

Town of Clifton Park Planning Board
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PLANNING BOARD

ROCCO FERRARO
Chairman

ROBERT WILCOX
Attorney

PAULA COOPER
Secretary



MEMBERS

Emad Andarawis
Eric Ophardt
Heather Fariello
Andrew Neubauer
Denise Bagramian
Keith Martin

(alternate) Jennyfer Gleason

Planning Board Minutes
March 22nd, 2022

Those present at the March 22nd, 2022 Planning Board meeting were:

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

Those absent were: H. Fariello

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

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

Mr. Ferraro stated that Ms. Gleason would be a voting member tonight in the absence of Ms. Fariello.

Minutes Approval:

Mr. Ophardt moved, seconded by Mr. Andarawis, approval of the minutes of the March 8th, 2022 Planning Board meeting as written. The motion was unanimously carried. Ms. Bagramian abstain.

Public Hearings:

2020-018 Woodin Road 4 Lot Subdivision

Applicant proposes to subdivide the 8.97 acre parcel into 4 single family building lots. There are 2.35 acres of Federal wetlands on-site which the applicant proposes to disturb less than 1/10th of an acre for construction of driveways. Water and Sewer to be serviced by private well and septic. Application has been significantly revised for further consideration after denial for a 5 lot subdivision. Woodin Rd, Zoned: R-1, Status: PB Preliminary Review w/ possible determination
 SBL: 278.-1-7 To be reviewed by: MJE Consultant: ABD Applicant: E. Kim

Last Seen on: 1-25-22

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.

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

Mr. Ferraro, Chairman, called the public hearing to order at 7:05 p.m. The Secretary read the public notice as published in the Daily Gazette on March 12th, 2022.

Consultant/Applicant Presentation:

John Hitchcock – ABD – Mr. Hitchcock stated that he is here tonight for a 4 lot subdivision on Woodin Road. He stated that the Board is familiar with the application and location as the subdivision has been reduced from 5 lots to 4. He stated that the smallest lot in the subdivision is just over an acre and the largest is 3 acres. He stated that the lots have 40,000 sf of the minimum buildable land over the one acre that it the smallest. Mr. Hitchcock stated that there will be wells and septic on all of the lots as there is no way for the applicant to obtain public service.

Mr. Ferraro asked if the Planning Board can allow a waiver for not hooking up to public water and sewer and if this should be a condition. Mr. Wilcox stated that he spoke to Mr. Myers and

that he does not feel there is an issue with the applicant proposing septic and well. Mr. Ferraro stated that if the wells and septic meet regulatory requirements then the Board can decide if they would like to waive this.

Mr. Hitchcock stated that the application no longer has to go to DOH now that it is a four lot subdivision, but the concerns of the DOH were addressed from the previous 6 lot subdivision proposal.

Staff Comments:

Steve Myers, Director of Building and Development issued a memo dated 3/10/22 stating:

- Reduced to 4 lots
- ABD believes the sewer and water matters are resolved but town law states differently
- Septic designs and well quantity and quality reports shall be submitted for each lot individually prior to permit issuance

Wade Schoenborn, Chief of the Bureau of Fire Prevention:

1. Postal verification.

Scott Reese, Stormwater Management Technician issued a memo dated 3/18/22 with the following comments:

1. No further stormwater comments.

The Environmental Conservation Commission held a meeting on 3/15/22 and issued a memo recommending:

1. The subdivision is located in an area that may be impacted by vehicle activity from Interstate 87. Impacts may include noise and vibration. The ECC recommends that this be noted in the deed.
2. The ECC recommends that sump pump systems are shown on all lots due to the presence of wetlands and possible high groundwater table.
3. The ECC notes that the project may result in intrusion into Federal Jurisdictional Wetlands. The Applicant must avoid intrusion into ACOE Wetlands or apply for a Federal Wetlands Permit for any disturbances for the project. The Town of Clifton Park should be provided with copies of all related correspondence.
4. The applicant shall provide the Army Corp of Engineers Jurisdictional Letter for the wetlands on this site.
5. The Environmental Protection Signs should follow the perimeter of the federal wetlands.

John Scavo, Director of Planning issued a letter dated 3/11/22 with recommendations he made:

1. 911 addresses obtained from the Town's Fire Marshall shall be added to the final plan prior to stamping, if approved.

2. The configuration of four lots with two driveways has eliminated wetlands disturbance and appears to have taken the natural constraints into consideration for this layout.
3. A notation should be added to the plan stating, “No further subdivision allowed.”
4. A draft of the shared driveway agreements for ingress/egress and maintenance should be provided to the Town Planning Board’s Attorney for review and comments prior to stamping a final plan, if approved.
5. The project is an unlisted action pursuant to SEQRA since the proposed four lot subdivision does not meet the thresholds for a NYS DOH Realty Subdivision. The Planning Board must issue a negative declaration prior to opening the public hearing for consideration of the preliminary subdivision plan.

Professional Comments:

Walter Lippmann, P.E. of MJ Engineering in a letter dated 3/18/22 had the following comments:

STATE ENVIRONMENTAL QUALITY REVIEW

1. No further comments.

SITE PLANS

2. The revised plan indicated only four lots; therefore this is no longer considered a realty subdivision.
3. It appears with the elimination of the house/driveway on Lot 5, the wetland impacts have been eliminated.
4. The proposed on-site septic systems shall be reviewed and approved by the Town Building Department.

STORMWATER POLLUTION PREVENTION PLAN

5. No further comments.

Public Comments:

Anthony LaFleche – 21 Wheeler Drive – Mr. LaFleche asked the applicant how far lot 3 was from the road. Mr. Hitchcock stated that it is about 200 feet from the home to the road. Mr. LaFleche stated that he appreciates the applicant decreasing the number of lots in the subdivision. Mr. LaFleche asked if Interstate 87 was to expand if the lots 100 foot no cut buffer would be moved back. Mr. Hitchcock stated that he does not know if it would change. Mr. LaFleche asked if there is a potential bike trail on that side of the road and if the driveways have sufficient sight distance for traffic. Mr. Hitchcock stated that there is not a trail on that side of the roadway and that there is ample sight distance for the driveways.

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

Planning Board Review:

Mr. Andarawis stated that he likes this layout better than the previous. He stated that he would like to see Mr. Scavo's comment about no further subdividing allowed to be a condition as well as his other concerns addressed.

Mr. Martin stated that he likes this plan as well; he asked if there could be better markings for the no cut buffers. Mr. Hitchcock stated that there would be signage on trees where trees are present and if there are not a split rail fence would identify the areas.

MR. Ferraro stated that he agrees with the ECC's comments for additional signage for lots 2 and 3 for the buffers as well as enhancing the signage on the corner of lot one. Mr. Ferraro stated he would like more signage on lots 1 and 4 near the wetlands.

Ms. Bagramian stated that she would like to see the homeowners responsible for the upkeep of the signage or they be replaced by the owner. Mr. Ophardt agreed with Ms. Bagramian. Mr. Hitchcock stated that they can put more signage at every bend. Mr. Neubauer stated that there could be 1 per boundary segment or within so many feet to start getting a general figure for this and future applications. Mr. Andarawis stated that he would not like to see a tree removed to put up a fence and feels the applicant needs to put signs and fencing where appropriate.

Mr. Ferraro asked about the 0.10 acres of disturbed wetlands. Mr. Hitchcock stated that this new layout does not have any disturbances. Mr. Ferraro stated that he would like to see on the site plan and deeds a notation of the highway noise as well as no further subdivision.

Mr. Andarawis offered Resolution No. 03 of 2022, seconded by Ms. Bagramian to waive the final hearing for this application for the Woodin Road 4 Lot Subdivision approval, 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. Individual site plans and deeds to include highway noise disclosure.
2. Public water and sewer are not required if the applicant demonstrates the private well and septic systems for each lot meet all applicable NYS Building Code and local ordinance requirements.
3. Individual site plans and deeds to include no further subdivision disclosure.
4. All lots shall include additional signage for wetlands and not-cut areas approved by the Planning Department before final stamping of plans.

Roll Call:

D. Bagramian - Yes
E. Andarawis - Yes
E. Ophardt - Yes
H. Fariello - Absent
A. Neubauer - Yes
R. Ferraro - Yes
K. Martin – Yes
J. Gleason – Alternate Member - Yes

Ayes 7 Noes: 0

The resolution is carried.

Old Business:

None

New Business:

None

Discussion Items:

Mr. Wilcox stated that there are new laws for solar farms. He stated that the upcoming application is grandfathered in but the Planning Board can still use the new laws as guidelines.

Mr. Neubauer moved, seconded by Mr. Ophardt, adjournment of the meeting at 87:45 p.m. The motion was unanimously carried.

The next meeting of the Planning Board will be held as scheduled on April 12, 2022.

Respectfully submitted,

Paula Cooper

Paula Cooper, Secretary