

Town of Clifton Park Planning Board
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PLANNING BOARD

ROCCO FERRARO
Chairman

ROBERT WILCOX
Attorney

PAULA COOPER
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MEMBERS

Emad Andarawis
Eric Ophardt
Ram Lalukota
Andrew Neubauer
Denise Bagramian
Keith Martin

(alternate) Jennyfer Gleason

Planning Board Minutes
May 26th, 2021

Those present at the May 26th, 2021 Planning Board meeting were:

Planning Board: R. Ferraro, Chairman, E. Andarawis, D. Bagramian, R. Lalukota, A. Neubauer, E. Ophardt, K. Martin, J. Gleason – Alternate Member

Those absent were:

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

COVID-19 Note: Executive Order No. 202.1 suspends Article 7 of the Public Officers Law (also known as the Open Meetings Law), to the extent necessary to permit any public body to meet and take such actions authorized by law without allowing the public to be physically present at the meeting. The order also authorizes public bodies to meet remotely by conference call or similar service. For the Public Hearing Agenda Items during these unprecedented conditions, the Planning Board will provide the public reasonable and meaningful opportunities to submit comments via online videoconferencing technology during the meeting and in writing via email or mailed written comments.

Mr. Ferraro, Chairman, called the meeting to order at 7:00 p.m.

Mr. Ferraro announced that there has been a new alternate Board member appointed and welcomed Ms. Jennifer Gleason. Though not present at the start of the meeting, Mr. Ferraro stated that he expects she will be joining the meeting tonight and that Mr. Martin has been appointed to finish out Mr. Szczesny's term.

Mr. Ferraro also stated that Andy Neubauer would be joining the meeting between 8:00 and 8:30.

Minutes Approval:

Mr. Ferraro stated that the meeting minutes for the May 11th, 2021 meeting will be voted on at the next meeting so all the Board members have more time to review.

Public Hearings:

2021-022 168 Vischer Ferry Rd 2 Lot Subdivision (Stevens)

Applicant proposes subdividing a 50.23 acre lot creating a new 3.61 acre lot to be utilized for a single family home. No Clearing of existing woodlands or vegetation is necessary. New well and septic, 168 Vischer Ferry Rd, Zoned: CR, Status: PB Prelim Review - Poss. Determination

SBL: 282.-2-51 To be reviewed by: MJE Consultant: J. Stevens Applicant: M. Stevens

Last Seen on: 4-13-21

Mr. Ferraro explained the review and approval process to those present, stating that the Board was required to render a determination pursuant to SEQRA (State Environmental Quality Review Act) prior to conducting a public hearing on this application. He explained that the Planning Board would assume Lead Agency status for the project and issue a negative declaration as a "formality" which neither granted nor implied approval of the subdivision application. Should it be determined that additional environmental review is required, SEQRA discussions will be reopened and a decision rendered when deemed appropriate.

Ms. Bagramian moved, second by Mr. Andarawis, to establish the Planning Board as Lead Agency for this application, an Unlisted action, and to issue a negative declaration pursuant to SEQRA.

Mr. Ferraro, Chairman, called the public hearing to order at 7:09 p.m. The Secretary read the public notice as published in the Daily Gazette on May 15th, 2021.

Consultant/Applicant Presentation:

Maggie Stevens – applicant – Ms. Stevens stated that her father (John Stevens) is on the meeting tonight as he is her consulting engineer. She shared on the Zoom screen a map of the area she was looking to subdivide and stated that she is looking to purchase a lot from her grandmother so that she can build a single family home and it would have a septic design and private well . She stated that the wetlands are shown on the Zoom screen and that updated delineations have been done by a wetlands biologist. Ms. Stevens stated that the wetlands are under federal jurisdiction and therefore no buffer is required. She stated that if there are any other questions she can answer them.

Staff Comments:

Steve Myers, Director of Building and Development issued a memo dated 5/19/21 stating:

- Appears to meet CR zone requirements
- Will need proof of a viable well and septic design prior to issuing a building permit
- Offsets from wetland for all features appear compliant

Scott Reese, Stormwater Management Technician issued a memo dated 5/21/21 with the following comments:

1. Please provide a copy of survey completed by Gerald R. Gray PLS dated 02/04/2021.
2. Depending on the classification of the 100' Wetland Buffer, may also limit the proposed grading and location of the proposed septic system

The Environmental Conservation Commission held a meeting on 5/18/21 and issued a memo recommending:

1. The project should not proceed until the wetlands are thoroughly and professionally delineated on the project site.
2. To determine the appropriate density calculations that are required in the CR Zone accurate identification of specific wetlands are essential

John Scavo, Director of Planning issued a letter with recommendations he made:

1. The County Planning Board provided a recommendation noting that the project would have, “No Inter Community or County Wide Impacts.” They noted the applicant should contact Gary Meier from the Saratoga County DPW (SCDPW) at 518-885-2235 or gmeier@saratogacountyny.gov for a work permit. The applicant provided evidence of a work permit filed with the SCDPW on April 27, 2021.
2. The applicant should clarify if the NWI Wetlands are Federal or State Regulated Wetlands. The 100' buffer is only required if the wetlands are State Regulated.
3. Add to the map, the assigned 911 address of 168 Vischer Ferry Road for the 3.61 acre parcel and the 182 Vischer Ferry Road for the remaining 46.62 acre parcel.

Professional Comments:

Walter Lippmann, P.E. of MJ Engineering in a letter dated 5/21/21 had the following comments:

STATE ENVIRONMENTAL QUALITY REVIEW

1. No additional comments.
SUBDIVISION
2. The applicant proposes to service the lot with an on-site septic system. The proposed septic system will be reviewed and approved by the Town Building Department.
3. Provide clarification to the classification of the wetland in the rear of the property. The label indicated federal, however a 100' buffer is shown as if it a state regulated wetland. If a state regulated wetland the septic tank meets the wetland setback requirement per Appendix 75-A, however NYSDEC shall be contacted for impact work within the 100' buffer area.
4. Provide metes and bounds of the proposed easement dedicated to the Town on the subdivision plat.
5. The area of disturbance shall incorporate all disturbed areas included grading limits

Public Comments:

No public comments.

There being no additional public comment, Mr. Ferraro moved, second by Ms. Bagramian, to close the public hearing at 7:17 p.m. The motion was unanimously carried.

Planning Board Review:

Mr. Martin asked Mr. Scavo if this was being considered a one-time subdivision exemption for a family member in the CR Zone. Mr. Scavo stated it is considered to be so.

Mr. Andarawis asked about future subdivision and where it would fall within the Town code. Mr. Scavo explained that if there would be another subdivision it would only consider the remaining parcel due to it being sold to family and the one time exemption being utilized now.

Mr. Ophardt stated that he feels the applicant has done a good job on the project and that he feels comfortable moving forward.

Mr. Ferraro thanked the applicant for adding the trail easement and stated that he would like to see signage and or split rail fencing to clearly identify protected wetland boundaries.

Mr. Martin offered Resolution No. 12 of 2021, seconded by Mr. Lalukota to waive the final hearing for this application for the 168 Vischer Ferry Rd. 2 Lot Subdivision, and to grant preliminary and final subdivision 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.

Conditions:

1. Signage or split rail fencing to identify protected wetland areas and spaced every 50 feet.

Roll Call:

D. Bagramian - Yes
 E. Andarawis - Yes
 E. Ophardt - Yes
 R. Lalukota – Yes
 M. Martin - Yes
 A. Neubauer - Absent
 R Ferraro - Yes
 J. Gleason – Alternate Member - Absent

Ayes 6

Noes: 0

The resolution is carried.

Old Business:

None

Ms. Gleason joined the meeting.

Ms. Gleason thanked the Board for welcoming her and gave some of her professional background and stated she has lived in Clifton Park for 20 years.

New Business:

2021-030 Vischer Ferry Volunteer Fire Department Site Plan

Applicant proposes to construct one fire department building totaling 7,200 +/- sf with parking for 36 cars and fire trucks. The property will be accessed from Moe Road. Property is in the R-1/LC zone, 276 Moe Rd, Zoned: R-1, Status: PB Concept Review

SBL: 277.-3-13.12 To be reviewed by: MJE Consultant: EDP Applicant: VFFD

Consultant/Applicant Presentation:

Joe Dannible – EDP – Mr. Dannible stated that this proposal is for a new fire house to be built on the existing property with the removal and demolition of the existing facility. Mr. Dannible stated that the location is on the corner of Moe Road and Englemore Road and currently is a 3,000 square feet firehouse with 15 parking spots. He stated that this is too small for the needs of the community and fire district based on growth from the past decades. He noted the proposal is for a complete demolition of the old building and new construction to follow with more parking. He stated that this would be a drive-thru station like others around the area and the new building would be 7,200 square feet, with 36 parking spaces. Mr. Dannible showed on the Zoom screen a picture of the proposed building as well as a map of the existing fire station and parking and then showed an overlay of what the proposal would look like and stated that the new building and parking would be further away from the wetlands. Mr. Dannible stated that this is an allowable use for the zoning. He showed on the Zoom screen a map and stated that DEC has been notified about a possible encroachment in the wetland buffer areas. He stated that DEC said they would be willing to give a waiver for an encroachment into the 100' buffer area of a regulated wetland, which the applicant will need to apply for to DEC.

Staff Comments:

Steve Myers, Director of Building and Development issued a memo dated 5/19/21 stating:

- Is the article 24 permit approved or to be approved? A copy shall be submitted for review
- Due to the proposed intrusion into the wetland buffer, a full EAF may be required
- The 100' wetland buffer does not allow the use per Section 208-69 Land Conservation Districts. Review by the town's ECC per Chapter 124 of the town code is required

Scott Reese, Stormwater Management Technician issued a memo dated 5/21/21 with the following comments:

1. Applicant will need to obtain permit from NYSDEC to construct a new stormwater management area within the 100-foot adjacent area of a NYSDEC Wetland.
2. The project has a LC overlay zone. Per Town Code 208-69.3 the applicant must furnish sufficient data to demonstrate that the proposed activity will not result in any of the listed items (1-8).

3. Test holes shall be done at proposed stormwater management areas to determine seasonal highwater table

The Environmental Conservation Commission held a meeting on 5/18/21 and issued a memo recommending:

1. The ECC notes that the proposed structure and associated parking are within the 100-foot adjacent area of the NYSDEC Wetlands. The LC Zone is an overlay of the NYSDEC Wetlands and adjacent area. The applicant will need to obtain NYSDEC approval for the proposed disturbances.

Jennifer Viggiani, Open Space Coordinator:

- The curb cuts at the awkward intersection of Moe Road and Englemore Road should be considered for a reduction in the curb cuts to two at the most – due to the intersection location and the presence of the serious curve in Moe Road directly east of the site.
- The new proposed building evokes a stature of a larger, more substantial public building. Would the VFFD consider shifting the layout to the west – so that the view of the building driving south on Moe Road – is the new prominent public building as the terminal vista – and not just the driveway? This long view down a town road that ends at this project site, reminds me of the Clifton Country Road consideration of the terminal vista where the pond is located, and where a new mixed use building was adjusted in siting to take advantage of a terminal vista. If the community is going to make an investment in a new public building – why not showcase it in a prominent way to be viewed with its importance?
- Please note a significant parcel of Town of Clifton Park owned natural area is located directly south of the parcel. Would the VFFD entertain the ability of the public to access this public land in the future? There is no set plan at all at this time, but this is an 8-acre Town of Clifton Park natural area parcel. (SBL 277.20-3-49) with significant wetlands that was conveyed to the Town of Clifton Park as part of the Carlson Farms subdivision approvals. Perhaps this could be an opportunity for a seasonal route in the future, with a safe access point from the VFFD parcel.

John Scavo, Director of Planning issued a letter with recommendations he made:

1. A referral to the Saratoga Co. Planning Board has been made in accordance with GML §239(m) & (n), since it is adjacent to a County owned parcel with a County Sewer Pump Station present.
2. Question 12b of the EAF Part I notes, “Yes” for the potential presence of an archeological site. The answer to this question will be automatically inserted on the pdf generated by the EAF Mapper. The sensitivity of an area for archeological sites is not buffered in the EAF Mapper. If the project site does contain sensitive archaeological resources within its boundaries, the EAF Mapper will check "yes" on a PDF of the SEAF. Sensitivity for archaeological sites usually covers large areas. The applicant should provide a cultural resource analysis conducted by a qualified professional and a letter of “No Effect” from SHPO to determine if the site is within an archaeologically sensitive area.

3. The applicant should clarify the authority having jurisdiction over the wetlands present on site. The presence of the LC Zone or not will be determined based on if the wetlands are state or federally regulated. If the LC Zone is present, the area of the zoning district must be clearly shown on the site plan. The process to seek permission for construction of a structure within the LC Zone will then be outlined in a separate correspondence from the Town to the applicant.
4. Please provide an existing conditions map to determine the level of existing disturbances present onsite.
5. Additional comments to follow as future plan details become available.
6. A landscaping plan, lighting plan, and architectural renderings shall be provided as plans advance.

Professional Comments:

Walter Lippmann, P.E. of MJ Engineering in a letter dated 5/21/21 had the following comments:

STATE ENVIRONMENTAL QUALITY REVIEW

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 Planning Board: Subdivision Plan approval
- b. NYSDEC: Stormwater permit approval and confirmation of threatened or endangered species
- c. NY State Historic Preservation Office: correspondence with SHPO to ensure no archeologically sensitive resources on project site

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

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. Part I. 3a - The applicant indicates that the action will disturb 1.0 acres of land. As a result, a Storm Water Pollution Prevention Plan (SWPPP) will be required.
2. Part I. 12b – 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 correspondence letter from SHPO to confirm the presence or absence or archeologically sensitive resources.

3. Part I. 13a - 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. The applicant should provide documentation that confirms the location of federally regulated wetlands adjacent to the project site. Additionally, a 100' wetland buffer should be clearly shown on plan to confirm. Should this change as the project design progresses, additional approvals and permits may be required and the response to Part I.1 may need to be updated
4. No further comments at this time.

SITE PLAN

5. The project is located within the Town's Residential District (R-1) and Land Conservation District (LC). The proposal is for rebuilding an existing fire department station.
6. In our review of the concept plan submitted, it appears that there are instances where the bulk lot requirements are not satisfying the minimum requirements set forth in Section 208-11 and 208-70 of the Town's Zoning. The potential lot deficiencies identified are as follows:
 - a. Section 208-11 requires a front setback requirement of 50 feet. The plans indicate 41 feet.
 - b. Section 208-11B requires a front depth requirement of 80 feet. The plans indicate 41 feet.
 - c. It is also noted that the proposed parking does not meet the front and rear offset requirements. The plan would need to be modified or the applicant will be required to seek relief from the Town Zoning Board of Appeals for the lot layout as proposed.
7. It appears the majority of the project will be located with the NYSDEC 100' buffer area and the Town of Clifton parks LC Zone District.
8. Subsequent plans shall show the Town's LC location and boundaries which are defined by Section 208-69.1 of the Town's Zoning.
9. Identify the date and by whom the wetlands shown were delineated.
10. The project will disturb more than 1-acre of land. As such, it will be subject to the NYSDEC Phase II Stormwater Regulations and General Permit GP-0-20-001. Therefore, a full SWPPP will be required that addressed water quantity and quality controls. As the project proceeds through the Town's regulatory review process, a fully conforming SWPPP shall be provided for review.
11. 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.
12. 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.
13. Considering the plan submitted is conceptual in nature, we will reserve further comments until more detailed plans and reports are submitted. Subsequent submissions shall include

information as outlined in Section 208- 115 of the Town zoning specific to site grading, lighting, erosion control and stormwater management to fully assess the design and its compliance to the applicable standards.

Public Comments:

No public comments.

Planning Board Review:

Ms. Bagramian asked if there was a catalyst for looking at a larger site. Mr. Dannible stated that he does not know this but he can get an answer and get back to the Board. Mr. Dannible stated that this did go through a community vote through the fire district and the citizens have approved funding for this location. He stated that the building is small, outdated and does not meet the current standards for firefighting health and safety. Mr. Kevin Bowman (Chairman of the Board for Vischer Ferry Fire Dept.) stated that the building was constructed in 1980 and there has been significant growth in the area since then. He noted that when the site was built, there were no wetlands in the area but due to buildup around the area wetlands were created. He stated that NFPA has larger truck regulations and OSHA regulations have changed which warrants a change for the department from its existing facility. Mr. Bowman stated that the firefighters are at increased risk of exposure to carcinogens and the facility is also a polling site that warrants a larger building as well. Ms. Bagramian asked if the plan for the department is to add more fire trucks. Mr. Bowman stated that they are looking to go from a 2 bay to a 3 bay as they are always looking to add to the department. Ms. Bagramian asked if the applicant could bring back a lighting plan and asked if there are occasions the fire department building would be used other than for emergencies. Mr. Bowman stated that it would not be as the other fire house, which has a hall for hosting events.

Mr. Andarawis stated that he likes the renderings shown. Mr. Andarawis asked if the LC zoning allows this use and if the project protects the wetlands due to chemicals and washing of gear among other things that may occur at the site. Mr. Bowman stated that the department building would be hooked up to sewer and there is a large sewer main to the left of the site which is why the building cannot be moved further west. Mr. Dannible stated that there is a manhole by the sewer main as well as 4 laterals that would interfere with the stormwater infrastructure and if the building would be moved then this would all have to be reconfigured. He noted the Fire District is trying to keep the building as much in line with Moe Road as possible. He stated that a fire district is a municipal entity so any zoning district would allow this use since it is immune from local zoning uses. Mr. Dannible stated that stormwater management areas shown will be added to the new plan and would provide a benefit to the land.

Mr. Ferraro asked if the building is permitted as Mr. Myers comments states that the use is not permitted. Mr. Dannible stated that he will follow up with Mr. Myers on a few items but feels this is a permitted use in the zoning. Mr. Ferraro stated that if a variance is needed that it would have to be approved before the Planning Board can approve this application.

Mr. Lalukota asked if the parking was going to be increased as well or just as is. Mr. Dannible stated the parking would be increased by more than double, about 150%, and there would be better circulation for the vehicles entering and exiting the site.

Mr. Ferraro stated that Mr. Neubauer provided written comments about the site plan and stated he was concerned about the eastern most curb cut to the parking lot being close to an existing curve on Moe Road. Mr. Ferraro stated that Mr. Neubauer stated that he liked the renderings shown in the presentation. Mr. Bowman stated that this is a difficult site to work with but to relocate would take the department out of meeting their ISO Response Time Standards.

Mr. Ophardt asked if there would be fuel stored on site. Mr. Bowman stated that they would not have fuel. Mr. Ophardt stated that he feels that 3 driveways are excessive and asked if one could be eliminated. Mr. Bowman stated that it was designed that way so emergency responders would have an area to access even if a public event were happening. Mr. Dannible stated that the curb cut in the middle would only be for emergency vehicle exit only and the exits would have stop signs. Mr. Ophardt stated that extra parking to the west of the building could be eliminated. Mr. Bowman stated that they are short parking now and the responders are parking on the grassy areas. Mr. Ophardt stated that he would like to see one of the curb cuts eliminated. Mr. Dannible stated he can take this back to the fire department.

Ms. Gleason suggested a compromise that the 5 spots remain but the curb cut be eliminated so that the responders have designated parking. Mr. Dannible stated that he will be meeting with Mr. Myers and Mr. Scavo as well as speak to the fire department as a follow-up and then come back to the Board at a later date.

Mr. Ferraro asked for an existing conditions map of the site with future submittals. He also felt that due to environmental constraints on the site, the 5 spaces could be eliminated since there would be 31 spaces remaining and it was stated earlier that 25 spaces would be required if there was a major fire event that volunteers had to respond to.

New Business:

2021-031 DCG 5 Maxwell Drive 3 Lot Subdivision

Applicant proposes subdividing the 13.24 acre lot into 3 lots to be utilized for TC-4 zoning development. Lot 1 will retain the existing building and majority of the parking lot. Lot 2 will be developed in the future with TC-4 Zoning compliant uses. Lot 3 will be developed in the future for

TC-4 Zoning compliant uses or as expanded parking, 5 Maxwell Dr, Zoned: TC4, Status: PB
 Concept Review SBL: 271.-3-74.22 To be reviewed by: MJE Consultant: EDP
 Applicant: DCG

Mr. Neubauer joined the meeting.

Consultant/Applicant Presentation:

Joe Dannible – EDP – Mr. Dannible showed the map of the parcel in the Zoom screen and explained existing conditions stating a multistory building is on the property with existing garage parking under the building as well as surface parking around it for a total of about 675 parking spaces. He stated that the proposal is to have a 3 lot subdivision that would have the building on its own parcel along with parking 485 parking spots on the parcel as well. He stated that a small parcel would be subdivided on the southeast side of the property that would be about 0.4 acres and would be a leased parcel or conveyed to the parcel to the east that is owned by the same entity. Mr. Dannible stated that another parcel to the southwest would be created and would be 2.28 acres in size that fronts Maxwell Drive. He stated that the parcels would be zoning compliant and hooked up to Clifton Park Water Authority as well as public sewer from the Saratoga County Sewer District. Mr. Dannible stated that any new construction on the parcels would have their own stormwater management plan.

Staff Comments:

Steve Myers, Director of Building and Development issued a memo dated 5/19/21 stating:

- Proposal to subdivide existing parcel in TC-4 zone
- At a minimum variances or waivers for parking setbacks will be required
- Viability of parcel size and adequate available parking once developed is questionable

Scott Reese, Stormwater Management Technician issued a memo dated 5/21/21 with the following comments:

1. There is an existing stormwater management area that traverses both proposed Lots 1 and 2.
2. Drainage easements should be established for both lot owners to have maintenance access and shared use

The Environmental Conservation Commission held a meeting on 5/18/21 and issued a memo recommending:

1. Based on the proposed plan the ECC has no objections at this time. But any future site plans associated with this subdivision must take in the following considerations, parking, stormwater management, and open space and aesthetics considerations.

John Scavo, Director of Planning issued a letter with recommendations he made:

1. A referral to the Saratoga Co. Planning Board has been made in accordance with GML §239(m) & (n), since the project is within 500' of New York State Route 146.
2. Attached, please find an easement that was in the project file for a 2003 DCG 4-Lot Subdivision Plan that included 5 Maxwell Drive. Existing and proposed easements should be shown on the plan. Ingress/Egress, stormwater/drainage, and utility crossing easements should be provided on the parcels. A blanket easement may also be considered covering the entire project site.
3. Because there appear to be numerous utilities present on the parcel, please note if any of the utilities within the parcel are public.
4. The preliminary subdivision plan should include site coverage statistics for each of the proposed parcels, building setback lines/dimensions, and the Town's stamp and signature block.

Professional Comments:

Walter Lippmann, P.E. of MJ Engineering in a letter dated 5/21/21 had the following comments:

STATE ENVIRONMENTAL QUALITY REVIEW

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 Planning Board: Subdivision Plan approval
- b. NY State Office of Historic Preservation: identification of archeologically sensitive resources

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:

1. Part I. 12b – 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 correspondence letter from SHPO to confirm the presence or absence of archeologically sensitive resources.
2. No further comments at this time.

SUBDIVISION

3. In reviewing the proposed lot configuration, the created lots appear to be deficient in regards to meeting the minimum bulk lot requirements outlined in Section 208-22.1 of the Town's Zoning. The noted deficiencies are as follows:
 - a. Based on parking setback requirements shown, it appears the minimum rear setback requirements of 5 feet minimum for parking has not been met. Subdivision provides 0' setback.
4. Provide the building setback lines for each lot shown.
5. Subsequent submissions shall include the metes and bounds of the affected lots and right-of-way. This plat shall be prepared by a surveyor licensed to practice in the State of New York.
6. Provide a copy of the shared parking agreement for Parcel #3 to the Town for review.
7. The plan shows 485 parking spaces for Parcel 1, 115 less than required pursuant to Section 208-26, Table 7- 1 of the Town Zoning (1 spaces per 1,000 SF). Illustrate how the minimum number of parking can be provided or where the shared parking may occur.
8. 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.
9. Comments on the individual site plans were addressed during each site plan application process.
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:

Mr. Andarawis asked if there would be shared parking across the 3 lots. Mr. Dannible stated they would be similar to other mixed lots in the downtown areas as well as water, sewer, ingress, egress and so on. Mr. Andarawis stated that options to develop would be nice to not have to fit parking to levels that don't consider shared parking arrangements. Mr. Dannible stated that the plan is to build-out along Maxwell Drive.

Mr. Ferraro asked about parcel 3 and the fact that the parcel will be conveyed to the adjacent property owner, and what is the future intent of that subdivision. Mr. Donald McElroy (DCG representative) stated that currently visitors to the adjacent site on 842 Route 146 are able to use this area for parking. He stated that the intent is to attach lot 3 to the adjacent parcel. Mr. Ferraro asked who currently has access to the underground parking. Mr. McElroy stated that it is controlled access currently utilized by people who lease from the owner and enter through a keypad system.

Mr. Dannible stated that they would need a waiver for a rear yard setback that is supposed to be 5' and they would need 0'. Mr. Dannible asked if the Board would be comfortable with this moving forward so the applicant can request the area variance through the ZBA or waiver from the Planning Board. Mr. Ferraro stated that the shared parking is something that the Board would support and would likely be agreeable to a waiver application. Ms. Bagramian and Mr. Martin agreed with Mr. Ferraro.

Ms. Bagramian stated that she would like to know more about the maintenance agreements. Mr. Lalukota agreed with Ms. Bagramian's statement.

New Business:

2021-027 51 Van Vranken 3 Lot Subdivision

Applicant proposes subdividing the 10.38 acre parcel into 3 lots. Lot 1 will be 3.79 acres, Lot 2 will be 4.34 and Lot 3 will be 2.25 acres. The parcel is currently divided by Van Vranken Road, 51 Van Vranken Rd, Zoned: CR, Status: PB Concept Review

SBL: 288.-2-24.3 To be reviewed by: MJE Consultant: ADB Applicant: M. Saccocio

Consultant/Applicant Presentation:

John Hitchcock – ABD – Mr. Hitchcock stated that the applicant is looking to purchase the parcel as a subdivided property into 3 lots. He stated the parcel is currently divided by Van Vranken Road. Mr. Hitchcock stated that 2.25 acres is located on the south side and the remainder on the north side. Mr. Hitchcock stated that the parcel has an existing single family home with a wraparound driveway with 2 curb cuts. He noted that septic and well are on site but locations have not been verified to date. Mr. Hitchcock stated that there are slopes to the rear of the northern part of the property that leads to a stream and they are constrained lands. He stated the applicant would like to subdivide into 3 lots, lot 1 is where the existing home will remain and will be 3.79 acres, lot 2 would be to the east of lot 1 and be 4.34 acres, and the remaining land of 2.23 acres across the street would be lot 3. Mr. Hitchcock stated there are density requirements and they will be calculated and met as the applicant is looking to construct his home on lot 2 but no locations are set yet. He stated that there is an existing barn that is vacant on lot 3 and this is also being proposed to have a single family home on it.

Mr. Ferraro asked about an existing driveway on the property that provides access to another home not on the property as well as a second home not shown on the map on the Zoom screen. Mr. Hitchcock stated that the easement for the driveway would be on lot 2; he stated he is not familiar with the second home but he would look into. Mr. Scavo stated that the easement is for 47 and 49 Van Vranken Road and showed the access way on a shared screen from aerial imaging.

Staff Comments:

Steve Myers, Director of Building and Development issued a memo dated 5/19/21 stating:

- This was previously on the 4/27/21 agenda as a 2 lot subdivision and is now a 3 lot subdivision. As a result the exception noted previously in 208-16E(2)c does not apply
- The 911 addresses will be determined by the fire marshal
- Parcel subdivision should follow 208-16E(2)(b), 10 acres or more. But the constrained land if any is unknown. It appears the north end of lots 2 & 3 may be constrained by slope and stream. Removing the constrained land may not allow the proposed parcels to be developed at 0.33 units per acres as required
- A question as to the use of the barn at lot 3 still exists.

Scott Reese, Stormwater Management Technician issued a memo dated 5/21/21 with the following comments:

1. No stormwater comments at this time

The Environmental Conservation Commission held a meeting on 5/18/21 and issued a memo recommending:

1. The applicant should provide appropriate constrained land and unconstrained land calculations before proceeding with subdivision approval.

John Scavo, Director of Planning issued a letter with recommendations he made:

1. A referral to the Saratoga Co. Planning Board has been made in accordance with GML §239(m) & (n), since the project is within 500' of a County Consolidated Agricultural District.
2. Since the lot to be subdivided is 10.38 Acres, the applicant must comply with the minimum standards promulgated by §208-16E(2)[b] of the Clifton Park Town Code, which states:

Development on 10 acres or more. A parcel consisting of 10 acres or more may be developed at a density of one residential dwelling unit per 10 acres, provided there is at least one acre of unconstrained land available to accommodate a residential use, including any required well and septic system. 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 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.

Also, pursuant to §208-16E(3)[a], “Where permanent open space is proposed, it must include a minimum of 25% of the unconstrained land of the parcel.” Constrained Land is defined within §208-7 of the Code as, “A parcel’s acreage that includes surface water bodies, NYSDEC-regulated freshwater wetlands, federally regulated wetlands, one-hundred-year floodplains, floodways, and lands with slopes 20% or greater (measured over a fifty-foot horizontal distance).” The applicant should update the plan to reflect the density calculations with the 50% permanently protected open space and reflect the percentage of constrained lands and unconstrained lands within the permanently protected area in relation to the overall parcel acreage.

3. Additional comments will be provided with the review of a future preliminary plan set

Professional Comments:

Walter Lippmann, P.E. of MJ Engineering in a letter dated 5/21/21 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 Planning Board: Subdivision approval
 - b. NY State Office of Historic Preservation: identification of archeologically sensitive resources

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 correspondence 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. The applicant should provide documentation that confirms the presence or absence of federally regulated wetlands adjacent to the project site.

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 applicant should identify the proposed uses for these lots assuming 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. Include a site statistics table indicating the following per Section 208.16(E) Standards:
 - i. Constrained and Unconstrained Land
 - ii. Permanent Open Space
 - iii. Density Calculation
7. 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.
8. The proposed points of access to Van Vranken Road should be verified to ensure proper site distance is achieved. There should be indication on the plan what the required and provided turning site distances are based upon the posted speed limit of Van Vranken Road.
9. Show on plans all easements on the property. It appears an ingress/egress easement may exist through Lot 2 to get to the rear Hoffman property.
10. It appears a portion of the existing driveway from Lot 1 encroached onto Lot 2, consider adjusting the proposed subdivision line to avoid this concern.
11. The concept subdivision plan shall show speculative homes, driveways, septic system, well for all lots.
12. 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).
13. Any new access proposed onto Van Vranken is subject to the review, approval and permitting from the Clifton Park Highway Department. Provide notation on the plat to that effect.
14. 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.
15. 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.

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. Andarawis stated that he feels the density calculation is key to this application but the open space and where it is located on the site is also important. He stated that he does not want a useable backyard to be considered open space.

Mr. Neubauer asked if the trail on the lands of Clifton Park to the south have a specific purpose. Mr. Scavo stated that there is a paved path that is a stub from the development near the property that could be used as a future trail connection.

Mr. Ferraro stated that he has the same concerns that Mr. Andarawis. He would like to see the calculations to determine if the minimum requirements as outlined in the code are met to allow three lots and, if so, the location of the area where the open space would be protected. He stated he is okay with the proposed lot south of Van Vranken Road.

Discussion Items:

Mr. Ferraro stated that tonight the Board will be having a discussion about allowing HOAs to request to be exempt from paying park fees. He explained how this works in regards to subdivisions and asked for feedback from Planning Board members. He stated that the Town Board was approached by the Vistas HOA requesting that they would like to be exempt from these fees from the Sherwood Forest Park District since they maintain their own open land. Mr. Ferraro stated there are about 11 HOAs in Clifton Park.

Mr. Martin stated that when the Vistas were developed the developer knew about the fee and then the purchasers were aware of this as well.

Mr. Scavo stated that he was in receipt of the petition of the Vista's HOA and read from it. Mr. Scavo stated that they requested to be removed from the park district and stated that they are aware that they would not receive any additional benefits. Mr. Scavo stated that he and Mr. Barrett met with a representative from the Sherwood Forest Park District and a resident representative of the HOA. He stated that this is a Town Board action but they asked for feedback from the Planning Board.

Mr. Martin stated that he does not have children in the school district but he still pays school taxes and he does not utilize the Town's library but he also still pays taxes and understands that being a part of the community means he has an obligation to this.

Ms. Bagramian stated she feels the same as Mr. Martin. She stated that if the fees are not being collected the trails and parks that are being approved will not be developed and maintained.

Mr. Lalukota agrees as well with Mr. Martin and Ms. Bagramian. Mr. Lalukota asked if this has happened before. Mr. Scavo stated this is the first time this has come up from an HOA.

Mr. Ophardt stated that this would be of concern with other HOAs making the same request and asked if there are more districts with HOAs within them. Mr. Scavo stated he has not looked into the amount of HOAs per park district. Mr. Ophardt asked if the land owned by the HOA is for public use. Mr. Scavo stated that most of the time the HOA parks are maintained by them and are for HOA members only.

Mr. Gerald Havasy (HOA resident) stated that he feels that this is one sided. He says that he agrees that he needs to pay his portion of the park fees but he feels that at this time the park fees take care of other subdivision parks but do not take care of the Vista, they take care of their own. He stated that they are asking not to be double taxed as the only thing they get is funds for flowers for the circle and this is not equal to others. He stated that he feels he should not be taxed for Sterling Heights or Sherwood Forrest's entrance maintenance and they do not get anything from the park district. He stated that the Vistas pay between \$50 and \$60 per home and thinks \$20 goes to their community and the rest is being utilized at other locations that they do not benefit from. Mr. Scavo asked if the developer was not transparent with the fees as it pertains to buyers. Mr. Havasy stated that he received a 4 inch book from the developer and there is a lot of fine print. Mr. Martin stated that he understands the concerns of Mr. Havasy but does not feel that he is being double taxed

Mr. Andarawis asked if there are properties within the park district that are not large entrances or park areas and are they included. Mr. Andarawis stated that he knows that some get more than others but does not think that those who do not directly benefit could be exempt as it would then cause trouble.

Mr. Ferraro suggested the Vista HOA consider giving the entrances to the Town and then the Town through the Park District would maintain them. Mr. Scavo stated that this is a possibility but the Town Board would have to officially accept this. Mr. Martin stated he would be in favor of any compromise that would help the residents.

Mr. Neubauer stated he is against having the HOA be exempt and is concerned about a slippery slope allowing exemptions for HOA's is being created. He stated that he does not think this is a positive move for the town to approve this request.

Mr. Lalukota moved, seconded by Mr. Ophardt, adjournment of the meeting at 9:53 p.m. The motion was unanimously carried.

The next meeting of the Planning Board will be held as scheduled on June 8th, 2021.

Respectfully submitted,

Paula Cooper

Paula Cooper, Secretary