

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

PLANNING BOARD

ROCCO FERRARO
Chairman

ANTHONY MORELLI
Attorney

PAULA COOPER
Secretary



MEMBERS

Emad Andarawis
Eric Ophardt
Ram Lalukota
Andrew Neubauer
Denise Bagramian
Greg Szczesny

(alternate) Keith Martin

Planning Board Minutes
September 22nd, 2020

Those present at the September 22nd, 2020 Planning Board meeting were:

Planning Board: R. Ferraro, Chairman, E. Andarawis, R. Lalukota, A. Neubauer, E. Ophardt, Keith Martin – Alternate Member

Those absent were: D. Bagramian, G. Szczesny

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. Mr. Ferraro stated that the Planning Board meeting for tonight is being held remotely due to the current health crisis and inability to hold large gatherings in one place.

Mr. Ferraro stated that due to the absence of two Board members tonight, Mr. Martin will be a voting member if any actions need to be taken.

Minutes Approval:

Mr. Lalukota moved, seconded by Mr. Ophardt, approval of the minutes of the September 9th, 2020 Planning Board meeting as written. The motion was unanimously carried.

Public Hearings:

None

New Business: (carried over from the September 9th meeting)

2020-044 Greene, Donald 750 Route 146A Subdivision

Applicant proposes subdividing a 5.5 +/- acre lot (264.-3-37.3) into 2 new single family residential lots with the remainder to be merged with the 40.25 +/- acre parcel (264.-3-37.12) an adjacent parcel under common ownership. Proposed Lot 1 to be developed in the future with a residential dwelling and Proposed Lot 2 will have the existing dwelling and barns, 750 Rt 146A, Zoned: CR, Status: PB Concept Review

SBL: 264.-3-37.3 To be reviewed by: MJE Consultant: EDP Applicant: D. Greene

Consultant/Applicant Presentation:

Joe Dannible - EDP – Mr. Dannible stated that this application is for a 2 lot subdivision located at 750 Route 146A. Mr. Dannible showed on the screen for all in attendance the map of the parcel for the application. Mr. Dannible stated there are 2 parcels that will help to create an additional lot. Mr. Dannible stated that lot SBL# 264.-3-37.3 has the road frontage needed for the subdivision, and is the majority of the property within the proposed subdivision. Lot SBL# 264.-3-37.12, is larger of the two properties that comprise the 44.2 acres involved within the proposed subdivision boundaries. Mr. Dannible stated that there is a home, garage, and barns on the parcel which is proposed to be made into two new separate parcels. Lot 1 would be a 30,000 sq. ft. parcel with a new home and new driveway; and lot 2 would contain the existing farm house and accessory buildings. Mr. Dannible stated Lot 1 would have a new driveway coming out onto Route 146A. Mr. Dannible stated that after the two lots are established the remaining land of 4 acres will be deeded to the larger parcel and would be creating a new total lot of 44.27 acres. Within the 44.27 acres, 4.5 acres of the original parcel are uplands and then more would be added from the other lots to make 6 acres of uplands total on the lot. Mr. Dannible stated that a variance will be needed for the lot 1 width.

Mr. Ferraro asked for clarification on deeding land to the third lot. Mr. Scavo stated that if a new buildable parcel wasn't being created from the lot line adjustment the action to do such could be reviewed and approved administratively but since it is helping to aide in creating a new parcel it

has to be considered as a subdivision. Mr. Scavo also stated that on development less than 10 acres there is no open space requirement, and that the town needs to make sure in the future the 5.3 acres cannot be counted towards any future additional density for residential, and affects the buildable acres.

Mr. Andarawis asked if the development rights are being sold to other parcels. Mr. Dannible stated that lot lines will be adjusted but the equation will not count the acres added to the third lot twice.

Mr. Ferraro stated that he would like to see the area preserved and that the deeded land for the lot line adjustment can be chronicled in the town records as deed restricted open space area and to not be duplicated if further subdivision were to occur in the future. Mr. Don MacElroy, representing Mr. Greene, stated that there is no intention to further subdivide in the next 10-20 years.

Staff Comments:

Steve Myers, Director of Building and Development issued a memo dated 9/18/20 stating:

- Variances required for lot size for public water and sewer
- Address structures crossing property lines
- Obtain NYSDOT permits for curb cuts

Scott Reese, Stormwater Management Technician issued a memo dated 9/18/20 with the following comments:

1. Show the Land Conservation Overlay Zone on the Plans.

The Environmental Conservation Commission held a meeting on 9/15/20 and issued a memo recommending:

1. The ECC requests the applicant comply with Town Code Section 208-16 E(2)(a).
2. The ECC requests the applicant comply with Town Code Section 208-43.10 as well as any requirements for permanent open space in public or private ownership (208- 16 E (3)).

John Scavo, Director of Planning issued a letter dated 9/2/20 with recommendations he made:

1. Since the proposed subdivision is adjacent to NYS Rt. 146A, a referral to the Saratoga Co. Planning Board has been made for a recommendation in accordance with GML §239(m) & (n).

2. Pursuant to Clifton Park Town Code §208-11, Note C – Space & Bulk Standards, “The minimum width of all lots at the front building line along those streets listed in §208-98 shall be 200 feet in all residential districts”, it appears lot #1 is deficient in meeting this requirement.
3. Pursuant to Clifton Park Town Code §208-11, CR Standards, without central water or sewer the minimum lot size is 40,000 sq.ft.. Both proposed lots 1 &2 are deficient to meet this requirement as shown.
4. There appears to be at least three accessory structures amongst Lots 1 & 2 that would either not meet the side yard or rear yard setback requirements for such structures or encroach over a proposed property line. This needs to be corrected prior to approval of any subdivision plat.
5. In accordance with §208-16E(2) of the Town Code, the development options available within the CR Zone are:
 - a. Development on less than 10 acres. A parcel consisting of less than 10 acres may be developed at a maximum density of one dwelling unit per three acres of unconstrained land. A parcel which is less than three acres but larger than 20,000 feet may be developed with one dwelling unit.
 - b. Development on 10 acres or more. A parcel consisting of 10 acres or more may be developed at a density of one residential dwelling unit per 10 acres, provided there is at least one acre of unconstrained land available to accommodate a residential use, including any required well and septic system. In lieu of development at said density, such parcel may be developed at a density not to exceed 0.33 unit per acre of unconstrained land, provided 50% of the area of the development site is designated as permanent open space pursuant to the other Town of Clifton Park Planning Department One Town Hall Plaza | Clifton Park, New York 12065 | (518) 371-6054 | FAX: (518) 371-1136 conditions set forth herein. For example, if an applicant owns a seventy-acre parcel, and 10 acres are identified as constrained, the maximum allowable density with a fifty-percent open space set aside is 20 dwelling units. This example is calculated as follows: 70 acres minus 10 constrained acres equals 60 acres of unconstrained land. This 60 acres multiplied by 0.33 results in a maximum allowable base density of 20 units. These 20 units must be placed on the unconstrained sixty-acre portion of the site in this example.
 - c. 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.

Development Option “B” is the only viable option to achieve the density proposed involving parcels identified as SBL: #264.-3-37.12 & 264.-3-37 In keeping with the criteria for Development Option B – update the site statistics table to include a density calculation similar in format to the example shown below from a prior project:

6. The area designated for permanent conservation must be shown as shaded areas and clearly defined for deed restriction purposes. If a parcel is subdivided under Option B on a parcel at least 10 acres in size with at least one acre of uplands, there is no permanent conservation easement requirement for that lot.

Professional Comments:

Walter Lippmann, P.E. of MJ Engineering in a letter dated 9/4/20 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:
 - b) Town of Clifton Park Planning Board: subdivision approval
 - c) Saratoga County Planning Board: 239m referral

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

SHORT ENVIRONMENTAL ASSESSMENT FORM

The applicant has submitted Part 1 of the Short Environmental Assessment Form (SEAF). Based upon our review of the submitted Part 1 SEAF, the following comments are offered:

2. No comments at this time. Additional comments may be forthcoming as the project advances.

SITE PLANS

3. The project is located within the Town's Conservation Residential District (CR). The proposal for single family homes is a permitted principal use within the CR District as noted in Section 208-16(D)(1)(b) of the Town's Zoning.
4. The base parcel is 5.56 acres with the proposal to create two lots. The larger parcel will contain the existing home. Based upon the original parcel size and size of newly created lot, it would appear Section 208-16(E)(2)(a) of the Town's Zoning applies. In order to substantiate that the additional lot can be developed, the amount of constrained lands must be determined. 6 acres of unconstrained lands will be required for two lots to occur. It is suggested that the lot lines be adjusted to accommodate the existing accessory structures on site, or indicate the relocation to meet the accessory building setbacks or removal of each.
5. In reviewing the proposed lot configuration, the created lots appear to be deficient in regards to meeting the minimum standard requirements outlined in Section 208-11 and 208-16 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. Constrained and Unconstrained Land
 - iv. Permanent Open Space
 - v. Conservation Design Layout
 - vii. Variances
 - b. The minimum width of all lots at the front building line along those streets listed in § 208-98 shall be 200 feet in all residential districts.
 - c. The minimum lot size without central water and sewer is 40,000 SF, both lots currently shown do not meet this requirement.
7. 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 (driveway, culvert, water service, sewer).
8. The applicant proposes to service the lots with an on-site septic system. The proposed septic system shall be designed by a New York State licensed professional engineer and conform to the requirements of the New York State Department of Health (Section 208-91) for review and approval by the Town Building Department.

9. 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.
10. The plat shall show the existing/proposed locations of the on-site septic system and wells.
11. The concept subdivision plan shall show speculative homes, driveways, and utilities for both lots.
12. 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.
13. The proposed point of access to the project appears to provide adequate site distances for entering and exiting. Notwithstanding, there should be indication on the plan what the required and provided turning site distances are based upon the posted speed limit of NYS Route 146A.
14. Clarify if any improvements are necessary at NYS Route 146A for the driveway. If any are proposed, they are subject to the review and approval by the NYSDOT. A note to that affect shall be provided on the plat if applicable.
15. 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.
16. The final subdivision plat shall be signed and sealed by a surveyor licensed to practice in New York State.

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

Public Comments:

Anthony LaFleche – 21 Wheeler Drive – Mr. LaFleche asked what the setback would be for the new home proposed. Mr. Ferraro stated it is 100ft from the center line of Route 146A. Mr. LaFleche stated he would like to see an easement for a possible future trail for all of the properties. Mr. Ferraro agrees as there is Kinns Road Park in the area.

Planning Board Review:

Mr. Ferraro asked if the existing home would tie into municipal water and sewer. Mr. Dannible stated that they would be tying into water but would have septic systems. Mr. Dannible also stated that the applicant is intending to remove buildings on the property lines.

Mr. Andarawis asked that if lot 2 is only .75 acres, with the existing home and 2 structures, why not make that lot bigger. Mr. Dannible stated that to keep lot 2 larger that it would inhibit the applicant from keeping the field to the rear of the property mowed and under common ownership of the larger remaining parcel.

Mr. Ferraro asked Mr. Dannible what the total unconstrained lands are and if there are wetland boundaries. Mr. Dannible stated that the limits made were kept only to the uplands, wetlands are present on the parcel, and there are 6 acres of unconstrained lands for each of the two proposed lots with the remaining master parcel also containing 3 acres of uplands.

Old Business:

2020-034 Park West PDD Amendment 1 Site Plan

Applicant proposes to amend previously approved site plan (NOD 3-6-19) to construct 14 single family condominium buildings, 5 two unit condominium buildings (10 Units), 27 four unit condominium buildings (108 units), and overflow parking. The overall project size is approximately 23.5 +/- acres and is predominately wooded. Stormwater will be managed on-site in accordance with NYSDEC requirements. The proposed sanitary sewer connection is located along Route 146 and the water connection is located along Route 146A entrance. The proposed site plan will encompass 23.5 acres. A 4.19 acre parcel is being offered in a dedicated conservation area. Also involves parcel 271.-1-16 and 271.-1-1.2. Original Project: 2017-049 Earl Route 146A PDD (aka Park West), Rt 146 & 146A, Zoned: PUD (comm), Status: PB Preliminary Review w/possible determination

SBL: 271.-1-16 To be reviewed by: MJE Consultant: Lansing

Applicant: S. Earl **Last Seen on: 8-11-20**

Consultant/Applicant Presentation:

Scott Lansing – Lansing Engineering – 27.71 acres and the zoning is Park West PDD. Mr. Lansing stated that the Planned Development District (PDD) and PDD Site Plan has been approved for the project. This proposal is for an amendment to the original site plan for the PDD and is for condominiums that are owner occupied. It is proposed as maintenance free and therefore will have mowing, snow removal, sidewalk maintenance and other upkeeps to be taken care of by a private association. The roadways will be dedicated to the Town. There are a total of 132 units that has not changed from the previous plan. Mr. Lansing stated that these are 2 story buildings furnished with high end amenities and individual driveways and garages. He stated utilities are public and stormwater will be managed by 3 basins on site. Open space has been increased on the amended plan with a reduction of approximately 1,600 linear feet of impervious surfaces due to elimination of the alleys and the removal of the clubhouse.

Frank Barbera – Barbera Homes (proposed builder) – Mr. Barbera stated that with this proposal the applicant has taken into consideration the new community style, plans, market value, and the layout. Mr. Barbera showed on the Zoom screen 3 examples of projects that have been completed by his company in the Capital Region area. He specifically spoke about color, materials, layout, and garage design. Mr. Barbera also showed on the shared Zoom screen some examples of the internal features of the projects as well.

Staff Comments:

Steve Myers, Director of Building and Development issued a memo dated 9/18/20 stating:

- No new comments

Scott Reese, Stormwater Management Technician issued a memo dated 9/18/20 with the following comments:

1. Once the construction of the stormwater management basins has been completed. The owner shall have an as-built of the stormwater management basins and certified by an engineer that they are constructed accordingly with the design plans prior to Town acceptance.

The Environmental Conservation Commission held a meeting on 9/15/20 and issued a memo recommending:

1. The ECC has no comments at this time.

John Scavo, Director of Planning issued a letter dated 9/18/20 with recommendations he made:

1. The site plan amendment does not appear to exceed any development thresholds or potential impacts identified by both the Town Board and Planning Board when the PDD

and Site Plan Applications were reviewed in accordance with SEQR. It is recommended that the Planning Board reaffirms its original SEQR Determination of a Negative Declaration for the additional action requested.

2. The subdivision appears to address my prior comments regarding a proposal to convey the roadways and stormwater management system with the land improved upon for each in fee title to the Town of Clifton Park.
3. It appears the sidewalk network as approved on the original site plan, are added back into the proposed amendment.
4. Any approvals for the proposed amendment should be conditioned upon review and acceptance by the Town for the Offer of Cession and legal document that allows for the use, occupancy, and maintenance of the condominium association's sidewalk system to be sited within the Public Right Of Way.

Professional Comments:

Walter Lippmann, P.E. of MJ Engineering in a letter dated 9/18/20 had the following comments:

STATE ENVIRONMENTAL QUALITY REVIEW

1. No further comments.

SITE PLANS

2. All sidewalks ADA compliant ramps and detectable strips shall be shown and called out on the plans.
3. Per Comment 19 of our August 5, 2020 review, the minimum geotechnical testing is one test hole per 5000 sf, with a minimum of two borings per facility pursuant to Section 6.3.1 of the NYSSMDM. Applicant indicated additional test pits will be constructed prior to construction. This information should be provided to the Town and if there are design changes as a result these additional infiltration tests the applicant should provide revised plans to the Town for review. Soil testing must be completed prior to signatures being placed on the final site plan and before a NOI is submitted.
4. Indicate on the plans (LMG-1, LMG-2 and LMG-3) that all sidewalk crossings within the road right of way should have curb ramps (if needed) and detectable warning plates.
5. Detail 6 on Sheet DT-5 indicates a private roadway detail. Confirm location of use since road will be dedicated to the Town and should follow the Detail 7 on Sheet DT-6.

6. A copy of the conservation easement shall be provided to the Town.

STORMWATER POLLUTION PREVENTION PLAN

7. The NOI found in Appendix J indicates that 5-acres of land disturbance will not occur at one time, however it the plans indicate Phase 1A and 1B will disturb 9.7 acres and 12.06 acres, respectfully. If this is the case the response to question 5 should be revised. A 5-acre disturbance waiver shall be submitted for review by the Town prior to such disturbances occurring. The waiver shall provide appropriate justification as to why a waiver is needed with a listing of explicate work activities, duration of activities by phase and actual dates when they will potentially occur. Further, the erosion and sediment control measures shall be utilized that are above and beyond the minimum best management practices to illustrate that site disturbances will not become unmanageable. Should the Town, as a regulated land use MS4 issue an approval of the waiver, it is a discretionary approval that may be modified and/or rescinded at any time based upon execution of the plan.
8. Section 86-6(E)(5) of the Town Code requires that street lighting be provided at the intersection of subdivision streets and an existing arterial or collector street. There may not be a need to provide the noted lighting due to existing conditions along Route 146A.
9. Since the stormwater management area will be privately owned and operated, a Town of Clifton Park Maintenance Agreement will need to be executed and filed.

Public Comments:

Anthony LaFleche – 21 Wheeler Drive – Mr. LaFleche thanked the applicant for putting the sidewalks back into the plan and for having fewer disturbances. Mr. LaFleche asked the applicant if the entry from Route 146A would be graded and leveled or if there would still be a large berm as there stands today. Mr. Lansing stated that it would be about 4-6 feet above grade. Mr. LaFleche asked if the ravines are planned to be filled and if the soils are to be compacted to prevent movement and disturbances to the land. Mr. Lansing stated that the portions of the ravines will be filled in and that packed soil will be ensured. Mr. LaFleche asked why the clubhouse was eliminated and if home buyers would have to join the HOA. Mr. Lansing stated the owner felt that with surrounding community amenities available in the area the clubhouse could be eliminated, and that all buyers are required to join the HOA.

Dave Dittmer – 42 Canterbury – Mr. Dittmer asked if there would be any fencing along the perimeter of the northern end of property. Mr. Lansing stated that there is not but there is 100ft buffer and 75 feet of that is a no cut zone and this has not changed from the previously approved PDD.

Planning Board Review:

Mr. Neubauer stated that he did not like the original changes that were made to the PDD, but now feels that the applicant has heard concerns and has made modifications; he also stated that he likes the examples of the homes that the applicant has brought to the Board.

Mr. Andarawis asked what common areas are in place for the homeowners since the clubhouse has been removed. Mr. Lansing stated that there are central gathering spaces by the mailboxes as well as around the gazebo that is indicated on the map shown in the screen and those sidewalks help to connect the community.

Mr. Ophardt asked what trails are in place. Mr. Lansing stated that trails are consistent with the previously approved PDD. Mr. Ophardt stated that he feels that the eastern trail is more of extensions for town access rather than a public trail. Mr. Lansing stated that this is for access to the stormwater management site as well as an extension trail. Mr. Ophardt asked if the trails will go through the project and connect to the Dwaas Kill trail. Mr. Lansing stated it does and follows a sanitary sewer line.

Mr. Ophardt asked who determines the style of the home to be built. Mr. Barbera stated that the interior is determined by the purchaser such as the floor plan and the exterior is determined by company.

Mr. Ophardt asked if there is a required tree plan for this application. Mr. Scavo stated that the layout is consistent with the original plan which has a street tree planning plan.

Mr. Ferraro stated that the trail from the stormwater assesses goes to the property line or if it continues on with a connection. Mr. Lansing stated that the trail goes to the property line where the sewer easement is at the property line.

Mr. Ferraro stated that there are missing sidewalks in front of buildings 1,3,26, and 30 and would like to see them put back on the plan. Mr. Ferraro also stated that he would like to see a the no cut buffer zone clearly delineated and enforced. Mr. Scavo stated this can be clearly identified on the site plan, Mr. Barbera stated that it would also be in the HOA and on marketing materials.

Mr. Martin stated the path to the Dwaas Kill elevations shows steep slopes and that he has concerns over these. Mr. Lansing stated that are to keep parallel with the contour of the land and that the path goes to the sewer easement.

Mr. Neubauer moved, second by Mr. Lalukota, to waive the final hearing for this application for the site plan review of Park West PDD, 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.

Conditions:

1. Satisfaction of sidewalk completion at buildings 1, 3, 26, 30.
2. Satisfaction of a clearly identified no-cut barrier
3. Any approvals for the proposed amendment should be conditioned upon review and acceptance by the Town for the Offer of Cession and legal document that allows for the use, occupancy, and maintenance of the condominium association's sidewalk system to be sited within the Public Right Of Way.

Ayes: __5__ Noes: __0__ The motion is carried.

Old Business:

2020-021 Nortrax Site Plan

Applicant proposes to construct a 26,000 sf building with 70 parking spaces, outdoor storage area and equipment testing area. The facility will be for sales and service of heavy machinery. The property will be accessed from a private road sharing access with other property within the future commercial light industrial park. The property will be serviced by both municipal sewer and water supplies and Stormwater will be managed on site, 279 Ushers Rd, Zoned: L 2, Status: PB Preliminary Review w/ possible determination SBL: 259.-2-74.3 To be reviewed by: MJE

Consultant: EDP Applicant: Nortrax, Inc. **Last Seen on: 8-11-20**

Consultant/Applicant Presentation:

Joe Dannible – EDP – Mr. Dannible stated that this application has a 30,000 sf sales and service center for John Deere equipment. Mr. Dannible stated that Mr. Reese and Mr. Scavo and some Planning Board Members had visited the property to walk the area adjacent to I-87. He stated that the display pad adjacent to the Northway has been removed from the site plan and in lieu of the display pad the applicant will pursue a free standing sign at the private drive entrance from Ushers Road. The new plan also includes a change to the gravel area that is decreased. Mr. Dannible indicated on the map show on the Zoom screen where the asphalt, gravel, and green space would now be. He also stated there will be 20 land banked parking spots. Mr. Dannible stated that greenspace has changed from around 44% to about 70%, the areas will be utilized for merchandise display and green space. Mr. Dannible showed on the screen the grading plan for all in attendance to see and described the map, including the 4 stormwater management areas and a non-climate controlled building for storage on the property proposed. Mr. Dannible showed the elevations of the building on the screen, as well as a sample building of a similar building in another state.

Staff Comments:

Steve Myers, Director of Building and Development issued a memo dated 9/18/20 stating:

- Due to landlocked nature of this proposal the “front yard” is the portion of the site facing Ushers Road. This is not a keyhole lot
- I don’t believe lawn storage, since it will be covered with equipment, should be considered green space. I believe a numeric breakdown of all the land uses (pavement, gravel, buildings etc.) should be requested to prove there is 71% green space
- A dead end hydrant at the limit of a grassed area is useless. A hydrant on the south, Ushers Road side of the building seems much more practical. Also, a hydrant will be required within 100’ of the fire department sprinkler connection which is not known at this time
- Also see my previous comments.

Sheryl Reed, Chief of the Bureau of Fire Prevention:

2. Relocate fire hydrant furthest North of the driveway to the Northeast Corner of the parking lot.
1. Postal verification

Scott Reese, Stormwater Management Technician issued a memo dated 9/18/20 with the following comments:

1. Since the NYSDEC believes the vehicle storage area should be treated as a Hot-Spot. The applicant should discuss with NYSDEC, TDE, and Town on best management practices for vehicle storage areas. (I.E. - Can new, unrented equipment be stored

over vegetated surface with drip pans while rented equipment be stored on impervious surfaces that drain to the double pre-treatment system)

The Environmental Conservation Commission held a meeting on 9/15/20 and issued a memo recommending:

1. The ECC requests that the proposed trail right of way be retained and completed connecting Ushers Road to Wood Road. The future buyer should be notified by the developer of the trail route through the complex and the impact on their parcel. The route through the complex must be improved and widened to accommodate pedestrian and bike traffic without interfering with anticipated commercial traffic.
2. The ECC requests addition design details and total storage capacity of tanks for the Petroleum Bulk Storage Area for review. The ECC believes that the Colonie Channel Aquifer is present under this property. For this reason, underground petroleum tanks should be prohibited (See 208-66.F Development Standards).

John Scavo, Director of Planning issued a letter dated 9/18/20 with recommendations he made:

1. A letter dated August 24, 2020 from the Saratoga Co. Planning Board noted, “No Significant County-wide or Intercommunity Impact.”
2. As a condition of site plan approval, the trip generation computation shall be submitted prior to stamping the final plan to determine the required Wood Road DGEIS Mitigation Fee. The Town Engineer will review and provide verification to the accuracy of the anticipated trip generation based on ITE Standards. If the trip generation numbers cannot be agreed on between the applicant and Professional Staff, the project shall be referred to the Planning Board so the Board can make the final determination. I want to avoid a situation where the applicant is surprised by the trip mitigation fee since the comment has been consistently offered during the site plan review process.
3. A sign-off from the Clifton Park Water Authority is required prior to stamping the final plan.
4. While the Planning Board does not have the ability to grant sign permits or oversee the signage regulations, it appears the elimination of the proposed display pad adjacent to I-87 is preferable. It is understood the applicant will pursue additional Town approvals outside the Planning Board’s purview for signage adjacent to the Ushers Road Right-Of-Way in the vicinity of the curb cut for the private roadway.
5. The current submittal adequately addresses all my prior comments.

Professional Comments:

Walter Lippmann, P.E. of MJ Engineering in a letter dated 9/18/20 had the following comments:

STATE ENVIRONMENTAL QUALITY REVIEW

The applicant has submitted Part 1 of the Short Environmental Assessment Form (SEAF). Based upon our review of the submitted Part 1 SEAF, the following comments are offered:

1. Per Comment 1 of our August 5, 2020 review, Part I.12b –Provide a copy of the said report for review indicating the Area of Potential Effect (APE) that was part of the study.

SITE PLAN

2. Provide locations and calculations of temporary sediment traps demonstrating that the sizes are appropriate for the contributing areas. The calculations shall state the required surface areas and depths of each sediment trap.
3. Pursuant to Section 6.3.6 of the NYSSMDM, infiltration practices shall never serve as a sediment control device during site construction phase. In addition, the Erosion and Sediment Control plan for the site shall clearly indicate how sediment will be prevented from entering an infiltration facility. Sheet 7 shall show how runoff during construction will be diverted away/around the proposed infiltration practice. This will include both sheet flow and piped flow that would need to be diverted / managed until the basin has been fully constructed and adequate cover established within the confinement area.
4. The infiltration basin needs to include means to operate during wintertime conditions. This may include the installation of a series of drywells that penetrate the upper frost layers of the soil, which would permit infiltration even in cold/freezing weather.
5. The applicant shall provide a cross section detail for the forebay and infiltration basin shown. The cross section should provide design elevations including stone invert, pipe invert and depth of runoff by storm event as reported by the SWPPP.
6. Pursuant to Section 3.5 of the NYSSMDM, the proposed stormwater practice needs to have a conspicuous and legible sign posted. The plans need to provide the standard sign with the applicable language as well as the location.
7. The project is proposing to be serviced with public water from the Clifton Park Water Authority. The applicant shall provide the Town documentation of the CPWA's ability and willingness to service the project with potable water. Any action on the application should be conditioned upon receipt of plan approval from the CPWA.
8. The project is proposing to be serviced with public sewer from the Saratoga County Sewer District. The applicant shall provide the Town documentation of the SCSD's ability and willingness to service the project with public sewer. Any action on the application should be conditioned upon receipt of plan approval from the SCSD.

STORMWATER POLLUTION PREVENTION PLAN

9. In the HydroCad model for the 100-year storm, Forebay 2A and 2B, the peak elevations are 241.47 and 237.20 respectfully. The top of the berm on the west end of each forebay are below these elevations. Consider adding spot elevation to the berm to increase height to contain runoff.
10. Provide calculations indicated that the infiltration facility can dewater within 48 hours after the storm event pursuant to Section 6.3.2 of the NYSSMDM.
11. Since the stormwater management area will be owned and operated by the applicant, a Town of Clifton Park Maintenance Agreement will need to be executed and filed with the Town.
12. Pursuant to Section 6.3.1 of the NYSSMDM, two soil borings within the proposed infiltration basin are required. Soil testing must be completed prior to signatures being placed on the final site plan and before a NOI is submitted.
13. As per discussions with Kelly Duval, NYSDEC Region 5, the proposed lawn areas for construction vehicle storage would be considered a hotspot per Table 4.3 of the NYSSWDM, therefore these storage areas would require hotspot post construction controls.

Public Comments:

No public comments.

Planning Board Review:

Mr. Dannible stated that he would like to address some comments. Mr. Dannible stated that Sheryl Reed and Steve Myers need to be contacted and work out the hydrant placements. He also stated that Mr. Lippmann's comments on the hotspots are correct and they can be worked out, but there are 100 spaces for machine and they will be stored on gravel areas.

Mr. Martin asked if there are provisions established to protect the no disturbance area along I-87. Mr. Dannible stated there are guidelines in place and if there is any additional removal is wanted it would need to come back to the Planning Board for review.

Mr. Ferraro thanked the applicant for addressing the concerns with the I-87 frontage by eliminating the display area and leaving more of the buffer intact. Mr. Ferraro also thanked the

applicant for cutting back on the gravel area as well. Mr. Ferraro asked for the applicant to be more specific on the no disturbance area on the site plan.

Mr. Neubauer, second by Mr. Ophardt, moved to uphold the previously approved GEIS findings and no additional SEQR is needed.

Mr. Martin moved, second by Mr. Lalukota, to waive the final hearing for this application for the site plan review of Nortrax Site Plan, 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.

Conditions:

1. The trip generation computation shall be submitted prior to stamping the final plan to determine the required Wood Road GEIS Mitigation Fee.
2. Storm water management and hot spot concerns are addressed and signed off on by Town Staff
3. Satisfaction of all technical comments.
4. The no disturbance area is clearly identified on the Plans for Planning Board review before final stamping.

Ayes: 5 Noes: 0 The motion is carried.

Mr. Ophardt, having technical issues was unable to verbally vote; however he did indicate in writing via the chat box feature that his vote is in favor of the application for the site plan.

New Business:

2020-046 Alessandrini 4 Lot Subdivision

Applicant proposes to subdivide 19.12 acres into 4 single family residential lots. The new lots will all have frontage on Ray Road with private wells and septic systems, Ray Rd,

Zoned: CR, Status: PB Concept Review SBL: 282.-1-14.111

To be reviewed by: MJE Consultant: EDP Applicant: F. Alessandrini

Consultant/Applicant Presentation:

Gavin Vuillaume – EDP – Mr. Vuillaume stated that this project adjacent to Ray Road. He stated that it is on the south side of the road and has about 440 feet of frontage. Mr. Vuillaume stated that there are DEC wetlands in the rear of the property that consists of 7.6 acres leaving 11.5 acres of buildable land in the front of the property. Mr. Vuillaume stated that the application is proposing to subdivide the property into 3-4 lots with 2 lots having about 4 acres and 2 lots having about 2.5 acres of buildable land and each lot is about 100 ft. in width. He stated that the plan is to do individual wells and septic on each property. Mr. Vuillaume stated that the accuracy of the wetlands will be checked with DEC and possibly deed restrict the buffer to it as well.

Staff Comments:

Steve Myers, Director of Building and Development issued a memo dated 9/18/20 stating:

- Ensure wetland delineation is certified
- Area is zoned CR which requires a minimum of three acre lots. Lots # 1 and 2 will require variances
- Engineered septic systems and proof of viable wells will be required prior to issuing building permits

Sheryl Reed, Chief of the Bureau of Fire Prevention:

1. Postal verification

Scott Reese, Stormwater Management Technician issued a memo dated 9/18/20 with the following comments:

5. Question 3b on the Short Environmental Assessment Form will need to be answered.
6. If over an acre of disturbance for the construction of this subdevelopment is over one acre and less than 5 acres a Basic SWPPP will need to be developed.
7. Indicate on how drainage will work along Ray Road with the proposed four driveway entrances.
8. Show locations of proposed wells and verify required separation distances from proposed septic systems and adjacent existing neighbors septic systems.
9. Install vegetated swale along eastern portion of lot 4 to avoid increase runoff to adjacent existing neighbor to the east.

The Environmental Conservation Commission held a meeting on 9/15/20 and issued a memo recommending:

1. The constrained lands should be donated to the Town or placed in a conservation easement to retain its existing open space and wetland character

John Scavo, Director of Planning issued a letter dated 9/16/20 with recommendations he made:

1. Since the proposed subdivision is located on lands within Saratoga Co. Agricultural District #2, a referral to the Saratoga Co. Planning Board has been made for a recommendation in accordance with GML §239(m) & (n).
2. The proposed project appears to be an unlisted action pursuant to SEQRA and as such coordinated review is optional.
3. Add distances in linear feet for the boundaries for each proposed lot.
4. The parcel is located within the limits of the Western Clifton Park GEIS Study Area and the CR (Conservation Residential) zoning district. Since the project is proposed at a density greater than one unit per 10 acres, the dedication of permanently protected open space or a deed of permanent conservation easement will be required pursuant to the zoning regulations (See §208-16). The area designated for permanent conservation must be clearly shown on the subdivision plan and clearly defined for deed restriction purposes.
5. A future plan shall show compliance with separation requirements for proposed well and septic systems pursuant to Appendix 75-A, Wastewater Treatment Standards – Residential Onsite Systems, Table 2, [Statutory Authority: Public Health Law, 201(1)(1)]. This includes showing on the plan, locations of wells and septic systems on adjacent properties to verify that adequate separation distances from the proposed facilities can be achieved.
6. Add a note to the subdivision plan that states:

Prior to the issuance of a building permit, a plot plan for each individual lot shall be submitted to the town. The plot plan shall include percolation tests certified by a professional engineer and a sanitary sewer design approved by a professional engineer. The building inspector is required to be present at the conducting of all percolation tests.
7. Add a note to the plan that states who and when performed the wetlands delineation
8. Provide a valid Jurisdictional Determination Letter for the project file.
9. Add the following notes to the plan:

- a. 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.
 - b. 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.
10. The following note should be added to the plan:
- a. Clifton Park is a Right to Farm Community. Property Owners 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.
11. The 911 addresses assigned by the Town Fire Marshall, shall be added to the final plan.
12. It appears culvert pipes may be necessary at the proposed driveways to avoid negatively impacting existing open ditch roadway drainage along Ray Road. The applicant shall coordinate with the Town of Clifton Park Highway Department regarding the extent of improvements that may be required and will need to obtain a curb-cut permit for construction of each driveway.
13. 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. Also, please note the requirement may be waived by the Planning Board if the applicant can demonstrate at least two existing trees will remain within the front yard for each parcel.

Professional Comments:

Walter Lippmann, P.E. of MJ Engineering in a letter dated 9/18/20 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:

- d) Town of Clifton Park Planning Board: site plan approval
- e) Saratoga County Planning Board: 239m referral

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

SHORT ENVIRONMENTAL ASSESSMENT FORM

The applicant has submitted Part 1 of the Short Environmental Assessment Form (SEAF). Based upon our review of the submitted Part 1 SEAF, the following comments are offered:

2. Part I.12b – The response indicates that the project site is located within or adjacent to an area designated as sensitive for archeological sites on the NY State Historic Preservation Office (SHPO) archeological site inventory. The applicant should provide a “no effect” letter from SHPO to confirm the presence or absence of archeologically sensitive resources.
3. Part I.13a - The response indicates that a portion of the site or lands adjoining the site of the proposed action, contains wetlands or other waterbodies regulated by a federal, state or local agency. In future submissions the applicant will need to provide documentation to confirm the presence or absence of state or federally regulated wetlands on or adjacent to the project site. The applicant should also include a 100’ wetland buffer on future site plan submissions.
4. No further comments at this time. Additional comments may be forthcoming as the project advances.

SITE PLANS

5. The project is located within the Town’s Conservation Residential District (CR). The proposal for single family homes is a permitted principal use within the CR District as noted in Section 208-16(D)(1)(b) of the Town’s Zoning.
6. In reviewing the proposed lot configuration, the created lots appear to be deficient in regards to meeting the minimum standard requirements outlined in Section 208-16 of the Town’s Zoning. The noted deficiencies are as follows:
 - a. Indicate vegetative cover conditions on the property according to general cover type, including cultivated land, permanent grassland, old field, hedgerow, significant forest areas, woodlands, wetlands, isolated trees or small groups of trees with a caliper in excess of 12 inches, and the actual canopy line of existing trees and woodlands. Vegetative types shall be described by plant community, age and condition.

- b. Include a site statistics table indicating the following per Section 208.16(E) Standards:
 - i. Bulk
 - ii. Density
 - iii. Permanent Open Space
 - iv. Conservation Design Layout
 - viii. Variances
7. Subdivisions proposed within the CR Zoning District are to follow a four-step resource analysis. In reviewing the submission, several of the steps do not appear to have been fully completed and are necessary for the Planning Board to fully review the layout as proposed. In the preparation of the existing resources and site analysis plan under Step 1, items outlined in Section 208-16(E)(13)(b)(3) shall be identified. If the feature or resource do not exist, it shall be noted as such. For Step 2, which is the conservation analysis and prioritizing of conservation concepts, there needs to be an analysis or consideration of the key conservation principals for Western Clifton Park, much of which are outlined in the Western Clifton Park GEIS. Items to be consider are outlined in Section 208-16(E)(13)(c)(2).
8. The applicant is proposing to create four new lots from one existing lot that has a total area of 19.12 acres. The proposal follows the development option outlined in Section 208-16(E)(2)(b) of Town's Zoning where the density may not exceed 0.33 units per acre of unconstrained land, provided 50% of the area of the development site is designated as permanent open space. In reviewing the submission, applicant needs to provide additional information to confirm the density calculation.
9. Confirm that each proposed driveway has adequate site distance based upon the posted speed limit of Ray Road.
10. Indicate whether any permanent or protected open space is proposed with the project. If proposed, the method of protection in perpetuity needs to be provided.
11. Any new access proposed onto Ray Road is subject to the review, approval and permitting from the Clifton Park Highway Department. Provide notation on the plat to that effect.
12. There may be a need to provide a drainage culvert at the new driveways to support existing drainage along Ray Road. The applicant will need to coordinate with Clifton Park Highway Department for any such improvements. If required, show the location, size and materials of construction.

13. 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.
14. Private wells are proposed. Subsequent submissions shall show suggested locations. In locating the proposed wells, they shall account for the location of the neighboring septic system and wetland setbacks per NYSDOH Appendix 75A.
15. The proposal is for on lot septic systems and wells. Without the well locations it cannot be determined whether the placement of these features is appropriate. Septic systems shall be 100 ft from wells, and 200 feet from wells when downgradient of the septic system.
16. The applicant proposes to service the lots with an on-site septic system. The proposed septic system shall be designed by a New York State licensed professional engineer and conform to the requirements of the New York State Department of Health (Section 208-91) for review and approval by the Town Building Department.
17. The project does not have access to a public water supply, with all lots being serviced by on-lot wells for drinking water. Section 507.2 of The New York Fire Code (2020) allows the fire code official to approve the use of NFPA 1142, in rural and suburban areas in which adequate and reliable water supply systems do not exist. The applicant shall discuss with the Town's emergency response agencies whether NFPA 1142 will be applied to the project.
18. The Short Environmental Assessment Form does not include a total disturbance. Any disturbance between 1 and 5 acres will require the preparation of a Basic Stormwater Pollution Prevention Plan (SWPPP) pursuant to Part III.B of the general permit. Subsequent plans shall include the required information as well as a draft NOI for review.
19. The concept plan indicates that a NYSDEC wetland extends onto the parcel with the 100-foot adjacent area extending into the development area of the project. Provide boundary validation by NYSDEC.
20. Provide notation on the plan as follows:
 - b. No Utilities shall be installed beneath the proposed driveways.
6. Any work required within the Town right-of-way shall be subject to any permitting from the Clifton Park Highway Department (driveway, culvert, water service, sewer).
21. Identify the date and by whom the wetlands shown were delineated. Verify if any wetlands are under the jurisdiction of the USACOE.
22. Subsequent plans shall show the Town's LC location and boundaries which are defined by Section 208-69.1 of the Town's Zoning.

23. 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.
24. Considering this plan is conceptual in nature, subsequent comments will be provided with a preliminary plan submission.

Public Comments:

Anthony LaFleche – 21 Wheeler Drive – Mr. LaFleche asked how far the houses need to be from the road. Mr. Vuillaume stated they need to be 80ft. but the placement of the homes can be moved. Mr. LaFleche asked if any portion of the application is unbuildable. Mr. Vuillaume stated that the most front of the parcel is buildable and that the houses can be moved forward or back if requested. Mr. LaFleche asked if the applicant has looked at a keyhole lot. Mr. Vuillaume stated that this layout is the simplest for the subdivision. Mr. LaFleche requested a bike trail easement. Mr. Vuillaume stated that this can be considered.

Planning Board Review:

Mr. Neubauer stated that he feels that this proposal is straight forward with the CR Zoning Requirements and helps to maintain green space in the western part of town and likes what is presented.

Mr. Andarawis stated he would like to see the consolidation of the open space in the rear of the property would be more ideal as to keep wetlands to one lot instead of over 2 or 3. Mr. Vuillaume stated that he could look into this and it is a good idea and would probably lump it onto lot 4 if the applicant is agreeable. Mr. Ferraro stated that the procedural regulations for the conservation zoning need to be followed. Mr. Ferraro pointed out Code 208-16-E3A and having 50% open space needs to be set aside and would like to see this presented at the next meeting. Mr. Vuillaume stated they can bring this back to the next meeting.

Discussion Items:

None

Mr. Neubauer moved, seconded by Mr. Andarawis, adjournment of the meeting at 10:20 p.m.
The motion was unanimously carried.

The next meeting of the Planning Board will be held as scheduled on October 14th, 2020.

Respectfully submitted,

Paula Cooper

Paula Cooper, Secretary