon Mr. Morelli to explain some legal concerns that were brought to the Board from Mr. Weber, 2 Legends Way; in a memo submitted (see attached memo). Mr. Morelli stated the following:

The project was original listed on the agenda as concept review, but was noted for a Public Hearing, and was listed under the “Public Hearings” category. Once it was brought to the attention of the town, the agenda was changed to correct the administrative error. On the agenda it is noted that all agendas are subject to change up until the meeting date.

The publication of the announcement of the public hearing for preliminary subdivision consideration was completed and correct so there is no issue with it.

The review is for the subdivision only since the SUP for the duplex plan has been removed. The subdivision has remained the same and at the proper stage today.

Variances have been approved for this project already, even though the request has changed from duplexes to single family homes, the area variiances follow the land not the structure built on the land. The ZBA elected not to annul the variiances when a request to do such was made by concerned residents in the general vicinity of the project and the Chief Zoning Officer has reaffirmed his position that all required area variiances for the pre-proposal subdivision have been granted.

Mr. Ferraro called the public meeting to order at 7:15 p.m. The Secretary read the public notice as published in the Daily Gazette on November 3, 2019.

Consultant/Applicant Presentation:

Ryan Boni – Applicant – proposing a 2 lot subdivision, since the last meeting stated he decided to compromise based on the comments and feedback received from the last meeting and change his plan to 2 single family homes rather than 2 duplexes and will only proceed forward with the two lot subdivision for the permitted use and withdraw his request for a special use permit to construct a duplex on each lot. Lot 1 has about 122 foot of road frontage and Lot 2 has about 2,000 feet, the distance between the houses

is about 80 feet and about 400 feet from the back of the homes to the railroad tracks. Mr. Boni stated that there will be minimal disturbance to the remainder of the property. Mr. Boni indicated the soil disturbance boundary on the map. Mr. Boni stated he has gotten public water, sewer and gas hookup approvals since last meeting. He also stated he received a letter for the specs approval for the curb cut to the roadway from NYS DOT. Mr. Scavo's comments have been addressed for signage and tree planting. Mr. Boni stated that he will be donating a separate 7 acre parcel adjacent to the Woodstock Preserve to Saratoga Plan per the zoning board's requirement in their approval of the variances.

Staff Comments:

Steve Myers, Director of Building and Development issued a memo dated 10/24/19 stating:

- Variances that were granted (variance #81213) were based on a proposal for duplex construction. Single family homes would basically only require half of the granted variances.
- Lot #1 – 3 acres unconstrained required/1 acre available/variance granted based on 6 acres/unconstrained required for duplex, 5 acre variance granted.
- Lot #2 – 3 acres unconstrained required/3.57 acres unconstrained available/variance granted for 2.43 acres based on 6 acres required for duplex. In this case no variance would have been required.
- Variance was approved with conditions: 1. Property must be sold to Ryan Boni within two years of variance approval. 2. Owner must offer parcel #264.-3-67 to the town for addition to adjacent Saratoga Plan property within two years of variance approval.

Sheryl Reed, Chief of the Bureau of Fire Prevention:

No comments

Scott Reese, Stormwater Management Technician issued a memo dated 11/8/19 with the following comments:

1. The NYSDEC wetland & buffers should show the overlay LC Zone.
2. Erosion and Sediment Plans shall be provided to prevent any impacts to the NYSDEC Wetlands and or buffer.

The Environmental Conservation Commission held a meeting on 11/6/19 and issued a memo recommending:

1. The ECC had the following comments on the previous submittal:
 - A) In the June 18th minutes of the ZBA, the record states: "Mr. Boni added that he felt it was not a desirable location for a single-family home and that he felt it would be better suited for duplexes as rental units." This assumption, however, has various environmental and public safety dimensions:
 - First, this statement assumes the possibility of annoying environmental noise levels at the site presumable due to rail and road traffic.
 - Second, the statement assumes that renters will tolerate the annoying noise levels better than owners of single family dwellings; why would they? • Third, the "remedy" is to increase the number of people annoyed by the surrounding noise levels by building duplexes.
 - Fourth, any real remedy such as a noise barrier is not mentioned because if the renters are vocal enough, it will be the Town that is saddled with the resolution of the problem.

The “solution” to the Boni statement is a noise study that identifies the noise level, source and frequency of rail and road traffic noise at the site. The odd shape of this parcel, its unique location and the possibility of small children in the rental units demands that statement #1 be resolved so that statements #2, 3, 4 can be empirically addressed.

- B) The ECC notes that this project is adjacent to a significant wetland area and the occupants of these duplexes will be subject to mosquitos and other insects during warm weather months.
 - C) The June 30, 2019 survey certifies a 100-foot buffer zone indicating the limits of the NYS Wetlands. The ECC recommends that LC boundaries be delineated by a split rail fence.
 - D) The parcel (subdivision) is located in an area which may be impacted by railroad activity. Impacts may include noise or vibration. The ECC recommends that this condition be recorded on the deeds.
2. Due to the change in the present proposal the ECC has the additional following comments:
- A) It appears to the ECC that the granting of the variances was contingent upon the donation of 7 acres of land to the Town of Clifton Park. However, a review of this proposed donation by the town planning department indicates that due to its lack of accessibility, this donation would be better suited to be made to Saratoga Plan which owns the adjacent Woodcock Preserve. The ECC recommends that the Planning Board / Town Board determine that such a donation would be acceptable to Saratoga Plan before proceeding with a decision. The criteria and procedure for approval is outlined in Town Code 208-43.16.
 - B) A noise and vibration and proximity and safety study should be required before any subdivision approval are granted.
 - C) The site needs a much more thorough wetlands study. The last one was done in July 2019 during dry summer months which given present moisture levels may not be appropriate.
 - D) In a letter dated April 19, 2019, the planning department noted “with single family home development, ... property owners will often clear beyond what was originally identified on building permit plans to increase yard space over time and encroach into protected wetland areas.” Therefore, the ECC requests the Planning Board require signage and split rail fencing indicating the limits of the 100’ buffer (LC Zone).
 - E) The ECC notes that the delineation of the LC zone is within 10 feet of the proposed dwelling on Lot 2. Therefore, appropriate construction barriers be required during the project in order to mitigate any potential intrusions.
 - F) The ECC notes that, per Town Code 208-16.D.(3)(a)[23], electrical substations (and other utility-related uses) are permitted in the CR Zone “subject to the provisions of § 208-79E(2)” (Standards for special use permits). These Standards require the Planning Board to determine, among other things, that the electric substation satisfies the following considerations:
 - (a) That the use will not prevent the orderly and reasonable use of adjacent properties or of properties in adjacent use districts.
 - (b) That the use will not prevent the orderly and reasonable use of permitted or legally established uses in the district wherein the proposed use is to be located.
 - (c) That the public health, safety, general welfare or order of the Town will not be adversely affected by the proposed use in its location.

The Town Code further states that “(n)o special use permit shall be granted for an electrical substation in any residential district or Business District B-3 unless the Planning Board shall conduct a public hearing at a regularly scheduled Town Board meeting.” Due to the proximity of the project to an existing electric substation, the ECC recommends that the Planning Board determine that the introduction of the proposed single family dwellings will not subject the future homeowners to the health, safety and welfare exposures outlined in this section of the Town Code.

Roy Casper of the Trails Subcommittee submitted the following comments for the Planning Board to consider in its decision making:

A 15 Ft. wide ROW/Trail Easement should be considered on the property boundary line along Route 146A for a future multi-use path and utility realignment. (This 15 Ft. wide ROW/Trail Easement was recommended by the Trails Subcommittee at the August 13th, 2019 Planning Board meeting.)

Note: The Trails Concept 2012 Draft Plan proposes a multi-use path along NYS Route 146A based on the importance of this route for pedestrian/cycling activity and connections to the Ballston Lake Veterans Trail, the existing multi-use path at the southern end of NYS Route 146A, the Vischer Ferry Road multi-use path and future proposed and existing multi-use paths/sidewalks along NYS Route 146. (See the attached Trails Concept Plan: A Long-Term Vision, Town of Clifton Park

Jennifer Viggiani, Open Space Coordinator:

1. The applicant should correct the proposed subdivision plan and add the label **“Permanent Open Space”** on the separate Tax Parcel 264.-3-67 (7.12 acres) to cover the entire property to show the requirement and the applicability to the subject subdivision, if that is the goal.
 - a. And if there is any other “Permanent Open Space” on the other parcel, Tax Parcel #264.-3-66.11 (12.86 acres), that too should be labeled as such, to ensure that this project meets its 50% Permanent Open Space requirements.
 - b. The **Site Statistics** should be clarified to show what Permanent Open Space is being allocated on both parcels to show how the 50% requirement is met overall. The presentation of the site statistics seem to cover just the one original 12.86 acres parcel and not the southern parcel of 7.12 acres. Yet, if the Tax Parcel 264.-3-67 (7.12 acres) is not used to count towards the Permanent Open Space requirement, then it is unclear as to why it is involved at all.
2. It does not make any sense and is thus highly unreasonable for the Town of Clifton Park to accept a fee simple conveyance of land that is land-locked and has no public access. Thus, the Applicant should provide the Planning Board Attorney Anthony Morelli and the Town of Clifton Park Town Attorney Tom McCarthy with a proposed “Deed of Conservation Easement” for review, immediately, and prepare to convey a “Deed of Conservation Easement” to the Town of Clifton Park for the town to hold over said Tax Parcel 264.-3-67 (7.12 acres). The Town can thus enforce the “permanent open space” and ensure that no development ever occurs on the parcel, whoever the future owner is. A conveyance of a Deed of Conservation Easement to the Town of Clifton Park on the entire 7.12 acres should satisfy the ZBA “requirement” for permanent protection. Said Deed of Conservation Easement will need to be signed by both parties, and filed with the Saratoga County Real Property just as any fee simple deed is filed. Typically, a Deed of Conservation Easement should include a surveyor’s description of metes and bounds, at a minimum, if not a whole survey of the property (as would be ideal for any type of conveyance).
3. Further, what would make sense is for the Tax Parcel 264.-3-67 (7.12 acres) (with a Conservation Easement held by the Town of Clifton Park) to be conveyed to Saratoga Preserving Land And Nature (P.L.A.N.). The Applicant should approach adjacent property owner, Saratoga (P.L.A.N.), a qualified land trust which owns a 60+acre property labeled as “Lands n/f Saratoga County Land Conservancy Inc.” (and operates this parcel as a private nature preserve, the Woodcock Preserve off of Tanner Road, which is open to the public) with the offer of conveyance of the “eased property” the parcel with the Town’s Holding of a Permanent

Conservation Easement. This can work, as this is a common model in the field of land conservation.

Here is more information about the Woodcock

Preserve: <https://www.saratogaplan.org/explore/public-preserves-trails/woodcock-preserve/> and https://www.saratogaplan.org/wp-content/uploads/2015/01/WoodcockKiosk_2014.5.20.pdf

I would be happy to clarify or discuss this approach further. I urge you to please consider the long term management and maintenance of this proposed conveyance as part of your Planning Board determination. The best conveyance to the Town of Clifton Park – is a Deed of Conservation Easement, not the land fee simple. In closing, even if Saratoga PLAN does not readily accept the parcel, the Town could still hold a Deed of Conservation Easement and thus ensure the land is permanently protected.

John Scavo, Director of Planning issued a letter dated 11/6/19 with recommendations he made:

1. The site is located adjacent to NYS Route 146A and, pursuant to §239-m of General Municipal Law, the referral was sent to the Saratoga County Planning Board (SCPB) and reviewed at their August 21, 2019 meeting. The SCPB issued a decision that stated, “No Significant County-Wide or Inter-Community Impact.”
2. The Preliminary Plan submitted states it is scaled at 1”= 100’, however, it doesn’t appear to meet such scale as noted. The applicant should provide a plan set that is scaled to the proper dimensions.
3. Add locations for the installation of identifying signage along the NYS DEC wetland area and 100’ buffer. Specific attention should be paid to the siting of such identifying features on lots #1 and #2. An example of the signage is shown below:



4. Per my prior comment letter issued on August of 2019, I asked for the following to be shown on future submittals. I don’t see where the current submittal has added such additions:
 - a. Add a note to the plan that states:

This project is located in an area adjacent to an active landscaping business, railroad line and power utility substation. Such activity commonly associated with these uses may include, but is not limited to periodic noise, odors, vibration, hours of operation. The property owner and potential tenants in each structure should be aware of the adjacent uses and operations.

b. In accordance with §86-10 of the Town Code, "The applicant shall be required to plant two new trees per living unit on the street side of new construction sites." As such please add the required trees to the Subdivision Plan prior to final stamping. The applicable code section is noted below, which includes the required planting specifications:

- (1) Trees shall be balled and burlapped and shall not be less than three inches in caliper, measured six inches above the ball. They must be well branched. Transplanted trees meeting these specifications may be substituted. Trees must be guaranteed for a period of not less than one year from the time of planting.
- (2) Trees should not be planted between June 1 and September 1 unless regular watering and maintenance can be guaranteed.
- (3) Trees shall be planted in accordance with accepted planting procedures, staked and watered.
- (4) Preference shall be given to planting deciduous trees which will develop into street shade trees and which do not obstruct the view of traffic. Trees should be selected from the list of recommended trees for roadside planting that are disease and pollution resistant. A list of these trees is in the publication entitled: "Town of Clifton Park Community Tree Program."
- (5) Trees shall not be planted in the public right-of-way.
- (6) If trees which are designated to be saved are removed by the applicant, they shall be replaced by three new trees that meet the tree specifications of this section.

c. Add the following three notes specific to wetlands to the plan:

- (1) A regulated 100' buffer area to a freshwater wetland is present on the lot. Prior to undertaking any project that may be within the wetland buffer, the property owner shall contact **both** the DEC Region 5 Office at (518) 623-1200, and the Town of Clifton Park at (518) 518-371-6651, to obtain required permits.

The Land Conservation (LC) Zoning District Boundaries associated with wetlands consist of those freshwater wetlands inventoried and mapped by the New York State Department of Environmental Conservation pursuant to Article 24 of the Environmental Conservation Law and the one-hundred-foot adjacent area measured horizontally from the border of the wetland. Only the permitted uses identified within §208-69.2 of the Clifton Park Town Code shall be allowed within the LC Zone."

- (2) A portion of the identified Freshwater Wetland is protected and regulated under federal law (Section 404 of the Clean Waters Act) by the U.S. Army Corps of Engineers. Prior to undertaking any project that may be within or adjacent to the

wetland, contact **both** the DEC Region 5 Office at (518) 623-1200, and the US Army Corps of Engineers at (518) 266-6350, to obtain required permits.

- (3) Add a note to the plan that states, "Allowable uses within the permanent Open Space shall be pursuant to those prescribed within §208-16(2) of the Clifton Park Town Code."

Mr. Boni stated that the buffer will be 40 feet from the road as indicated on the map, and 100 feet from the property line.

Professional Comments:

Walter Lippmann, P.E. of MJ Engineering in a letter dated 11/4/19 had the following comments: State Environmental Quality Review

1. No further comments.

Site Plans

1. It is unclear from the plan submitted if the responses as indicated in your letter have been incorporated into this preliminary submission, specifically the site statistics table and notes. Please provide a legible and properly scaled drawing for review to determine the validity of your responses.
2. As noted in Comment 4 of our August 9, 2019 review, pursuant to the Chief Zoning Officer's memo, all required area variances were granted by the Zoning Board of Appeals on June 18, 2019. The plan shall identify the variance granted, date they were granted, resolution number and extent of relief granted.
3. As noted in Comment 5 of our August 9, 2019 review, in reviewing the proposed lot configuration, the created lots appear to be deficient in regards to meeting the minimum standard requirements outlined in Section 20816 of the Town's Zoning. The noted deficiencies are as follows: a. Include a site statistics table indicating the following per Section 208.16(E) Standards: i. Bulk ii. Density iii. Setbacks iv. Constrained and Unconstrained Land v. Permanent Open Space vi. Conservation Design Layout vii. Variances
4. As noted in Comment 7 of our August 9, 2019 review, provide notation on the plan as follows: a. No Utilities shall be installed beneath the proposed driveways. b. Work within the Route 146A Road right-of-way shall require a permit from the NYSDOT.
5. As noted in Comment 12 of our August 9, 2019 review, provide a note on the plan indicates the individual/firm performing the wetland delineations shown and the date in which the delineations were performed.
6. Provide information on the plans to indicate how potential sump pump laterals may be positioned which shall be in conformance with Section 86-7(A)(6) of the Town Code.
7. Confirm that adequate site distances exist at the proposed driveways with the existing roadway.
8. Indicate locations of the existing water and sewer mains along NYS Route 146A.

Public Comments:

Ray Seymour - Friends of Clifton Park Open Space – 7 Naddler Road – read from a letter to the Town Planning Board. See attached letter

Matthew Weber – 2 Legends Way – Mr. Weber stated he was speaking on behalf of approximately 150 people of whom signed a petition against the proposal. Mr. Weber spoke from the memo he submitted to the Town. See attached memo and petition. Mr. Weber also asked if the cost of a noise study should come from the taxpayer or the applicant. Mr. Scavo stated he will look into the cost but is concerned if the applicant is to hire a professional to conduct such study the validity of the study will be questioned by residents opposed to the project. By having the Town scope and hire a licensed professional to do such analysis the result should not be perceived as bias to either party.

Kristen Weber - 2 Legends Way – Ms. Weber stated that she does not feel that the town has been following protocols and she stated she disagrees on the GEIS non-conformance and the following of the town codes. She stated the variances are for duplexes not for single family homes and should be revisited. Mr. Ferraro stated that variances are with the property and not the actual buildings; Mr. Morelli agrees. Mr. Ferraro also stated that the change in application from duplexes to single family homes still depends on the support and feedback from the Planning Board. Ms. Weber has concerns that the builder will change the plans again down the line. Ms. Weber asked if the lot with setback for Lot 1 would still be needed, Mr. Scavo stated that the 208-96 variance still stands. Ms. Weber stated she would be willing to buy the property to not develop. Mr. Ferraro stated is an issue between her and the seller or applicant.

Mr. Sandy Family – 20 Legends Way – Mr. Family has concerns about the noise that would increase due to removal of trees. He stated that if land is cleared, only the wetlands would remain untouched and the protected land has no trees for buffering. Mr. Scavo stated the applicant can and does have the right to clear and get a building permit to build up to one acre of land with no approval needed other than requesting a building permit. The question is does this subdivision exceed that level of clearing that is already permitted as of right to the parcel and if so what are the associated impacts and mitigation if warranted.

Gina Family – 20 Legends Way – Ms. Family voiced concern about the noise increase from the railroad. Mr. Jones stated he found in his research 100ft of trees decrease noise by 8 decibels. Mr. Scavo stated that topography helps buffer noise more than trees.

Susan Thibault – 18 Tiperary Way – stated they already hear the trains on the railroad. The plan as shown has no buffers shown currently.

Melissa Blantabear – 3 Legends Way – She has asked for a noise study to be done before any decisions are to be made on the applicant's property. Mr. Ferraro stated he can ask the applicant, but it is not a requirement and the applicant does have the right to clear his land up to 1-acre for the construction of a single family home. Mr. Ferraro suggested keeping more buffering in front of the property and adding more to the rear of the building. Mr. Boni stated he can accommodate that request, but believes that the homes would also work as a buffer to the noise and deflect sound better than deciduous trees do, especially in off leaf conditions.

Stephanie Ramsey – 2 Fairly Way – Ms. Ramsey asked if the building would be a 2 story or 1, as the design depends on how much it will buffer. Mr. Ferraro stated it will be up to the applicant.

June Bartlett – Realtor – Stated that if noise increases the value of homes would decrease.

Brian Ramsey – 2 Fairly Way – Mr. Ramsey asked if his home assessment decreases due to this development can he rebut it with the town. Mr. Ferraro stated every person has a right to challenge their assessment.

Bill Curven – 1 Legends Way – Mr. Curven asked about the size of the building. Mr. Ferraro stated it is up to the applicant to build what he believes he needs but that is not a consideration under the subdivision regulations to require minimum building sizes.

Mr. Ferraro moved, second by Ms. Bagramian, to close the public hearing.
The motion was unanimously carried.

Planning Board Review:

Mr. Szczesny asked Mr. Scavo if all variances and Zoning requirements needed are in place. Mr. Scavo stated that according to Town's Chief Zoning Officer everything is in place or the applicant would not be here with further consideration for subdivision approvals granted by this Board. Mr. Szczesny asked Mr. Scavo about trees vs. topography and which is the best buffer. Mr. Scavo stated that in his findings and experiences from sites in general he believes topography is a better buffer.

Ms. Bagramian asked if the wetland study has expired, Mr. Scavo stated they are current but every 3 years such a study should be redone to determine if wetland jurisdictions change hands from Army Corps to DEC and further determine if the wetlands have stayed the same, expanded or shrunk in size. Ms. Bagramian asked the applicant if there was a Phase II Environmental Study in Place. Mr. Boni stated there is not at this time. Ms. Bagramian stated there should be to see if any contaminants could occur in the soil. Ms. Bagramian asked what types of home Mr. Boni would like to build. Mr. Boni stated he is thinking at least a ranch and a 2 story structure.

Mr. Ophardt asked if there are any concerns with the Prospect Pointe Subdivision as they are close to the railroad tracks and there were not any noise studies done there from what he remembered. Mr. Scavo stated that no issues have been found or concerns have been raised that the town is aware of. Mr. Szczesny asked if notes on Prospect Pointe can be pulled and looked at. Mr. Ophardt stated he needs more evidence supporting whether noise is an issue or not, before making a decision. Mr. Jones agreed with Mr. Ophardt. Mr. Ophardt also asked of the health hazards of the home being close to the substation for the power lines. Mr. Ophardt also suggested having soil testing done due to the railroad being close to the proposed homes. Mr. Scavo pointed out that under the hard look test for SEQRA the NYS DEC Data Base was reviewed and no location was discovered for contamination within 2,000 feet of the project site.

Mr. Jones asked if Saratoga PLAN has accepted the land donation yet. Mr. Scavo stated they have not. Mr. Ferraro stated the applicant needs to let them know and give them a "heads up" on this potential donation to see if Saratoga PLAN will accept the donation. Mr. Jones wanted clarification on whether or not the curb cut has been approved by DOT. Mr. Scavo stated there has been no official approval yet, just a letter from NYS DOT stating they are not opposed to the subdivision and location of the proposed curb cut. If the subdivision is approved the applicant will apply to NYS DOT to request a Highway Work Permit. Mr. Jones requested building elevations be provided for the Planning Board's consideration.

Mr. Ferraro stated that if Saratoga PLAN will not accept the donation, Clifton Park will, so there is still a benefit of permanent protected open space and contiguous wildlife habitat adjacent to the existing

Woodcock Preserve. Mr. Ferraro stated he feels the existing ROW can accommodate the easement for a future possible trail as well.

Mr. Scavo explained that per accordance with town law, there is now a 60 day window that the Board needs to decide on this application which shall be to approve, deny, or approve with modifications.

Old Business:

2019-046 178 Vischer Ferry Ground Solar SUP

Applicant proposes installation of a 40 panel ground mounted solar array, 178 Vischer Ferry Rd, Zoned: CR, Status: PB Preliminary Review w/ possible determination. SBL: 282.-2-50
To be reviewed by: MJE Consultant: AEC Solar Energy Corp Applicant: Bibighaus Last Seen on: 10-8-19

Consultant/Applicant Presentation:

Jeffery Katt – AEC – Mr. Katt stated this is for ground mounted solar panels, 16kw, on a residential road. Mr. Katt also stated the solar panels will be screened from roadside view by existing trees and structures and will be for personal use only. Mr. Katt presented to the Board a picture of the property in aerial view and indicated where the panels would be located.

Staff Comments:

Steve Myers, Director of Building and Development issued a memo dated 10/24/19 stating:
No comments

Scott Reese, Stormwater Management Technician issued a memo dated 11/8/19 with the following comments:

1. There are no stormwater comments.

The Environmental Conservation Commission held a meeting on 11/6/19 and issued a memo recommending:

1. The ECC recommends the applicant implement appropriate vegetative screening to the maximum extent practicable between the proposed solar field and Vischer Ferry Road.

Jennifer Viggiani, Open Space Coordinator:

No comments

John Scavo, Director of Planning issued a letter dated 10/4/19 with recommendations he made:

1. I support the deployment of the ground mounted solution, to preserves the integrity of the historic farmhouse at 178 Vischer Ferry Road.
2. Attached, is a copy of the recommendation from the Saratoga Co. Planning Board that the project will have, “No Significant County-Wide or Inter-Community Impact.”
3. Planning Staff has no additional comments regarding this project and supports the applicant’s request to receive approval for the project as proposed.

Mr. Scavo also stated that a postcard was sent to him in support of the project from Mr. and Mrs. Stevens who are neighbors.

Professional Comments:

**Walter Lippmann, P.E. of MJ Engineering in a letter dated 10/4/19 had the following comments:
State Environmental Quality Review**

1. 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:

a. Saratoga County Planning: 239m referral due to the project's proximity to County Route 90 (Vischer Ferry Road) and location within Consolidated Agricultural District #2

b. NY State Historic Preservation Office: confirmation of "no effect"

Additional agencies may be identified by the Town during its review of the project.

2. Part I.12b. The Short Environmental Assessment Form indicates that the project is located within or adjacent to an area designated as sensitive for archeological sites on the NY State Historic Preservation Office archeological site inventory. A "no effect" letter will be necessary and shall be provided to the Town.

3. No further comments at this time.

Subdivision Plan / Site Plans

4. The project is located within the Town's Conservation Residential (CR) zoning district. Based upon information provided by Town staff, it is understood that the proposed use and permitted under a special use permit.

5. The Planning Board shall review the proposal following the criteria outlined in Section 208-79(E) of the Town's Zoning as it relates to the special use request.

6. The Site Plan shall show the extent of the L-C boundaries pursuant to Section 208-69.1 of the Town Zoning.

7. Upon the illustration of the L-C boundary on the plans, should the proposed improvements reside within the L-C district, the applicant shall provide sufficient data to demonstrate that the proposed activity will not result in any of the changes noted in Section 208-69.3 of the Town's Zoning.

8. The conceptual site plan should include all items listed in Section 208-114 of the Town Zoning.

9. The site plan should indicate any improvements within the NYSDEC wetland adjacent areas. The applicant shall provide the Town with all permitting associated with work within the NYSDEC wetland adjacent areas.

10. Considering this plan is conceptual in nature, subsequent comments will be provided with a preliminary plan submission.

Public Comments:

No public comments

Planning Board Review:

Ms. Bagramian asked why the array was not placed on the roof of the home but rather next to it. Mr. Katt responded that the array is larger than the roof size.

Mr. Szczesny asked why the applicant decided not to max out the allotted solar wattages. Mr. Katt stated it has to do with cost, watts produced and the applicant had to choose the benefits of constructing this and what the timeframe for return of investment equated to.

Mr. Jones asked the applicant if the panels are safe even if they break, there will be no leaching into the ground. Mr. Katt said the panels are all self-contained, 100% recyclable, cause no environmental impact, and does not have any battery storage that comes with it. Mr. Jones also asked if the applicant can sell power back to make a profit. Mr. Scavo stated he cannot; that the only option is to get credit back on their energy bill, but they cannot be paid by the utility company.

Mr. Ferraro stated there is no SEQRA needed at this meeting since the Board issued a Negative Declaration at the last meeting prior to the public hearing.

Mr. Ophardt offered Resolution No. 13 of 2019, seconded by Ms. LaSalle to waive the final hearing for this application for the solar array approval, and to grant preliminary and final special use permit approval condition upon satisfaction of all comments, provided by the Planning Department, Town Designated Engineer, and all items listed in the final comment letter issued by the Planning Department.

Roll Call:

D. Bagramian - yes
 E. Andarawis - absent
 E. Ophardt - yes
 J. Jones - yes
 A. Neubauer - absent
 G. Szczesny - yes
 R Ferraro – yes
 T. LaSalle -yes

Ayes 6

Noes: 0

The resolution is carried.

Mr. Jones moved, second by Mr. Szczesny, to waive the final hearing for this application for the site plan review of the Solar array, and to grant preliminary and final site plan approval conditioned upon satisfaction of all comments provided by the Planning Department, Town Designated Engineer, and all items listened in the final comment letter issued by the Planning Department.

Ayes: 6

Noes: 0

The motion is carried.

New Business:**2019-055 Ashe Hatlee Road 2 Lot Subdivision**

Applicant proposes subdividing existing 9.98 acres into 2 lots. Lot 1 will be 4.95 acres and contain existing house, well and septic. Lot 2 will be for construction of a single family home with proposed well and septic. Both Lots will share a common driveway for access to Hatlee Road, 980 Hatlee Rd, Zoned: CR, Status: PB Concept Review

SBL: 258.-1-18.11

To be reviewed by: MJE Consultant: GVG Applicant: Ashe

Consultant/Applicant Presentation:

Dwayne Rabideau – Van Guilder – Mr. Rabideau stated the applicant would like to subdivide 10 acres in to approximately 5 acre lots. One lot will have the existing home with improvements on it and the other will have a new single family home. The driveway will be a shared driveway. Mr. Rabideau stated there will be no wetland impacts and the water will be provided through a new private well and there will be a septic system on site for waste treatment.

Staff Comments:**Steve Myers, Director of Building and Development issued a memo dated 10/24/19 stating:**

- Proposal is to subdivide a 9.88 acre parcel into a 4.95 acre and 5.03 acre parcel in the CR zone. Parcel has a pre-existing single family home.
- Parcel 2 is proposed to build a second single family home on 5.03 acres. 3 acres of unconstrained land is required for approval on each parcel.
- Site statistics table is incorrect. It states total site is 5.98 acres. It is approximated the constrained lands for the entire parcel based on the submitted map is 5.9 acres +/- 9.88-59=3.98 acres unconstrained. It would appear variances for both parcels are required.

Mr. Rabideau stated there are some math errors that will be corrected and that there are 7.5 acres of unconstrained land which includes the buffers surrounding the wetlands.

Sheryl Reed, Chief of the Bureau of Fire Prevention:

Postal verification

Scott Reese, Stormwater Management Technician issued a memo dated 11/8/19 with the following comments:

1. The NYSDEC wetland & buffers should show the overlay LC Zone.
2. Grading plans should be provided to show the LC Zone will not be impacted.
3. Erosion and Sediment Plans shall be provided to prevent any impacts to the NYSDEC Wetlands and or buffer.

The Environmental Conservation Commission held a meeting on 11/6/19 and issued a memo recommending:

1. The ECC requests that the applicant provide a plot plan with contour lines and proposed grading so that the impact of the proposed project can be assessed.
2. Per 208-16.E (2) Development Options, the applicant is required to follow the CR Zone Conservation Approach (Standards).
3. The ECC requests that split rail fencing delineate the wetland setback area (LC Zone).

4. The applicant shall indicate the type of permanent open space (either public or private ownership). If public please refer to 208-16.F for proof of preservation in perpetuity of permanent open space and provide this information to the Planning Board prior to subdivision approval.

Roy Casper of the Trails Subcommittee submitted the following comments for the Planning Board to consider in its decision making:

The Trails Concept 2012 Draft Plan proposes "Widened Shoulders" along Hatlee Road for safe pedestrian and cycling activity. If necessary, sufficient ROW should be designated on the property boundary along Hatlee Road to accommodate a future roadway designed with widened shoulders for pedestrians and cyclists.

Jennifer Viggiani, Open Space Coordinator:

1. Is this subdivision proposal on less than 10 acres, based on the following development option in the Town Code §209-16 (E.)2(a)? "A one-time, single-lot exception is allowed, meaning a subdivision of one parcel, as it existed as of January 1, 2005, into a maximum of two lots to be used for single-family residential purposes only shall not be required to follow the conservation approach, although it is highly encouraged to be protective of the natural and cultural resources of the community. This shall only be permitted for parcels greater than 10 acres and shall only be allowed if both of the newly created lots will be initially owned by family members, at the discretion of the Planning Board. The newly created lot shall be a minimum of two acres, and all principal buildings shall have a minimum setback of 50 feet from all property lines."
2. The Site Statistics need thorough quality control check. The total site area is listed as 5.98 acres, when the two lots shown add up to greater acreage. If the two lots and their acreage depicted are true to the numbers shown, then Lot 1 (4.95 acres) and Lot 2 (5.03 acres) would mean that the total site area is actually 9.98 acres. Is this the correct total site acreage?
3. Duly noted that NYS DEC Freshwater Wetlands are shown. Are there any US ACOE Jurisdictional Wetlands? Was there a field verification and mapping of US ACOE wetlands? A note should be shown on the plans and in the written material that the ACOE wetlands were checked and mapped if any, and if none, this should also be indicated.
4. The Applicant and Applicant's Consultant needs to revise their Agricultural Data Statement to reflect current Ag District conditions, which based on Saratoga County mapping data of today, indicates that the subject parcel, Tax parcel #258.-1-18.11 appears to be directly adjacent to Ag. Dist. #2 Lands n/f owned by Ochrym, per the graphic below. This data is from Saratoga Map Viewer Agricultural Districts Parcels layer which is available to the public at <https://spatial.vhb.com/SaratogaMapView/>. Attached is an image showing the larger context view of the presence of Farmland in the Northern Part of Clifton Park, and Town of Ballston. The subject tax parcel is also in the Town of Clifton Park, not the Town of Ballston.
5. Notes will be needed on the subject plans to indicate the standard note about adjacent farming and agricultural activities.
6. The Permanent Open Space calculations need to be verified. Per Town Code the requirement for minimum Permanent Open Space is for 50% Permanent Open Space for Conservation Residential, and this is not clearly shown. The quality of the 50% Permanent Open Space is also to include at least 25% unconstrained lands, per the Town Code Section §209-16 (E.)3) Minimum permanent open space (land area).

John Scavo, Director of Planning issued a letter dated 11/7/19 with recommendations he made:

1. The subdivision is located adjacent to the Town Boundary line with the Town of Ballston. Pursuant to §239-m of General Municipal Law, a referral has been sent to the Saratoga County Planning Board (SCPB) and will be reviewed at their November 21, 2019 meeting.
2. The Parcel is adjacent to lands within Saratoga County Agricultural District #2.
3. Based upon the mature trees present within the wetland area adjacent to Hatlee Road, the Street Tree requirement, pursuant to §86-10 of the Town Code may be waived by the Planning Board. If such waiver is granted a note should be added to the final plan stating such.
4. Add locations for the installation of identifying signage along the NYS DEC wetland area and 100' buffer. Specific attention should be paid to the siting of such identifying features on Lot#2. An example of the signage is shown below:



5. Add the following two notes specific to wetlands present on the site to the plan:
 - (4) A regulated 100' buffer area to a freshwater wetland is present on the lot. Prior to undertaking any project that may be within the wetland buffer, the property owner shall contact **both** the DEC Region 5 Office at (518) 623-1200, and the Town of Clifton Park at (518) 518-371-6651, to obtain required permits.
 - (5) The Land Conservation (LC) Zoning District Boundaries associated with wetlands consist of freshwater wetlands inventoried and mapped by the New York State Department of Environmental Conservation pursuant to Article 24 of the Environmental Conservation Law and the one-hundred-foot adjacent area measured horizontally from the border of the wetland. Only the permitted uses identified within §208-69.2 of the Clifton Park Town Code shall be allowed within the LC Zone.”
6. Add the following two notes to the subdivision plan:
 - (1) Clifton Park is a Right to Farm Community. Residents should be aware that farmers have the right to undertake farm practices which may generate dust, odor, noise, smoke and vibration associated with farming practices.
 - (2) Pursuant to §208-16(D)[3] of the Town Code - The keeping of livestock or poultry, such as hogs, cows, horses, goats or chickens, with a lot of a minimum of five acres, is a permitted use within the Conservation Residential Zoning District.
7. The applicant shall add the assigned 911 addresses to each lot, once they have been provided by Sheryl Reed, Chief of the Fire Bureau.

8. A copy of a draft egress/ingress and maintenance agreement for the shared driveway shall be provided to the Planning Board Attorney for review and comment prior to stamping the final subdivision plan.

Professional Comments:

**Walter Lippmann, P.E. of MJ Engineering in a letter dated 11/4/19 had the following comments:
State Environmental Quality Review**

1. 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:
 - a. Town of Clifton Park: Subdivision approval
 - b. NY State Historic Preservation Office: “No Effect” letter
 - c. NYS Department of Environmental Conservation: Identification of wetlands or other waterbodies regulated by federal, state or local agencies.

Additional agencies may be identified by the Town during its review of the project.

2. Part I.2 – The proposed action requires subdivision review and approval by the Town of Clifton Park Planning Board. The answer should be changed to reflect the required Planning Board Approval.
3. No further comments at this time.

Site Plans

4. The project is located within the Town’s Conservation Residential (CR) zoning district. The proposal for a single family home is a permitted use within the CR District as noted in Section 208-16(D)(1)(b) of the Town’s Zoning.
5. In reviewing the proposed lot layout in comparison to Section 208-16(E)(5)-(12) of the Town’s Zoning, it would appear all minimum bulk lot requirements are satisfied.
6. Verify location of proposed septic system including the 50% expansion area. Confirm it meets the setbacks required of Appendix 75-A of the State Sanitary Code.
7. Provide contour lines at a minimum of two-foot intervals to United State Geological Survey datum within the parcel.
8. Identify the date and by whom the wetlands shown were delineated. Verify if any wetlands are under the jurisdiction of the USACOE.
9. Confirm the total site area and permanent space calculations in the site statistics table.

10. The project proposed a shared drive. The applicant shall provide a draft maintenance agreement for review by the Planning Board's legal counsel.
11. The proposed shared driveway shall comply with the IRC and New York Supplement. Details or description of the proposed drive materials of construction shall be provided, confirming it will support the load of the responding emergency vehicles.
12. Indicate the purpose of the existing well along the driveway.
13. An on-site septic system is proposed. Subsequent submissions shall include the percolation and test pit results.
14. Show the location of the existing septic systems on adjacent lot to ensure appropriate horizontal distances will be provided to the new well servicing the created lot.
15. 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.
16. Provide notation on the plan as follows:
 - a. No Utilities shall be installed beneath the proposed driveways.
 - b. Any work required within the Town right-of-way shall be subject to any permitting from the Clifton Park Highway Department.
17. 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.
18. Considering this plan is conceptual in nature, subsequent comments will be provided with a preliminary plan submission.

Public Comments:

No public comments

Planning Board Review:

Mr. Ferraro commented on the 9.98 acres, asking about the 50% open space for 10 or more acres of property. Mr. Scavo stated that this only applies if the parcel is 10 acres or over. Mr. Rabideau stated that the application meets CR Zoning Requirements. Mr. Rabideau stated he will take the comments offered into consideration and will return at a future date for preliminary plan consideration.

New Business:

2019-053 Cafarelli 2 Lot Subdivision

Applicant proposes re-subdividing lot into 2 lots with the same configuration as the original Country Knolls Subdivision. Lot was merged in 2000, 7 Northway View Ct, Zoned: R-1, Status: PB Concept Review

SBL: 259.11-1-38

To be reviewed by: MJE

Consultant: CT Male

Applicant: Cafarelli

Consultant/Applicant Presentation:

Frank Palumbo – CT Male – Mr. Palumbo stated that the application is to re-subdivide the parcel back to their original configuration so that the unbuilt lot can be sold. Mr. Palumbo stated that the applicant knows that the grading of the lot needs to be addressed for the next meeting and will require additional analysis to meet the preliminary subdivision plan requirements.

Staff Comments:

Steve Myers, Director of Building and Development issued a memo dated 10/24/19 stating:

- Proposal is to re-subdivide property back to original configuration of 2 lots in an R-1 zone.
- Minimum lot size is 20,000 sf, proposal meets requirement.
- Existing home appears to meet all setback requirements for the main structure and all accessory structures.

Sheryl Reed, Chief of the Bureau of Fire Prevention:

Postal verification

Scott Reese, Stormwater Management Technician issued a memo dated 11/8/19 with the following comments:

1. There are steep slopes that exist on the property that may need to be disturbed for the construction of a home on the proposed lot. Grading plans should be provided to show how adjacent homes will not be impacted and the feasibility of a usable building lot.

The Environmental Conservation Commission held a meeting on 11/6/19 and issued a memo recommending:

1. The ECC has no comment.

Roy Casper of the Trails Subcommittee submitted the following comments for the Planning Board to consider in its decision making:

The Trails Subcommittee does not have any recommendations regarding this proposed 2 lot subdivision.

Jennifer Viggiani, Open Space Coordinator:

No comments

John Scavo, Director of Planning issued a letter dated 11/12/19 with recommendations he made:

1. The proposed future buildable, appears to require significant grading to accommodate a dwelling structure. A grading and drainage plan showing proposed topography at appropriate contour intervals should be provided. This information can be combined with the map of existing topography if it can be clearly depicted.
2. Approximate locations of existing water and sewer laterals should be shown for the existing dwelling on Lot #7. If the location of each cannot be determined, then a note stating such should be added to the plan.

3. A note should be added on the subdivision plan that states, "If a person alters the natural flow of surface water in a way that harms the use and enjoyment of another property, that person is liable for that harm."

Michael O'Brian, CSM, of Clifton Park Sewer Department issued a letter dated 11/7/19 with the following comments:

- This project is with the Clifton Park Sewer Department #1. While only a subdivision of a lot, any future proposed sewer service will require a hookup fee of \$1,000 to be paid to the districts well as the acquisition of all required permits.

Professional Comments:

**Walter Lippmann, P.E. of MJ Engineering in a letter dated 11/4/19 had the following comments:
State Environmental Quality Review**

1. 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:
 - a. Saratoga County Planning: 239m referral due to the project's proximity to NY Route 146.
 - b. Town of Clifton Park: Building permit and site plan approval
 - c. NY Natural Heritage Area Program: Identification of threatened and endangered species

Additional agencies may be identified by the Town during its review of the project.
2. Part I.2 – The proposed action requires subdivision review and approval by the Town of Clifton Park Planning Board. The answer should be changed to reflect the required Planning Board Approval.
3. Part I.12b – The SEAF indicates that the project site is located in or adjacent to an area designated as sensitive for archeological sites on the NY State Historic Preservation Office (SHPO) archeological site inventory. A "no effect" letter will be necessary and shall be provided to the Town.
4. Part I.20 – The SEAF indicates that the project site is located on or is within 2,000 feet of a hazardous waste remediation site. The applicant will need to describe the type of hazardous waste that was or is on the site or within the vicinity of the site, including how large an area it covered, when it was remediated or other general information about the site. This information can be found through the NYS Department of Environmental Conservation (DEC) Environmental Remediation Database at <https://www.dec.ny.gov/cfm/externalapps/derexternal/index.cfm?pageid=3>. Information can also be found through the DEC Environmental Facilities Navigator at <http://www.dec.ny.gov/gis/facilities/>.

If the applicant believes the answer filled out by the EAF Mapper is incorrect, supplemental information should be provided that explains the discrepancy.

5. No further comments at this time.

Site Plans

6. The project is located within the Town's Residential I District (R-1). It is our understanding that the subdivision is intended to reestablish the property lines that existed during the original Country Knolls Subdivision, Section No. 11. The proposal does not discuss any improvements on the lands to be subdivided other than the existing building will be contained on one of the lots. If and when a proposed use is contemplated, further review may be warranted.
7. Lacking an actual use being proposed on the remaining lands of the original parcel, the Board may consider requesting notation be placed on the plat indicating that subsequent development on the parcel may be subject to additional regulatory review for compliance with Town Zoning and other applicable standards.
8. In reviewing the proposed lot configuration, the following deficiency appears to exist:
 - a. Section 208-11 of Town Zoning requires a minimum lot width of 100-feet at the front building line. Lot 5 may not meet this requirement.
9. The plat shall include contour lines at five-foot intervals to United States Geological Survey (USGS) datum pursuant to Section 179-8 of the Town Subdivision Law.
10. The concept subdivision plan shall show speculative homes, driveways, utilities and grading.
11. The project proposed a shared drive. The applicant shall provide a draft maintenance agreement for review by the Planning Board's legal counsel.
12. The submitted information indicates the project is proposing to connect to an existing water main(s) within proximity to the parcel. These mains are owned and operated by the Clifton Park Water Authority (CPWA). It is recommended that the Town be furnished with documentation that the CPWA is willing and capable of providing potable water to the project.
13. The submitted information indicates the project is proposing to connect to an existing sewer main(s) within close proximity to the parcel. These mains are owned and operated by the Saratoga County Sewer District No. 1 (SCSD). It is recommended that the Town be furnished with documentation that the SCSD is willing and capable of providing sanitary sewer service to the project.
14. The plans shall show the proposed sanitary service lateral and water service for the new building lot.
15. Provide notation on the plan as follows:
 - a. No Utilities shall be installed beneath the proposed driveways.
 - b. Any work required within the Town right-of-way shall be subject to any permitting from the Clifton Park Highway Department.
16. 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.

17. Considering this plan is conceptual in nature, subsequent comments will be provided with a preliminary plan submission.

Public Comments:

No public comments

Planning Board Review:

Mr. Jones asked how the applicant is going to grade the hill as it is large and may require a significant retaining wall that he is unaware of being in such size on any other residential parcel in Town. Mr. Palumbo stated he will have to show the board at a future meeting, but he will also find out what the parcel showed in the past when it was a separate lot and not merged with the existing parcel. The applicant stated he is willing to work with the Board to address the design concerns.

Mr. Ferraro stated he has concerns and reservations about the subdivision due to the hill as it is a steep slope. Mr. Ferraro stated he would like to see the applicant come back to the Board to address the design concerns due to the steep slope and the existing driveway along the front of the proposed lot that will create problems locating a home on the new parcel before moving forward with the public hearing. The applicant stated they would develop a scope to address the concerns and make it work from a design standpoint on the plans prior to resubmitting.

Discussion Items:

Heritage Point Cluster Subdivision

After a discussion regarding the lack of tree plantings (2 trees on every lot in the front along the sidewalk) by the builder as outlined in the Subdivision Plan Approved by the Planning Board; the Board has come to the following resolution as read by Chairman Ferraro:

To amend the Cluster subdivision with the requirement that the builder contact each homeowner individually and ask if they would like one, two, or no trees planted along the sidewalk on their property. The number of trees planted would be based on their response. The total number of lots approved is 103. Therefore, there should be a total of 206 trees planted. For every tree less than the 206 that is not planted, supplemental trees should be placed along the front of the property along Grooms Road, in the proposed park area, in the Storm Water Management Basin area, or other locations as recommended by the town staff. This does not change the requirement that the Park with the Gazebo and associated landscaping as noted on the approved plans be completed by Brooks Builders during the Spring 2020. Also, the approved plan required that a note will be added to the Plan that a trail may be constructed along Grooms Road at some point in the future. If this has not been done, it shall be done immediately. The Performance Bond will not be reduced or released until the plantings have survived for a full year. The Town will be responsible to coordinate the discussions with the residents and the plantings of the trees.

Mr. Ferraro moved, second by Mr. Jones to adopt this amended resolution for the Heritage Lot Subdivision.

The motion was unanimously carried.

Mr. Jones moved, seconded by Mr. Ophardt, adjournment of the meeting at 10:25 p.m. The motion was unanimously carried.

The next meeting of the Planning Board will be held as scheduled on November 26th, 2019.

Respectfully submitted,

Paula Cooper

Paula Cooper, Secretary

Attachments referenced that were received from residents the night of the meeting, are available for review in the Planning Department project file #2019-037 Boni, Ryan 2 Lot Subdivision at the Town Hall.