

Town of Clifton Park

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PLANNING BOARD

Rocco Ferraro
Chairman

Paul Pelagalli
Attorney

Meg Springli
Acting Secretary



MEMBERS

Michael Hale

Joel Koval

Eric Ophardt

Sandra Pace

Kim Paulsen

Tom Werner

(alternate) Emad Andarawis

Planning Board Minutes

March 27, 2012

Planning Board: R. Ferraro, Chairman, J. Koval, E. Ophardt, S. Pace, K. Paulsen, E. Andarawis

Those absent were: T. Werner, M. Hale

Those also present were: J. Scavo, Director of Planning
R. Milano, M.J. Engineering
M. Montague, ECC
P. Pelagalli, Counsel
M. Springli, Acting Secretary

The chairman called the meeting to order at 7:04pm. All in attendance stood for the pledge of allegiance. Mr. Ferraro stated that Mr. Andarawis was a voting member for the night in the absence of Mr. Hale.

Mr. Ferraro also noted that the meeting scheduled for June 12, 2012 will start at 6:30 pm instead of 7:00 pm as the Friends of Clifton Park Open Space will be presenting to the Planning Board, Environmental Conservation Committee, and anyone from the public who might be interested.

I. Public Hearings

- A. [2012-007] **World Class Gymnastics** Proposed use of existing space for gymnastics training and related retail items, 22 Clifton Country Rd, Zoned: B-4, Preliminary public hearing with possible determination of a Special Use Permit, SBL: 272.-1-31.112 To be reviewed by: N/A, Consultant: P. Murray, Last Seen on: 2/15/2012

Mr. Ferraro opened the Public Hearing for World Class Gymnastics at 7:08 pm

The planning board secretary read the public hearing notice as it was published in The Daily Gazette on March 22, 2012.

Peter Murray, attorney, acted as representative for the applicant, Piehlers, Inc. who is seeking a Special Use Permit in Space 1A at Clifton Park Center Mall to operate a gymnastics facility in the space located behind Alpin Haus. No exterior changes other than the signage are planned. Mr. Murray remarked that the plan is basically unchanged from the earlier presentation. In response to questions asked at the last meeting, the owners do not plan to hold large tournaments at this location adding that those will be better held at their facility in Latham. Mr. Murray added that he had asked mall owners about placing a bike rack and they have replied that they will consider it.

Public Discussion: None

There being no additional public comment, Mr. Ferraro asked for a motion to close the public hearing at 7:13pm.

So moved: Paulsen

Seconded by: Koval

Ayes: all

Opposed: none

The motion is: unanimously carried

Staff Comments

Building and Zoning read by the Planning Director

- Special use permit required for commercial recreation in a B-4 zone.

Planning Director's Comments

The County Planning Board had no objections to the project.

MJE Comments

- None

ECC Comments

- None

Planning Board Discussion

The chairman stated he felt this project was a good mixed use of retail/service planning and that it fit with the Town Center Study and added that he would like to see bike rack here.

Motion for SEQR

Mr. Ferraro asked for a motion to establish the Planning Board as Lead Agency for this application, an unlisted action, and to issue a negative declaration pursuant to SEQRA.

So moved by: Ophardt

Seconded by: Andarawis

Ayes: all

Opposed: none

This motion is: unanimously carried

SUP Approval

The chairman asked for a motion to waive the final hearing for this application and to grant preliminary and final site plan approval of this Special Use Permit application conditioned upon the satisfaction of the comments offered by the Planning Board, Planning Department, and Town Designated Engineer.

So moved by: Pace

Seconded by: Koval

Ayes: all

Noes: none

This motion is: unanimously approved

- B. [2005-060] Waite Meadows Subdivision** Proposed (3) Phase Plan for building, 626 Waite Road, Zoned: CR, Preliminary public hearing with possible determination on addendum to stamped subdivision plan, SBL: 270.-1-19.1 To be reviewed by: N/A, Consultant: D. Arico, Last Seen on: 3/13/2012

Mr. Ferraro opened the Public Hearing for an addendum to the Waite Meadows Subdivision at 7:16 pm

The planning board secretary read the public hearing notice as it was published in The Daily Gazette on March 23, 2012.

Presentation:

Dominic Arico of Boswell Engineering acted as representative for the applicant Belmonte Builders. Mr. Belmonte was also in attendance. Mr. Arico located the subdivision on the map

and showed the 3 phases as delineated in the proposal. The consultant stated that two homes are proposed for the first phase originally with well and septic but to be connected to public water and sewer by the developer when the lines are extended on the road for the additional homes in the other phases.

Public Discussion:

Dan Hartnett, Trails subcommittee, restated the belief the committee has that the builder should be responsible for the entire cost of construction of the trail to be built in this plan so the Town does not become liable for substantial building costs and decides not to build the proposed trail to its completion in the future due to rising cost as has happened elsewhere. Mr. Hartnett cited the Autumn Glen subdivision as an example of where this had happened before.

There being no additional public comment, Mr. Ferraro asked for a motion to close the public hearing at 7:21pm.

So moved: Paulsen
Seconded by: Koval
Ayes: all
Opposed: none
The motion is: carried

Staff Comments

Building and Zoning read by the Planning Director

- No additional comments at this time.

Planning Director's Comments

- No additional comments at this time.

MJE Comments

- None

ECC Comments

- None

Planning Board Discussion

Mr. Ophardt asked if the costs brought up regarding Autumn Glen were an issue the town should be concerned about. Mr. Belmonte responded that he understood the concerns, but that the agreement has been that instead of creating total internal trails to the subdivision, that in order to provide greater public benefit, that a certain budget was derived to move the trail along Waite Road toward Rt 146 and that the Town would continue the construction once that budget was expended. In the subdivision review process which resulted in a stamped subdivision approval

and plan, cost estimates for what was originally proposed as an internal trail system had been derived and approved. Mr. Belmonte explained that he, the developer, had been requested by the Planning Board to eliminate the internal trail and instead apply that same budget to a trail along Waite Road toward Rt 146 above the water and sewer lines. The builder added that estimates for that work had not been formalized but the agreement was that the Town would continue to complete the trail as far as Rt. 146 if, and when, that fixed budget was exhausted. Mr. Belmonte stated that his firm is not trying to delay the construction but rather to allow the first two lots to create "seed money" for the overall project to continue rather than wait even longer for the economy to improve.

Mr. Belmonte also noted that trail plans in Autumn Glen were opposed by NYSDEC and asked to be redesigned due to wetlands, mitigations, etc. and the developer was opposed to creating what they felt were potentially problematic paths through woods. The speaker added that through a lengthy process it was negotiated that the builder would provide funds to the Town to help create town-wide trails along Moe Road rather than through the Autumn Glen subdivision. Mr. Belmonte noted that he supports trails along roadways rather than through the woods.

Mr. Ophardt remarked that it is the planning board's role to protect the town's interest. The board member added that he was grateful for some background information and asked if it was possible at this point to come to a mutually beneficial agreement even if that meant some adjustments.

Mr. Belmonte stated that he understood, and suggested that instead of the Town paying outright for extending the trail, perhaps, Belmonte Builders could build and complete the trail and the cost be applied to offset some of the permit, application or ordinary fees charged to this project in the course of normal business in the Town of Clifton Park. Mr. Ferraro stated that he felt it could possibly be renegotiated because the applicant has asked for an amendment. Mr. Scavo acknowledged that based on review of project files and prior minutes, the changes to the trail were requested by the Planning Board years ago and that there were some Parkland fees to be charged per lot that could be potentially offset by land in lieu of and subsequent work to be done, which has been common practice for past projects.

Mr. Koval felt that fees other than Planning Board fees would be outside of the planning board purview. Mr. Pelagalli agreed that anything else might have to be a Town Board decision.

The Chairman summarized that hypothetically, a 1/4 mile could be left undone once the budget was expended, and he would like to finalize an agreement that completes that portion of the trail to Rt. 146.

Mr. Ophardt asked how quickly it would be done so costs do not increase any further. Mr. Belmonte said it must be simultaneous to Phase II, when sewer and water is done, so the builder would not be disturbing the ground and grading twice. Mr. Koval asked when the dollar amount was set. Mr. Scavo said at time of approval a few years ago. Mrs. Paulsen asked if it could be updated since an amendment is now open.

Mr. Belmonte says his goal is to complete the trail and that he does not want a partial trail, but he added that this project is in financial duress. The developer stated that he is hoping the results will be in everyone's favor and that he is not opening the project for a major amendment and feels that this budget issue could impose greater hardship. Board members expressed skepticism

and the chairman stated that there are no cost estimates for building the complete trail although a fixed dollar amount is what had been agreed to. Mr. Ferraro then asked for some flexibility on everyone's part and urged looking at some modifications to the plan to get it done. The chairman added his belief that the grading and disturbance is a cost of installing the utility lines and not the cost of the trail. The chairman then suggested that somehow the trail should be achievable even if use of materials or labor costs must be renegotiated. Mr. Belmonte suggested working with the Town highway department where the Town might supply some material and perhaps the developer supply labor. Mr. Scavo stated he felt there is actually incentive for the builder to bring this trail in under budget and that there is room for an agreement.

Motion for SEQR

Mr. Ferraro asked for a motion to establish the Planning Board as Lead Agency for this application, an unlisted action, and to issue a negative declaration pursuant to SEQRA.

So moved by: Paulsen

Seconded by: Andarawis

Ayes: all

Opposed: none

This motion is: carried

Approval

The chairman asked for a resolution to waive the final hearing for this application and to grant preliminary and final approval of this addendum to a previously approved subdivision application conditioned upon the satisfaction of the comments offered by the Planning Board, Planning Department, and Town Designated Engineer.

So moved by: Ophardt

Seconded by: Kokval

Roll call: Mrs. Pace, Mrs. Paulsen, Mr. Ophardt, Mr. Andarawis, Mr. Koval, Mr. Ferraro

This resolution is: unanimously passed

A Notice of Decision and is attached at the end of these minutes and the applicant will also receive a Review Letter from the Planning Department prior to stamping of the plans.

II. Old Business

- C. [2011-033] **Medical Office Complex** Proposed construction of (4) medical office buildings totalling 42,000 SF, 715 Pierce Rd, Zoned: L 1, Preliminary site plan review with possible determination, SBL: 265.-1-12.1 To be reviewed by: MJE, Consultant: EDP, Last Seen on: 1/12/12

Joel Koval is recusing himself from the vote.

Presentation:

Gavin Vuillaume of Environmental Design Partnership acted as representative for the applicant, James McDonald. Also present was the plan's architect Bob Platte. He discussed the project which was seen in January 2012. Mr. Vuillaume located the plan on the map and showed an architectural rendering of the first building facade stating that the first building is planned to be a little larger than at concept but that one of the other buildings has been adjusted so the total Square footage of the site build-out is unchanged. The consultant noted that Trails and pedestrian circulation was highlighted on the site plan submittal, eliminating the previously proposed bike lane and showing internal sidewalks primarily to be used between buildings. Mr. Vuillaume noted that Stormwater management and green infrastructure processes have been discussed with MJ Engineering because of the proximity to wetlands adding that porous pavements, wet ponds, dry and wet swales are devices being considered and comments from MJ are being addressed now that weather has improved.

Public Discussion: None

Staff Comments

Building and Zoning read by Randy Milano

- We suggest replacing all concrete and gravel walkways with porous pavement to further limit runoff.
- Dry swales are intended for residential use of five acres or less, not commercial. It appears the swale is proposed due to its low cost in comparison to other infiltration practices.
- Pocket ponds allow direct interfacing of runoff with ground water which I expect is not an acceptable practice directly adjacent to the Dwass Kill, a 303(d) listed stream.
- We don't seem to get the same values for WQv and RRv total for project = 9600 CF, RRv proposed = 7370 CF or 77% plus/minus.
- There is a minor discussion of green practices in the SWPPP but it is not believed that an evaluation of all green infrastructure techniques are technically infeasible to the point where 100% RRv can be met.

Planning Director's Comments

- A pre-construction meeting will be required prior to any clearing or grading commencing.
- Prior to construction of the Porous Pavement a detail sheet will need to be provided to the Town for review and consideration.

- The applicant's engineer shall provide an estimate for the Landscaping costs associated with Phase I so a Landscaping Security Deposit can be established.
- A construction inspection escrow will need to be established prior to the issuance of a Building Permit. The Final Review Letter from the Planning Department will outline the amount.
- Please talk about the Phasing Plan for clearing and grading of the site.
- A detail showing the phasing line for clearing, grading, and site stabilization should be included in the plan prior to final stamping.
- The Planning Department's prior comments have been addressed.

MJE Comments

- All handicap accessible parking spaces and access aisles are to be graded at 2.0% (1 :48) maximum in all directions. Several areas are graded at 2.22%
- It appears that the traffic counts currently being used for Ushers Road are from 2005. They were forecasted to 2012 by Creighton Manning and are now being used by GPI to forecast to 2014. We recommend that new updated traffic counts be performed for Ushers Road since this information is seven (7) years old and the traffic counts for Kinns Road being utilized were performed by GPI in 2011. It is still our recommendation that new traffic counts be performed for Ushers Road.
- The rainfall for a 100-year stonn event should be 5.8 inches. Table 1 of the SWPPP on page 3 should be corrected from 5.6 inches to 5.8 inches.

Based upon on our review of the revised Site Plans and Stormwater Management Narrative we offer the following additional comments:

- There is the potential for significant SWPPP changes if infiltration rates are less than 0.5 inch per hour that would require the replacement of the infiltration basin and change the amount of credit given for runoff reduction volume (RRv) in some practices. As such, we recommend that infiltration testing be completed as soon as possible to verify infiltration rates.
- The current RRv meets the minimum amount permitted. However, the RRv does not include the land banked parking. The land banked parking should be included in the RRv calculation, and the overall RRv for the site should be improved upon. It should be noted that financial infeasibility is not a permissible reason to preclude a green infrastructure practice.
- Provide a breakdown of the amount of RR v met for the roofs and the pavement separately.

- Provide what the freeboard is for the 100 year storm in each of the stormwater management areas.
- Stream 1R outlets through the two culverts on the plans. The HydroCAD model does not indicate this and the model should be revised.
- The forebay for Stormwater Management Area #3 backs up into the inlet pipe. The elevations should be evaluated and revised accordingly.
- Page 17 references a table in Appendix C that does not appear to be included in the SWPPP.
- The SWPPP should address endangered species, historic, and archaeological resources.
- The general permit GP-0-1 0-00 1 inspection forms and the contractor and owner signature pages should be included in the SWPPP.
- The last page of the SWPPP for the channel protection volume has an incomplete note at the bottom of the page.
- Verify the amount of 3.3 acres of impervious area listed on #7 of the NOI. Other information provided indicates 3.6 acres of impervious area.
- The porous pavement detail should indicate a choker course and pea gravel course, the height of the underdrain above sub grade should be corrected, and the underdrain inverts should be set to provide adequate coverage over the pipe for the anticipated traffic loading conditions.
- The 4 foot wide stone path that runs between SWM Area #2 and #3 appears to cross the weir and go through the swale. Provide a detail for the path in this area.
- USACOE sign off will be required.

ECC Comments

- 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 stormwater management system is inadequate. As such, the ECC would like the dumpsters to be relocated to a less sensitive area or have the applicant enclose the area (i.e. roof) on an impervious surface with a berm surrounding the dumpsters. If necessary, the Applicant will need to periodically pump out the accumulated wastes within the bermed area to avoid any overflow.
- The ECC is concerned with the location of the stormwater ponds in correlation to the Dwaas Kill. Specifically, there appears a good possibility of an increase in sediment and

phosphorus pollution. The ECC recommends relocation of stormwater outlets (No. 5 and 6) to a mitigation area before they empty to the Dwaas Kill.

Planning Board Discussion

Mrs. Paulsen asked for clarification of the redesign of the footprints based on added square footage to building one. Mr. Vuillaume stated those are not firm until tenants are found but general concepts are shown on the plan. Mr. Ophardt asked if an access point to the Dwaas Kill area was planned. Mr. Vuillaume and the owner both said it is a liability issue and not advised by their attorney, but perhaps the town could be granted some access if needed without formalized access to the Public. Mr. Ferraro asked Mr. Pelagalli for clarification for owner liability and he explained that the use of the land was intended for a dental office and not recreational use. Mr. Pelagalli also counseled that once land is no longer left in its natural state it could be opening the owner up to potential risk that he might not want to encourage. Mr. Scavo stated that the Town would ask property owner directly if the Town needed access. The Chairman asked when parking and sidewalks would be built. The reply was that Sidewalks would be built at time of each building but that parking would be paved as it is deemed needed per landbanking agreements. Mr. Vuillaume stated that clearing and grading will be taking place onsite for sewer and stormwater. Mr. Ferraro asked for phasing and clearing to be clearly delineated on the final plan and that contractors know specifically where they are to be clearing and it is to be flagged onsite and adhered to. Mr. Scavo stated it will be layed out in a pre-construction meeting specific to sensitive environmental features so what is to be left will be left.

Mr. Ophardt asked to be shown the clearing line on North edge. Mr. Vuillaume showed it on the map and said it will be spelled out per deed restriction as well. Mr. Andarawis asked about the footprint vs. the calculated building size. Mr. Vuillaume stated that the larger square footage is coming from a second story, the footprint remains same.

Mr. Ferraro asked if traffic counts should be updated. Mr. Ophardt asked if it would make any difference and the town designated engineer felt it was not going to increase substantially. Mrs. Paulsen expressed the opinion that cars would not be a problem here.

Motion for SEQR

Mr. Ferraro asked for a motion to establish the Planning Board as Lead Agency for this application, an unlisted action, and to issue a negative declaration pursuant to SEQRA.

So moved by: Pace
Seconded by: Paulsen
Ayes: all
Opposed: none
This motion is: carried

Site plan Approval

The chairman asked for a motion to waive the final hearing for this application and to grant preliminary and final site plan approval of this application conditioned upon the satisfaction of the comments offered by the Planning Board, Planning Department, and Town Designated Engineer.

So moved by: Ophardt
Seconded by: Andarawis
Ayes: all
Noes: none
This motion is: carried

A Notice of Decision is attached at the end of these minutes and the applicant will also receive a Review Letter from the Planning Department prior to stamping of the plans.

D. [2011-036] **Rusty Nail** Proposed construction of an addition and parking lot amendment, 1781 Rt 9, Zoned: B-4A, Preliminary site plan review, SBL: 266.3-2-8 To be reviewed by: MJE, Consultant: D. Arico, Last Seen on: 11/9/2011

Mr. Dominic Arico presented this project with Scott Townsend of 3t architects. The consultant remarked that zoning board variances have been granted and property consolidations have been achieved. Mr. Arico stated that porous pavement will be implemented in sensitive areas of project. Next, Building elevations were also shown and the project was oriented on the map. Mr. Scavo recommended a public hearing based on the proposed relocation of Biette Road but it is at the discretion of the Planning Board rather than required as in a subdivision. Mr. Townsend discussed the different seating areas of the proposed project. Then the consultant noted that the exterior materials to be used are residential in nature and added that no formal stage or outside entertainment area is planned.

Staff Comments

Building and Zoning read by the Planning Director

- Full SWPPP required.
- Proposed building area does not appear to include the existing building.
- At most there appears to be 68 parking spaces proposed. With a customer service area for the building alone of Around 5700 SF, parking is 76. When the patio is added it goes to about 9000 SF or 120 spaces. It appears only half of what is needed is proposed. Recent history has proven that parking is essential at these businesses.

- Variances were granted.

Sheryl Reed's comments

- The interior occupancy load for the building under the New York State Building Code is in excess of 200 people. Concerns with inadequate parking for the customers thus forcing them to park onto Biette Road which is a very narrow town road. South of this proposed building on the east side of Biette Road is an existing gated emergency access point into Turf Trailer Park which is located in the Town of Halfmoon. To provide adequate response and access for emergency services they need to post on both sides of Biette Road for its entire length – “No Parking – Fire Lanes”.
- Will there be live entertainment and or a stage on the exterior patio area?
- Specify existing hydrant location on the site plan.

Planning Director's Comments

- An Operation and Maintenance Plan will be required for the Porous Pavement.
- It is assumed at this time that future submittals will adequately show the project can accommodate stormwater runoff from the expansion.
- The Planning Department will provide future comments based on review of a complete submittal for Preliminary Consideration.

MJE Comments

It appears that the majority of previous comments from our November 4, 2011 letter have not been addressed. Based upon your cover letter, it is our understanding that recent variances were granted and the applicant is seeking further input from the Planning Board before providing a complete preliminary submission.

Without the benefit of a complete submission and more advanced site plans, we have no further, additional, comments at this time. Any updates regarding stormwater management, utility improvements, coordination with National Grid for utility pole and overhead utility relocation, and discussions with NYSDOT would be welcomed.

ECC Comments

- The Applicant should provide a maintenance plan for their porous pavement.
- Per Town Code, the Applicant should maintain a minimum 35% greenspace calculated for the entire parcel. The Applicant should install curb islands and plant cisterns to increase their greenspace percentage.

Planning Board Discussion

Mr. Koval asked for clarification of the site statistics. It was shown that the structures that are being removed are being replaced by the commercial space and a former residential structure is being removed. Next it was questioned that commercial space was being almost tripled without parking being tripled. Mr. Arico stated that it was a 5000 SF customer area and that would require about 85 spaces per Town Code. The consultant says the best they can achieve is 68 spaces with the new plan vs. 42 currently existing parking spaces. Mr. Arico stated that ten of the current spaces do not count because they are actually in the highway right of way. Mr. Koval related the anticipated issues due to the popularity of outside patios at an establishment nearby. Mr. Arico has stated that there is a verbal agreement for parking with Parkwood and that a path exists. The Consultant also stated that internal seating is not changing significantly.

The Chairman commented that in his opinion, if parking is not available, then customers will not come in since there is no ability to park along route 9 nearby, but asked if valet parking might be considered. Mr. Koval expressed concern that stacked cars waiting for spaces might be a real problem. Then, it was suggested that some alternatives be proposed at the next submittal, perhaps to include agreements with other businesses. It was advised that Parking should be looked at against overall capacity not just based on town code.

Mr. Ferraro then asked about noise ordinance if there were to be outdoor entertainment. Mr. Scavo stated that outdoor entertainment changes capacity and therefore parking requirements. It was noted that it is easier to have standing room in outdoor space thereby increasing number of patrons. Mr. Arico stated that currently live music is one night a week, but that they could have more out on the patio in season. Mr. Townsend stated that the patio is intended for seating and dining, not dancing nor as a concert venue. The architect added that the permanent outdoor stage area is removed, but there could be a band there which would require removing some tables and seats to accommodate it. Mr. Koval stated that is too vague.

Mr. Ophardt asked about driveway access to the North and narrowing the width for DOT standards. The consultant stated that Biette Road will be improved but it is being changed. Mr. Scavo noted that it will not to be a town owned road, although an emergency access point will be maintained.

The planning director stated that the next step will be a public hearing to address stormwater, parking and access issues. Mr. Scavo asked for a full submittal for preliminary review and stated that the public hearing would be scheduled at that time. The county and interested agencies would need to be contacted before hearing can be scheduled by the Planning Director and placed on the agenda. 500' notices will be required for a public hearing.

Public Comment:

None

- E. **[2011-037] Neil Insurance Building** Proposed reuse of existing vacant residential building for insurance office., 955 Rt 146, Zoned: B-1, Preliminary site plan review

with possible determination, SBL: 271.-2-34.22 To be reviewed by: MJE
Consultant: GVG Last Seen on: 11/27/2012

Duane Rabideau from VanGuilder & Associates presented the plan remarking that required area variances have been obtained. The consultant stated that the proposed Project would change an existing residence to a split insurance business on the first floor with a studio apartment residence on the second floor. It was stated that separate entrances will be maintained for both occupants. Mr. Rabideau expressed concern that tree clearing has been excessive to the original proposal and 6' high 10' on center blue spruces have been added to the plan on the North side of the property for added screening.

Staff Comments

Building and Zoning read by the Planning Director

- Variances were granted.
- Building will be mixed use, commercial first floor and residential second floor.
- Change of use permit from the building department will be required
- A plan detailing the entire project will need to be submitted to the building department for review if planning approves proposal so that all the factors involved can be evaluated. This could include fire separation of the commercial and residential spaces, if the septic and well if present can handle the new occupancy, if 50% of the building is being renovated the entire building may need to be brought up to the current code etc.

Sheryl Reed's Comments

- Applicant should be aware that the existing residential building is considered a change of use under the Building Code of New York State and additional building and fire requirements need to be addressed at the building permit phase of this project.

Planning Director's Comments

- On the final plan prior to stamping please delineate the trees to be removed.
- Are the (3) 12" Elms along the North property line slated to be removed? If so I would recommend planting three new trees in their place.

MJE Comments

All comments from our letter dated November 18, 2011 have been addressed with the exception of comment #2 as it relates to grading of the handicap accessible parking area. We offer the following additional comments:

- The handicap accessible parking space and access aisle are to be graded at 2.0% (1:48) maximum in all directions, and the accessible route from the parking area to the ramp is to be graded at 5.0% (1:20) maximum.
- The proposed handicap accessible ramp to the building does not meet ADA requirements and should be revised accordingly. The current ramp is shown at a rise of 42 inches over a run of 41 feet. The maximum rise for any individual ramp run is 30 inches over a run of 30 feet for a maximum slope of 8.33% (1:12) and requires a level landing at the top and bottom of the ramp run sloped at 2.0% (1:48) maximum.
- It appears that additional lighting is necessary for the site at the ramp area, main entrance, and parking areas. Lighting levels should meet the minimum requirements of the Illuminating Engineering Society (IES). Typical parking space, drive aisle, and width of the access drive dimensions should be added to the plan.
- Details for a typical pavement section and concrete walk should be added to the plan.
- Silt fencing should be added to the plan beyond the limits of disturbance along the northern and northeastern portions of the site. A silt fence detail should also be added to the plan.
- Clarification should be provided for the limits of clearing of existing vegetation to determine if additional plantings would be recommended for buffering along the western and northern property boundaries.
- Provide clarification if any proposed utility modifications are proposed.

ECC Comments

None

Public Comment

None

Planning Board Discussion

Mr. Ferraro expressed disappointment about the trees that were cut down. Mr. Rabideau replied that the Tree cutters did note that poor health of trees cut was observed and that the applicant will add extra trees to mitigate some of the trees removed. Mr. Rabideau also agreed that some lower landscaping could be incorporated in front as long as it does not interfere with sight distances on road.

Motion for SEQR

Mr. Ferraro asked for a motion to establish the Planning Board as Lead Agency for this application, an unlisted action, and to issue a negative declaration pursuant to SEQRA.

So moved by: Koval

Seconded by: Paulsen

Ayes: all

Opposed: none

This motion is: approved

Site plan Approval

The chairman asked for a motion to waive the final hearing for this application and to grant preliminary and final site plan approval of this Special Use Permit application conditioned upon the satisfaction of the comments offered by the Planning Board, Planning Department, and Town Designated Engineer.

So moved by: Ophardt

Seconded by: Andarawis

Ayes: all

Noes: none

This motion is: carried

A Notice of Decision is attached at the end of these minutes and the applicant will also receive a Review Letter from the Planning Department prior to stamping of the plans.

III. New Business

- F. [2012-011] **Bucciero/Reid** Proposed (2) lot subdivision with access on Miller Road, 511 Waite Rd, Zoned: CR, Conceptual subdivision review, SBL: 270.-1-68 To be reviewed by: MJE,

Presentation:

Corey Reid represented himself as the applicant and described the project which is to create a parcel for his family from the property owned by his in-laws. The applicant pointed out the drainage ditch features on the plan.

Staff Comments

Building and Zoning read by the Planning Director

- Appears to be ACOE wetlands on parcel to be divided out.

- Does not currently appear to meet the definition of a keyhole lot, therefore the 40' requirement does not apply since it is specific to keyholes.
- Appears to have the required 80' lot width at the 50' front setback line. (30' front setback is the minimum in a CR zone)

Planning Director's Comments

- Please describe the wetlands on the site. It appears NYS DEC has declassified the wetland however, a JD letter from ACOE should be provided also.
- The limits of the wetland boundary appear to be a straight line and not a feature shown to have any width?
- 911 Addresses will have to be shown on the map once assigned.
- A site data chart should be included on the plan which notes:
 - Total Area of Parcel:
 - Area of Proposed Parcel:
 - Area of Remaining Lands:
 - Existing Zoning:
 - Number of Lots:
 - Sewer Service:
 - Water Service:
 - Minimum Lot Size:
 - Minimum Building Frontage at Front Bldg. Line:
 - Building Setbacks:
- Will the site be serviced by a well if so the following note should be added:
- All lot sales shall be contingent upon a contract addendum for the location of water, flow capacity and potability in accordance with Town of Clifton Park and New York State Health Department Standards.
- Should the lots be located beyond the current service area, the following note must be added to plan:
- Lots will be connected to public water within two (2) years of availability at the property line
- The following note should be added to the plan which states: “Prior to issuance of a building permit, perc test results and sanitary design details shall be submitted to the Building Department & Town Engineer. All fill systems require six to nine months

setting period through at least one frost cycle before installation of the system. Soil pecculation tests and resultant wastewater treatment (individual sanitary sewer designs) shall be prepared by or under the direct supervision of an architect, engineer, or land surveyor duly licensed to practice in New York State according to Article 145, Sections 7200-7209 of the Education Law. Wastewater treatment designs shall conform to Appendix 75-A. Wastewater Treatment Standards – Individual Household Systems.

- A note should be added to the plan prior to final stamping which states, “The subdivision has utilized the one-time, single-lot exemption for a family member in accordance with Section 208-16E(2)(d) of the Town Code.
- A \$500.00 parkland fee for the new residential lot shall be paid prior to the stamping of the final plans.
- Section 179-26 (C) of the Town Code State, “The subdividing of the land shall be such as to provide that each lot abuts a public street which provides satisfactory access via public streets to an existing public street or highway. In no cases shall a subdivided lot have less than 40 feet of frontage on said public street.”
- Section 179-30 of the Town Code States, “§ 179-30. Waiver of certain requirements.
 - Where the Planning Board finds that because of unusual circumstances of shape, topography or other physical features of the proposed subdivision or because of the nature of adjacent developments, extraordinary hardship may result from strict compliance with these regulations, it may waive certain requirements of these regulations so that substantial justice may be done and the public interest secured, provided that no such waiver shall be granted which will have the effect of nullifying the intent and purpose of the Official Map, Zoning Ordinance, EN these regulations or ordinances of the town. In granting changes and modifications, the Planning Board may require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements so changed or modified.
- The following note should be added to the plan, “If existing vegetation is cleared, or does not presently exist in the front yard of each lot, there shall be two (2) deciduous trees per lot, 3" minimum caliper, planted at the front property line, not within the road right of way, per lot.”

MJE Comments

- The proposed project appears to be an "Unlisted" action pursuant to SEQR, and as such a coordinated review is optional. The Planning Board may wish to accept lead agency status. Involved agencies are expected to include, but are not limited, to the following:
 - Town of Clifton Park Planning Board - Subdivision Approval
 - Saratoga County Sewer District #1 - Sewer Connection Permit
 - USACOE - Wetland Disturbance Permit

- The applicant should clarify which development option they are pursuing under Town Code Section 208-16 E (2). As currently shown, the Subdivision Plan appears to meet the one-time single-lot family zoning exemption pursuant to Town Code Section 208-16 E (2) (c) and C-R District zoning, space, and bulk standard requirements with the exception of the following:
 - All principal building setbacks should be 50 feet.
 - The proposed lot does not have the required 80 feet of frontage along Miller Road.

- Correspondence from NYSDEC New York Natural Heritage Program should be provided to identify if areas of rare, threatened or endangered species exist on or in the immediate vicinity of the project site.
- The USACOE wetland boundary area should be clearly identified and labeled on the plan.
- Existing topography should be provided for the site.
- Any applicable drainage corridors should be provided.
- Forested areas and other important environmental features should be provided.
- Proposed topography for the site should be provided to ensure positive drainage away from all structures.
- An Erosion and Sediment Control Plan will be required for review.
- The proposed driveway and building location(s) should be indicated on the plan.
- Proposed utility location and information including water and sanitary services should be indicated on the plan.
- The limits of disturbance should be indicated on the plan. It is unclear from the plan submitted if a full SWPPP will be required for the project.

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ECC Comments

- Federal jurisdictional wetlands have been identified on this site. Uses in this area are restricted. The Town of Clifton Park Building Department shall be notified before undertaking any land disturbance activities in Federal wetlands.

Public Comment

Dan Hartnett of the Trails subcommittee noted that the group would request for 15' right of way along edge of payment on Miller Road if it did not already exist for use for any future trails along roadway.

Planning Board Discussion

Mr. Ophardt stated that he felt the 2' +/- waiver for the road frontage was reasonable. Mr. Ferraro stated that he wanted to make sure that the one-time family exemption was being exercised with this project. Mr. Andarawis observed that based on extensive wetlands on the total parcel that the owner probably could not get added lots due to those constraints anyway. Mr. Ferraro stated that the notes about airport noise should be added to plan.

The Planning Board found the proposal generally acceptable. If continued, the next meeting would be a public hearing, final hearing could be waived if all conditions were well met at that time.

IV. Minutes Approval – 3/13/2012

The chairman asked for a motion to approve the minutes from the previous Planning Board meeting.

So moved by: Andarawis

Seconded by: Ophardt

Ayes: all, Kim abstained

Opposed: none

This motion is: passed

V. Discussion Items – Connors/MDG Mill Creek Moe Road Subdivision near 2011-006 Triller

Mr. Rabideau showed a conceptual sketch of a subdivision adjacent to the Triller subdivision. The applicant would propose to subdivide and combine driveways into a common one which actually reduces the impacts to the isolated wetland on the Triller subdivision and eliminates a curb-cut. The Planning Board initially expressed agreement that the plan is positive and improves some difficult environmental issues. It was explained that the applicant could apply for separate subdivision approval on his lot and grant a perpetual ingress/egress easement to the

Triller subdivision and file it with the County Clerk along with the stamped plan for the MDG Mill Creek Subdivision. The Planning Board seemed to find it acceptable.

Next submittal deadline: 4/04/2012

Next Planning Board Meeting: 4/10/2012 with items submitted 3/21/2012

The chairman asked for a motion to close the meeting at: 10:02pm

So moved by: Koval

Seconded by: Pace

Ayes:all