

Town of Clifton Park

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PLANNING BOARD

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Tom Werner

(alternate) Emad Andarawis

Planning Board Meeting

October 26, 2010

Those present at the October 26, 2010 Planning Board meeting were:

Planning Board: J. Koval, Vice-Chairman, M. Hale, E. Ophardt, S. Pace, K. Paulsen,
E. Andarawis – Alternate Member

Those absent were: S. Bulger, T. Werner

Those also present were: J. Scavo, Director of Planning
J. Grasso, CHA Companies
M. Montague, Environmental Specialist
P. Pelagalli, Counsel
J. Dean, Secretary

Mr. Koval, Vice-Chairman, called the meeting to order at 7:00p.m. All in attendance stood for recitation of the Pledge of Allegiance. Mr. Koval explained that Mr. Andarawis would be sitting as a full voting member in the absence of Mr. Bulger and Mr. Werner.

Public Hearings:

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

Old Business:

[2010-026] Coburg Village – Proposed 88 additional units and 170 parking spaces, 1 Coburg Village Way – Preliminary site plan review and possible determination. SBL: 276.-2-54

Mr. Gavin Vuillaume, consultant for the applicant, explained in a brief overview of the project plan, that the application for expansion of Coburg Village remains generally as presented at the July 21, 2010 Planning Board meeting. The more detailed site plan presented this evening reflects comments and concerns of the Planning Board, CHA Companies, and the ECC. The proposal calls for the construction of 78 apartment units to be constructed in three (3) phases with a connection to the existing facility at the service area. The speaker commented that the proposed building connection will eliminate the “cut through” traffic from Grooms Road to Vischer Ferry Road and that fire safety officials were pleased with the design that eliminates the boulevard at the entranceway and provides access to all sides of the building. Mr. Vuillaume explained that the “event and staff” parking area near the center of the site has been revised, that the 15’ wide easement along Grooms Road for future roadway improvements and/or multi-pathway installation has been illustrated on the plan, that the cross walk connection across Vischer Ferry Road to the existing multi-use trail located at the Stewart’s driveway has been provided, and that the 8’ wide trail link along the westerly side of Vischer Ferry Road south of its intersection with Grooms Road has been included on the plan. Existing water and sanitary sewer lines will be re-routed around the perimeter of the buildings. Architectural plans are nearly complete and the required Storm Water Pollution Prevention Plan is being prepared.

Mr. Vuillaume described the plans for off-site improvements, explaining that pedestrian access from the site to the Grooms Road – Vischer Ferry Road intersection will be provided. Restoration of the former Birch Tavern will be undertaken in accordance with the Memo of Understanding approved by the Town Board. Mr. Vuillaume specifically addressed several issues identified by CHA Companies. He noted that the applicant supported the recommendation that a credit be granted for the required Vischer Ferry Road Corridor mitigation fee for the portion of the pedestrian improvements that would be considered “system wide improvements.” A wetland delineation has been completed: there is a small isolated pocket of wetland that has been illustrated on the project plan. Appropriate screening of the parking areas and signage will be included on the revised project plan. A conceptual architectural rendering was presented for consideration. Mr. Vuillaume noted that there was an attempt to create a “village atmosphere” within the complex and that each individual apartment unit would have a patio area.

Mr. Scavo reported that Mr. Myers, Director of Building and Development, provided the following comments in a memo dated October 22, 2010. It appears that all emergency vehicle access issues have been addressed. He has noted that a Storm Water Management Report must be prepared and submitted for review.

Mr. Scavo explained that the Planning Department provided the following comments based upon the revised project plan. The applicant must clarify whether or not it is anticipated that construction for all three phases will be on-going for more than one year: if so, the Long Environmental Assessment Form should be revised. Mr. Scavo requested that the following note be added to the plan:

Site plan as authorized by PDD No. 35, Coburg Village and Lowry Commercial Complex amended on May 17, 2010 by Local Law No. 5 of 2010.

Though he found the proposed patios and balconies for each unit desirable, Mr. Scavo recommended that the bottom portion of the decking be enclosed to prevent insect infestation and provide for easier maintenance.

Mr. Grasso reported that CHA Companies provided numerous comments after reviewing the revised application for the expansion of Coburg Village. CHA Companies previously commented that a significant portion of the existing vegetation buffer along Vischer Ferry Road will be removed as part of the proposed project: the visual impact of the proposed project along Vischer Ferry Road should be evaluated. With the reduced buffer, the proposed lighting could impact the area. Future plan submittals should include photometric and manufacture cut sheets of the proposed site and building mounted lights. It does not appear as though the visual impact of the proposed project has been evaluated. Additionally, the photometric plan does not appear to depict building mounted lighting. A wetland delineation should be provided within the limit of work. If wetlands are not present, a note should be added to the plan. The company understands that the Department of Fire Prevention has raised concerns with the proposed three-story building and access to the roof by emergency services. The Department of Fire Prevention should be consulted and these concerns should be addressed with future plan submittals.

CHA Companies offered the following additional comments. A Storm Water Management Report and Storm Water Pollution Prevention Plan have not been provided for review. CHA Companies does not recommend that the Planning Board take formal action on the project until CHA and Town staff have had the opportunity to review these materials as significant comments affecting the overall site design may arise from such review. It is recommended that a multiuse path or sidewalk be extended from the Grooms Road - Vischer Ferry Road intersection to the two existing curb cuts. The proposed multi-use path connection to the Stewart's driveway contains a mid block crossing which is not appropriate. In lieu of the proposed connection, it is recommended that crosswalks and concrete pedestrian pads be provided across the four legs of the Groom Road - Vischer Ferry Road intersection. Since the pedestrian improvements can be considered a system wide improvement identified in the Vischer Ferry GEIS, the cost of installation could be utilized as a credit to the project's traffic mitigation fee. The intended use of the existing wood frame house adjacent to the Birch Tavern should be depicted on the plan. Consideration should be given to providing pedestrian crossing signage at the crosswalks proposed internal the project site. "Handicap Parking" and "No Parking" signs should be depicted at all proposed accessible spaces. Directional signage should be provided for the proposed one-way access drive and parking area adjacent to the proposed building. Detail of the proposed ornamental fence should be provided. For additional plan clarity, a demolition and removal plan should be provided identifying the utilities, pavement areas, curbing, etc. that will be removed as part of the project. The roof drain lateral locations and the connection to the closed storm sewer system should be depicted on the plans. The plan should depict the required 18" minimum separation between the watermain and sanitary sewer. It appears that the watermain will need to be buried at a depth greater than 5 feet in areas to maintain the separation. The proposed type of connection to the existing water system should be depicted on the plans. Additionally, the connection location west of the Vischer Ferry entrance should be verified. The slope of the swale north of the proposed parking area and garages that ultimately discharges to the storm water management area should be verified. The swale appears to be designed at a 0.3% slope, which will not adequately convey run-off. Additional landscape buffering should be provided south of the Vischer Ferry Road entrance to screen the service area from Vischer Ferry Road. The stability of the proposed Canadian Hemlocks to be installed on the 3:1 slope along Vischer Ferry Road should be evaluated. The total disturbance area should be quantified. The project should be phased to limit disturbance to less than five acres at one time. The proposed construction will impact both entrances to the facility. A phasing plan

should be provided that depicts how access to the site will be maintained during construction. The Erosion and Sediment Control Plan should include a topsoil stockpile area. The Erosion and Sediment Control Plan provides a label for a stone check dam, but does not reference a symbol. Additional areas of silt fence should be provided within the site to reduce flow path length of sediment laden run-off.

Mr. Montague, Environmental Specialist, reported that the ECC issued the following recommendation after review of the project plan. The applicant should redesign or use landscaping and grading to provide visual buffering between the staff and event parking area and Vischer Ferry Road.

Mr. Hale spoke in support of the trail construction. Although Mr. Grasso stated that CHA Companies did not recommend the construction of a “mid-block” pedestrian crossing as proposed to the north of the Vischer Ferry Road – Groom Road intersection, Mr. Hale commented that the crossing location “appeared logical” as presented. In response to Mr. Ophardt’s question regarding the plans for staging the construction, Mr. Vuillaume explained that such plans had not been considered to date. It is possible that some parking and material storage will be located “off site”. Mr. Ophardt recommended that all pedestrian crossings be installed at the intersection. Though a representative of Coburg Village stated that allow the owners would like to construct the sidewalks along both Grooms and Vischer Ferry Roads and restore the deteriorating tavern per the Memo of Understanding reached with the Town Board, the cost of both of those projects would be prohibitive. He asked that since there are no plans for use of the historic building that Board members “give consideration” to allowing the demolition of the building and the construction of a park area. Mr. Scavo pointed out that because the Memo of Understanding regarding preservation of the Birch Tavern was an action of the Town Board, that Board would be the one to modify or rescind it. Mr. Pelagalli explained that since the Memo of Understanding was part of the amended PDD legislation, a legislative action would be required to change it. Mr. Hale stated that although he found the historic building to be “nice looking,” he would also find a park to be a valuable addition to the area. Ms. Pace, Planning Board Liaison to the Historic Preservation Commission, stated that the Commission determined that the Birch Tavern building was a “structure with a fair amount of history” attached to it: the Commission, therefore, would find its removal unacceptable. She added that there are a number of uses for the building. Mr. Koval stated that although he appreciates the applicant’s economic concerns, such concerns “will not enter into the Board’s decision.” Mr. Andarawis commented that since the community would be unable to reconstruct “a 150-year old building,” its preservation and creative re-use should be encouraged. Mr. Koval pointed out that since Coburg residents would be the ones making most use of the proposed pedestrian trail, it would appear reasonable for the applicant to fund its installation. Both Mr. Hale and Mr. Grasso observed that there is “a need for a really good pedestrian connection” in the area and recommended that the applicant consider a plan for logical sidewalk connections within the project site and to destinations at the Vischer Ferry Road – Grooms Road intersection. Board members agreed that violation of the Town Board action requiring preservation of the historic Birch Tavern did not seem reasonable. Members discussed the benefits of a safe, logical network of sidewalks within the Coburg Village site as an alternative to the construction of sidewalks along Grooms and Vischer Ferry Roads.

[2010-024] **Enterprise Rent-A-Car** – Proposed parking lot expansion, 21st Century Drive – Final site plan review. SBL: 270.-2-2

Mr. Jason Dell, consultant for the applicant, explained that this project plan has been reviewed by the Planning Board on two occasions: July 21, 2010 and September 15, 2010. Though plan remains generally as presented at those meetings, Mr. Dell explained that the project now calls for the installation of 339 parking spaces, the use of grass pavers in the northeasterly portion of the site to improve aesthetics and meet green space requirements, and landscaping along the southwesterly row of parking to screen the cars from the proposed senior townhouse development slated for development along Route 146. A Storm Water Pollution Prevention Plan has been prepared and submitted for review.

Mr. Scavo reported that Mr. Myers, Director of Building and Development, provided the following comments in a memo dated October 22, 2010. He recommended that all “junked” vehicles be removed from the property. He noted that pocket ponds (P-5) or ponds which interface with the groundwater are not allowed within the Town of Clifton Park. The storm water plan incorrectly calls the ponds P-1. The pond areas shown have a depth of 6 – 8 feet: ground water exists at 21” below the surface. Another practice to manage storm water will be required. A qualified inspector will be required to be on site any time earth moving activities are occurring. No more than five (5) acres shall be actively open at any time. A maintenance agreement with the Town of Clifton Park will be required since the property owner rather than the Town will be responsible for maintaining the storm water management area. A deed covenant will be filed ensuring the practices will be maintained as required.

Mr. Scavo supported the use of grass pavers, though he was concerned that winter plowing them in the winter would damage them. The applicant stated that pavers would be used in the area that would not be used in the winter. He also stated that the area would only be used for overflow vehicles during the summer months. The most vehicles would be stored on site during the months of September and October.

Mr. Grasso reported that CHA Companies issued a number of comments regarding this application. The project involves development changes to three existing commercial lots that have approved land uses and site plans. The project data table needs to show the bulk zoning requirements for each of the lots and demonstrate how each lot continues to meet the requirements, similar to what was done during the concept review. Each lot has a minimum 50% greenspace requirement, and it is unclear if the intent is to count grassed parking areas as greenspace, as it does not appear to meet the intent of the Code if it will routinely used for parking of vehicles. A letter should be provided from NYSDEC indicating they will not take jurisdiction over the delineated wetlands and that a 100 foot regulated wetland adjacent area does not apply. A note should be added to plan the referring to the date and preparer of the wetland delineation. In general, CHA Companies is concerned with the proximity of grading and paving in such close proximity to wetlands. Although the plan indicates no disturbance to the wetlands, it does not appear the improvements can be constructed without inadvertent impacts. A common solution is to keep grading limits and paved areas no closer than ten feet to sensitive environmental features. The plan should indicate the areas of proposed snow storage, and clarify if the gravel lot and grassed parking areas will be plowed. The layout and size of the storm water management areas have been significantly modified from the concept plan. The number of proposed parking spaces has been reduced from 366 to 339, however the increase in the footprint of the storm water management areas appears to have increased the clearing limits and reduced

the area for a buffer to the parcel to the east. At the last meeting, the Planning Board had significant concerns regarding the removal of the existing vegetation and lack of buffer to the property to the east. The proposed storm water management areas require clearing and grading to within a few feet of the property line and limited landscaping is proposed. It is recommended that a minimum of a 25' planted buffer be provided along the eastern property line. The limit of the existing and proposed vegetation should be clearly depicted on the plan. Additional grading detail should be provided along the proposed access drive to the point where it connects to the existing drive. It should be verified that existing drainage patterns are maintained. Additional grading detail is required where the proposed asphalt wing wedge curb is intended to direct runoff to the Storm Water Management Area #2. The proposed grading appears inappropriate. Although some test pits have been completed across the site, there are no test pits within the footprint of Storm Water Management Area #1. Given the restrictive soil conditions, it is recommended that the applicant adhere to NYSDEC requirements that one test pit be provided for every 5,000 square feet of treatment area. The potential for long term erosion and channels being created by the runoff from the 170' of gravel pavement and 70' of grass pavers upstream of the slope to Storm Water Management Area #1 is of concern. It should be verified that the site is in conformance with the number of handicap accessible parking spaces required by ADA guidelines. If the lack of accessible spaces is due to the lack of personal occupancy of the site, it should be covered by a note on the plan. Site lighting is not proposed on the plan: it is assumed that given the type and frequency of use, lighting and security fencing is not required.

CHA Companies offered the following comments on the Stormwater Pollution Prevention Plan dated October, 2010:

- Note that as required by Part III.B.2 of the SPDES General Permit for Stormwater Discharges from Construction Activity (GP-0-10-001), an owner or operator of a construction project must begin using the revised version of the Design Manual to prepare their SWPPP six (6) months from the final revision date (August 2010) of the Design Manual. For projects that are currently in the planning, design or review stages, the owner (or their design professional) should strongly consider using the updated version of the Design Manual to prepare their SWPPP (or update their SWPPP) if they do not feel that they can get all other required project approvals, develop the final SWPPP and submit a completed Notice of Intent by the end of February, 2011.
- CHA Companies is concerned with the choice of storm water basin types used for the storm water management design. According to the SWPPP narrative, it appears that only the contributing drainage area was the driving factor in the storm water pond choice. Additionally, groundwater elevation data indicates that both basin inverts intercept groundwater levels. According to the New York State Storm Water Management Design Manual Chapter 6, The Pocket Pond (P-5) is used when the groundwater table is intercepted. The pretreatment method used for Storm Water Management Basin #1 is of concern. Under 5.3 Proposed Water Quantity Controls and Quality Controls section of the SWPPP, the grass reinforced earth parking area is being considered as a 70 foot wide grass strip utilized as a pretreatment barrier to the Stormwater Management Basin #1. According to Section 5.2.6 in the New York State (NYS) Stormwater Management Manual, this practice falls under the category of porous pavers which would be beneficial to reduce impervious area for the project but may not function effectively as a pretreatment barrier. Grass strips intended as a pre-treatment barrier assumes a maintained and undisturbed stand of lush grassy vegetation that provides an effective pre-treatment barrier. A consistent pattern of vehicular parking on a porous paved grass area will break up the intended grass barrier needed to capture migrating sediments. Additionally, there is inadequate separation between the grass paver

surface and groundwater levels. Utilizing an adequately sized forebay with all contributing storm water routed to the forebay is recommended.

- Both of the proposed storm water management areas have outlets that discharge directly to federal wetlands without defined channels. Provide calculations and details for adequate outfall protection below the basin outlets and emergency spillways. According to the New York State Stormwater Management Design Manual Section 6.1.2 – Conveyance, the channel immediately below a pond outfall shall be modified to prevent erosion and conform to natural dimensions in the shortest possible distance, typically by use of appropriately-sized riprap placed over filter cloth. Additionally, a stilling basin or outlet protection shall be used to reduce flow velocities from the principal spillway to non-erosive velocities (3.5 to 5.0 fps).
- A completed and signed Notice of Intent and MS4 Acceptance Form should be included in the SWPPP
- Section 2.6 of the SWPPP should indicate the receiving bodies of water that the storm water from the site will enter. In this case, the receiving waters are a tributary of Dwaas Kill and then ultimately to Dwaas Kill, Anthony Kill and to the Hudson River. The class and standards of the receiving bodies of water should be indicated.
- In the 3.0 Project Description section of the SWPPP, discuss and list the expected values of the total proposed impervious area increases and the total disturbed area of the project.
- Section 3.0 – Project Description section of the SWPPP should include a statement that the project design will ensure that the soils, wetlands and groundwater table will be protected.
- In the 3.0 - Project Description section of the SWPPP, include a Historic Places Subsection describing any impacts or supportive maps/information to justify no impact to any Historical places or archaeological sensitive areas on or downstream of the site. Include backup documentation in accordance with part III.A.8 (Historic Places) in the GP-0-10-001 permit.
- In the 7.2 Other Pollutant Controls section of the SWPPP, provide a pollution plan inventory list of all substances that will be present onsite.
- The Pre-Development Drainage Area Map should label the wetland areas.
- The Post Development Drainage Area Map should label the wetland areas, the storm water management areas, the proposed tree line and the limit of the semi-pervious gravel parking area boundary.
- A soils map should be included in the SWPPP.
- Sediment traps are indicated in section 7.1 Erosion and Sediment Controls section of the SWPPP and are not indicated on the ESC plans.
- According to the ESC Plan, the storm water basins will be used as temporary sediment basins during the construction phase. The SWPPP and ESC Plans should include sediment basin stage design plan and details along with the supportive calculations.
- Wetland protection barrier fencing should be provided in front of the ACOE wetlands on the Erosion and Sediment Control (E&SC) plan SC-1 and provide a wetland protection barrier fencing detail on the E&SC details sheet DT-2.
- Silt fence is shown crossing in front of both storm water management spillways. According to the New York State Standards and Specifications for Erosion and Sediment Control, silt fence shall not be placed across areas of concentrated flow. Break the silt fence at the rip rap boundaries of the spillway aprons.

- Silt fence is shown running uphill along the swale below the existing 8" PVC. Divide up the silt fence parallel with the contours just as is shown on other portions of the site.
- CHA Companies is concerned with the long runoff path run during construction over the north parking area towards Storm Water Management Area #1. CHA Companies suggests providing additional BMP checks such as adding a silt fence line(s) intercepting runoff from the 170' of gravel pavement above the 70' of grass pavers boundary to slow down accelerated erosion effects and to slow migration of accumulated sediment down towards basin #1.
- The limit of the stabilized conduction entrance should be depicted on the plan.
- A topsoil stockpile area should be depicted on the erosion and sediment control plan.

Mr. Montague, Environmental Specialist, explained that the ECC notes that the project includes extensive paving adjacent to, or in the vicinity of, federally jurisdictional wetlands. The ECC recommends that the Planning Board require the applicant to incorporate sediment traps and oil water separators with appropriate capacity to limit the migration of vehicular contaminants into these sensitive environments. The ECC notes that sensitive environments exist on properties adjacent to the project site, thus there is a potential for environmental impacts to these areas in the event that the capacity of the storm water management system is inadequate. As such, the applicant's Drainage, Storm Water and Erosion Control Plans should be protective of these environments both during construction and occupation of the project. The ECC recommends careful review of these plans by the Town Engineer.

Mr. Hale expressed concerns regarding the handling of storm water along the property's northern boundary and recommended the use of substantial erosion controls. Mr. Grasso recommended the use of "pocket wetlands" rather than "pocket ponds". Mr. Koval explained that there appeared to be many unresolved issues regarding storm water management. He recommended extension of the landscaped buffer along the eastern property line. Though Mr. Ophardt supported the use of grass pavers in the northeasterly portion of the site, he recommended that the use of that area be limited to 100 days per year: a note on the site plan would allow enforcement of this limitation. Mr. Hale recommended, and other members agreed, that the installation of a more natural vegetative border along the easterly property line would be more pleasing than the installation of a formal tree line.

[2010-035] **Wagner, Daniel** – Proposed 3,000 SF office building, 5 Longkill Road – Preliminary site plan review and possible determination. SBL: 259.9-1-13

This application was withdrawn from this evening's agenda at the request of the applicant.

New Business:

[2010-038] **Windhover Farms (2010)** – Proposed (25) lot subdivision, Grooms Road – Conceptual review. SBL: 276.-1-9; 276.-1-15.21, 276.-1-27.111; 276.-1-77

Mr. John Stevens, consultant for the applicant, presented this application for the Board's review. The subject parcel is located in a CR (Conservation Residential) zoning district on the

northerly side of Grooms Road approximately one-third of a mile west of Grooms Corners. The overall development site consists of four (4) adjacent parcels totaling 131.12 acres of land. The speaker explained that development site was farmed for many years before being used for athletic fields that were privately operated as Windhover Farms. Nearly seven (7) years ago the property owner submitted a subdivision entitled "Curnyn Meadows" that proposed equestrian amenities in addition to several residential lots. More recently, in 2008, an application for approval of a forty-five (45) lot subdivision requiring Town Board approval for incentive zoning was denied by the Town Board. The current application involves development of 39.5 acres of the total site and requests approval of twenty-five (25) residential lots. These lots will be served by extension of public water and sewer services. The remaining open space area totaling 91.62 acres will be retained in private ownership with conservation of the wetland areas on the site either by deed restriction or conservation easement. Tax map parcel number 276.-1-77, currently a separate legal entity, which consists of 8.43 acres, will be used for construction of a single family residence.

Mr. Stevens described the existing site conditions, noting that of the total 131.12 acres, 74.99 acres are unconstrained as defined in CR (Conservation Residential) zoning legislation. Pursuant to zoning guidelines, calculations of allowable development were provided: twenty-five residential lots would be allowed. All open space requirements will be satisfied: 60% of all unconstrained land will be dedicated open space. Water and sewer lines will be extended to serve the proposed homes. Access will be provided via a proposed public roadway; a secondary access roadway will serve as an emergency access and provide access to open space parcels which the applicant proposes to convey to the Town. All storm water management will be accommodated on site. Wetland delineations, endangered species inventories, and archaeological studies have been completed.

Mr. Scavo reported that Mr. Myers, Director of Building and Development, offered the following comments regarding this application. A full Storm Water Pollution Prevention Plan, including considerations for the parcel shown as open space, will be required. The applicant should clarify whether or not the open space parcel is to be deeded to the Town of Clifton Park. Additional comments will be provided as the plan progresses from conceptual consideration to preliminary review.

Mr. Scavo explained that Sheryl Reed, Chief of the Bureau of Fire Prevention, provided the following comments regarding this application in a memo dated October 26, 2010. She requests that the applicant provide a roadway profile for the proposed secondary entrance (emergency access road) that will be dedicated to the Town. The plan should include the details for its construction and specify who will be responsible for its maintenance during inclement weather. The plan should also indicate whether the roadway will be gated or secured. If the proposed secondary entrance roadway is "dead ended," a turn-around for emergency vehicles must be provided. A hydrant layout must be provided and postal verification is required. Comments from appropriate emergency services agencies will be forwarded to the applicant when received.

Mr. Scavo offered a number of comments prepared by the Planning Department. Since NYS DOH requires that any subdivision of five (5) lots or more be considered as a Type I action,

the project will be classified as a Type I action and coordinated review will be required. The involved agencies are expected to include the Clifton Park Planning Board – Subdivision Approval; NYS DEC – Article 24 of the ECL Wetlands Delineation and acceptance; ACOE – Federal Wetlands Verification Determination; NYS DOH – Realty Subdivision Approval; Saratoga County Sewer District (SCSD) – Project Review and Flow Acceptance; Saratoga County Highway Dept. – Curb Cut Access Permit for proposed subdivisions roads with access off of Grooms Road, County Route 91; SHPO – possible Archeological Survey may be needed due to ground disturbance if determined to be in archeological sensitive areas; CPWA (Water System Extension and Acceptance). When the applicant has prepared Part I EAF and it has been deemed complete by the Planning Board, Lead Agency transmittals will be sent to all involved agencies. Acceptance of the wetland delineations from both ACOE and NYS DEC will be required prior to final subdivision approval. CR (Conservation Residential) zoning states the parcel may be developed at a density not to exceed 0.33 units per acre of unconstrained land, provided 50% of the area of the development site is designated as permanent open space. Where permanent open space is proposed, it must include a minimum of 25% of the unconstrained land of the parcel. For any permanent open space, the fee simple title to the permanent open space may be held privately, but for all permanent open space, the area shall be designated on the subdivision plat as applicable and shall be so designated on the Zoning Map of the Town of Clifton Park.

Mr. Scavo offered additional comments. “Proposed Open Space Lot” should be changed to read “Permanent Open Space”. The applicant should add the following information to the CR Zoning Calculations:

Permanent Open Space Unconstrained Lands Provided = ____ acres.

Permanent Open Space Provided = ____ acres.

50% Permanent Open Space Required = ____ acres.

25% Permanent Open Space Unconstrained Lands Required = ____ acres.

In addition, the standard notes applicable to Land Conservation Areas should be added to the plans. In accordance with Section 208-98 of the Town Code, Grooms Road has a special setback line of 100’ from the centerline of the road for any structure. As such Lot #1 will have to show the special setback line within the buildable envelope from Grooms Road in addition to the 25’ required setback from the proposed subdivision road. In accordance with zoning requirements, no residential dwelling or wastewater disposal system shall be placed within 50 feet of a federally jurisdictional wetland. As such a 50’ buffer should be shown around the ACOE wetland in the vicinity of proposed Lot #23.

Mr. Scavo reported receipt of correspondence from the NYS Office of Parks, Recreation, and Historic Preservation that states that the project as presented will require no additional archaeological testing. Any future development at the northern portion of the 91.62 acre parcel; however, will require additional consultation with that agency.

Mr. Grasso offered the following comments that were prepared by CHA Companies following review of the project plans. The parcel is located within the limits of the Western Clifton Park GEIS Study Area and the CR (Conservation Residential) zoning district. The project site is not identified on the Land Conservation Plan as an Agricultural or Open Space Resource parcel worthy of special protection, so development of the property in accordance with the conservation design principals appears appropriate. The plan correctly evaluates the amount of constrained land on the site and CHA Companies agrees that the maximum allowable density

of the parcel is 25 lots. Although CHA Companies is generally supportive of the location and disposition of lots and open space, it is recommended that an alternative layout be considered, and the company prepared a sketch plan that attempts to address the following concerns: concern over very small lot sizes and inconsistency with other developed lots in the area; protection of rural qualities of the site; visibility of lots when viewed from Grooms Road; protection of the existing hedge row that can be used as a natural buffer between developed home sites; dead end municipal roadway with only T-type turnaround provisions; inadequate area for storm water management; excessive cul-de-sac size. The maximum number of lots with one means of access is 18 lots. As such, the proposed secondary access drive will need to be designed and maintained as a suitable alternative emergency access provision: this road must be a minimum of twenty feet wide and be capable of supporting emergency access equipment and provisions for maintenance and upkeep insured. The wetland delineation map should be submitted to both the United States Army Corps of Engineers and NYS Department of Environmental Conservation for jurisdictional determinations. All correspondence from these agencies should be copied to the Town and CHA Companies. Previous proposals involving development of this parcel included pedestrian improvements. A pedestrian improvement should be provided that connects to an existing trail (Settlers Hill) or along a public right-of-way to a logical terminus (Grooms Road). The plan should depict the proposed ownership and intended use of the open space areas. If the storm water management areas will be maintained by the Town, it is recommended that they be in Town owned parcels. The access to Lot #26 should utilize the existing curb cut of the adjacent parcel. It appears that an existing ingress/egress easement is in place. The sight distance at the proposed curb cuts should be evaluated. The proposed project appears to be an unlisted action pursuant to SEQRA: coordinated review is optional. A Full Environmental Assessment Form should be provided for review. Involved agencies are anticipated to include the following: Clifton Park Planning Board - Subdivision Plan Approval; Saratoga County Sewer District #1 – Sanitary Sewer Connection; Clifton Park Water Authority – Water Connection Permit.

Mr. Montague, Environmental Specialist, reported that the ECC recommended that the lots should be adjusted to eliminate any intrusion into the LC zone.

Mr. Pat Popolizio, 891 Grooms Road, stated that he found it “unbelievable” that the Town of Clifton Park would pay several hundred thousand dollars to secure development rights for some agricultural properties located along Grooms Road and then consider an application that requests approval to construct twenty-five (25) residences on lands adjoining the preserved area. He asked that the applicant provide a comprehensive plan for development of the lands now labeled on the plan as “proposed open space”. He explained that although the open space had been used as soccer fields in the past, the land has not been used for this purpose for more than ten years. Mr. Scavo stated that any uses proposed for the designated open space parcel must be compatible with current zoning statutes. It was recommended that the existing Special Use Permit for the property be reviewed.

Mr. Koval stated that although he did not find the project design pleasing, he found the project density acceptable. He asked that the applicant provide a comprehensive plan that illustrates all anticipated uses of the parcel. Mr. Grasso commented that it would be critical for Board members to have an understanding of the intensity of the uses that may be proposed for the open space parcel. Board members did not comment positively or negatively on the subdivision application.

Minutes Approval:

Mr. Ophardt moved, seconded by Mr. Andarawis, approval of the minutes of September 28, 2010 as written. Ayes: Ophardt, Pace, Andarawis, Koval. Noes: None. Abstained: Hale, Paulsen.

Mr. Hale moved, seconded by Mr. Koval, adjournment of the meeting at 8:40p.m. The motion was unanimously carried. The next meeting of the Planning Board will be held as scheduled on November 9, 2010.

Respectfully submitted,

Janis L. Dean,
Secretary

cc: Planning Board Members, Planning Department, Clough, Harbour, and Associates, Supervisor, Town Administrator, Assessor, Zoning Board, Department of Building and Development, Town Clerk, Town Board Members, Highway Superintendent, Lou Renzi, Town Attorney, Tom McCarthy, Town Attorney, Paul Pelagalli, Town Attorney, ECC, Clifton Park Water Authority