

Town of Clifton Park

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PLANNING BOARD

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Eric Ophardt

Kim Paulsen

Tom Werner

(alternate) Eric Prescott

Planning Board Meeting June 12, 2012

Those present at the June 12, 2012 Planning Board meeting were:

Planning Board: R. Ferraro, Chairman, E. Andarawis, M. Hale, J. Koval, E. Ophardt, K. Paulsen, T. Werner
E. Prescott – Alternate Member

Those absent were: None

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

Mr. Ferraro, Chairman, called the meeting to order at 6:35p.m. All in attendance stood for recitation of the Pledge of Allegiance.

FRIENDS OF CLIFTON PARK OPEN SPACE PRESENTATION

Mr. Ferraro introduced the Friends of Clifton Park Open Space organization, a private citizens group, currently operating as a 501C3 non-profit corporation, was originally established to discuss “open space planning possibilities within the Town of Clifton Park.” He explained that the report completed and presented for consideration is not a town project but rather the completion of work that has been contracted for by the FRIENDS.

Mr. Bill Koebbeman, member of the Friends of Clifton Park Open Space organization, offered an introduction to the FRIENDS’ sponsored study entitled *Siena Study Final Report* that was recently completed. He discussed the project’s two objectives: a determination of the natural resource value of the land in western Clifton Park and the quantification of the

development potential for a “greenbelt” throughout the area to protect water, habitat and woodlands, and agriculture throughout a contiguous tract in the western part of town.

Mr. Jim Ruhl, member of the FRIENDS organization, offered a summary of the methods utilized in obtaining and organizing information and described how the information contained within the report would “fit” with existing town legislation to provide guidance for the Planning Board in balancing the preservation of significant natural resources with development in the western part of Clifton Park. He explained that the study’s methodology included the assigning of “weights” to the natural resources identified, attributing appropriate “weighted” measurements to each parcel in the western Clifton Park study area, and producing maps that visually depict the “natural resource value” of each parcel. Mr. Ruhl concluded his comments by stating that it was his hope that the Planning Board would utilize the information contained within the report as it considers applications for development within the boundaries of the Western Clifton Park GEIS study area.

Mr. Hale commented that it appeared that the study methodology reflected that of studies produced by Ian McHarg. Mr. Ruhl explained that although the models used were not unique, the study’s “original dimension” was the attribution of “weights” to the categories of resources considered significant. Mr. Ophardt stated the he was a “fan of preserving resources” and viewed the study’s parcel assessment as a valuable resource to be referenced when considering the development potential of properties and requesting the “extraction of concessions from property owners” within the western portion of town. Mr. Ruhl commented that the FRIENDS organization saw the immediate need for the study and viewed the results as a “tool” for the Planning Board to use when considering development proposals. Mr. Ferraro also viewed the study is an additional tool that the Board will have in evaluating and approving projects, noting that it may be useful when considering the transfer of development rights as provided for in the Town Code. In response to Mr. Andarawis’ question regarding the change to a parcel’s value when the uses or values of surrounding parcels change, Mr. Ruhl explained that one of the qualities of the study was its “dynamism” that allowed the values to change as influenced by the change of adjacent areas. Mr. Ferraro stressed the Town’s willingness to share resources and encouraged the FRIENDS to work with town officials, the ECC, and the Open Space, Trails, and Riverfront Committee to achieve common goals.

Mr. Ruhl acknowledged the professional assistance of Dr. Meierdiercks of Siena College and the contributions of students in creating the report. Mr. Frank Berlin, member of the FRIENDS organization, thanked Mr. Scavo, Director of Planning, Ms. Jennifer Viggiani, Open Space Coordinator, and members of the Planning Department for their help in the preparation of the study. Mr. Ferraro concluded the presentation and discussion by stating that the Town of Clifton Park Planning Board will benefit from the study produced by the FRIENDS group and from its interaction with the town. Copies of the study will be made available to the public.

Public Hearings:

[2012-008] **Bordeau Builders** – Proposed (35) lot cluster subdivision, 1234 Route 146 – Preliminary public hearing and possible determination. SBL: 270.-2-28

Mr. Ferraro, Chairman, called the public hearing to order at 7:15p.m. The Secretary read the public notice as published in the Daily Gazette on June 6, 2012.

Mr. John Anders, consultant for the applicant, presented this project proposal that calls for the subdivision of approximately 18 acres of land located within an R1 zoning district. The property lies on the southerly side of Route 146 west of Gold's Gym directly across from the Sterling Heights subdivision. Current improvements on the property include a historic residence and two barn-type outbuildings. The applicant proposes preservation and restoration of the residence in accordance with recommendations from the Historic Preservation Commission and removal of the barns. Lot sizes for proposed new homes – based upon a cluster design - will range in size from .23 acres to .40 acres: the remaining house will be situated on a .89 acre parcel. The main entrance to the subdivision will align directly with the westerly access to the Sterling Heights subdivision. A second right-in/right-out only access will be provided to the east. Lots will be served by connection to the existing municipal water supply and grinder pumps will be installed in each of the two cul-de-sacs to direct sewage to the Saratoga County Sewer District line that runs along Route 146. Stormwater management areas are proposed in the southerly portion of the site between the Land Conservation boundary and the proposed rear lot lines. There will be no disturbance of the 100' buffer area that protects the stream corridor.

Mr. Scavo reported the Sheryl Reed, Fire Marshall, requested that the applicant provide the proposed street names to allow assignment of appropriate 911 postal addresses. The applicant must provide a minimum road width of 26 feet in accordance with the New York State Fire Code.

Mr. Scavo offered the following comments that were provided by Mr. Myers, Director of Building and Development. A full Stormwater Pollution Prevention Plan will be required. Planning Board approval of the proposed cluster zoning plan will be required. Pursuant to the New York State Fire Code, a minimum 26 foot roadway width is required.

Mr. Scavo reported that the Planning Department prepared a number of comments after review of the preliminary submission. He explained that the preliminary plans have been forwarded to the Saratoga County Planning Board for review. Noting that the project lies within the Vischer Ferry GEIS study area, he explained that all applicable mitigation fees, based upon the Capital Improvement Plan adopted following acceptance of the study and subsequent Statement of Findings, and be assessed. Water and sewer services fees will not apply due to hook up locations. The site location map must be legible on all copies submitted for review. The consultant should determine whether or not catch basins are required near the Route 146 entranceway. The following statement should be added to the third note of the sign detail: "The minimum sheeting reflectivity shall be of diamond grade." Proposed street names should be added to the plans: approved postal numbers must be added to the final subdivision plan. Mr. Scavo recommended that the following notes be added to the plans: the standard note required by the Clifton Park Water Authority; the note regarding the proximity of lots to aviation activity; the note regarding the proximity of the parcel to farming activities; the standard note for street trees; the standard note regarding construction hours; a note stating that the subdivision will be included in the Stony Creek #2 Park District. Mr. Scavo reported that comments issued by the

Trails Subcommittee of the Open Space, Trails, and Riverfront Committee have been forwarded to Board members for their consideration.

Mr. Anders addressed the issue of catch basins, explaining that the wing-wedge curbing will collect stormwater and direct it to the on-site management area. Mr. Scavo found this acceptable.

Mr. Scavo offered the following additional comments. The applicant should consult with NYSDOT regarding the curb cut onto Route 146. Pursuant to the Statement of Findings for the Vischer Ferry Road GEIS, “multi-use pathways to encourage non-motorized transportation throughout the corridor” should be incorporated into the development design plan. A sign-off from the State Office of Parks, Recreation, and Historic Preservation on the Stormwater Pollution Prevention Plan must be provided. The Statement of Findings requires that “view sheds should be retained by the preservation and/or establishment of vegetative buffers and clustering.” the Planning Board should determine if the proposed plan adequately minimizes visual impacts of the project from Route 146. Mr. Scavo commented that “the preservation of the historic farmhouse on a larger parcel may be considered as adequate mitigation for minimizing visual impacts of a new residential subdivision.” A street light must be installed at the entrance to the subdivision, though lighting at the entrance to the Sterling Heights subdivision may provide sufficient illumination of the intersection. The Planning Board may wish to consider the preparation of a traffic study since the build-out of the corridor is on-going. Lands to be dedicated to the Town of Clifton Park should be clearly labeled on the plan. Mr. Scavo observed that it appears that such land would include the stormwater management area. The applicant should clarify whether or not common lands will be maintained by a homeowners’ association. The applicant should verify with the Clifton Park Water Authority that the existing waterline along NYS Route 146 is part of the Corporate Commerce Water District. If so, an outside user agreement approved by the Town Board will be required.

Mr. Milano, offered the following comments issued by M J Engineering and Land Surveying, P.C. Though several items listed in the comment letter of March 12, 2012 have been addressed by the applicant, the following issues remain. Correspondence from USACOE and/or NYSDEC should be provided to verify that the wetland delineation identified on the conceptual subdivision plan is accurate. Verification should be provided that the isolated wetlands depicted on the plans are not regulated by NYSDEC and/or USACOE. The results of the Phase 1 archaeological investigation should be provided. A traffic impact study should be submitted for review.

Mr. Milano offered many other comments on the subdivision proposal. The Schedule of Drawings on the cover sheet does not correspond to the actual drawings in the set and should be corrected for future submissions. A north arrow should be included on all plan sheets. Grades at street intersections should be held to a maximum of 3.0% for a distance of 100 feet from the edge of pavement of the intersecting street. The grading should be revised to meet this requirement and to maintain a maximum street grade of 7.0% per Town Code. It is recommended that the stabilized construction entrance from Tisdale Lane be removed and that construction traffic to and from the site be limited to NYS Route 146. The width of the proposed roadways should be discussed and verified with the Town’s Zoning Enforcement Officer. The consultant is asked to identify the water main connection via tapping sleeve and valve to the

existing water mains on Tisdale Lane and the north side of NYS Route 146. The hydrants at the end of the east and west streets should be moved out of the interior circle of the cul-de-sac. The hydrants should be moved to the right-of-way on the outside of the circle. All horizontal bends for the water service should be indicated on the plans and a typical callout should be added for thrust blocks at all horizontal bends and fittings. The hydrant detail and all details associated with water service should coincide with the materials required by Clifton Park Water Authority. Identification of the sanitary manhole at Sta. 7+80 on the cross street is required: associated elevation data for the inverts and rim should be included on the plan. A detail for the connection to the existing sanitary sewer on the north side of NYS Route 146 must be provided. An air release valve structure is referenced on Sheet 9, but it is not identified on Sheet 4. The location of the air release valve structure should be indicated on the plans. The proposed water and sewer are to cross NYS Route 146: plans should indicate the proposed method of crossing (open cut/directional drill). Any pipe material change associated with the crossing should be indicated on the plans and included in the notes. The slope of 0.04% for the 8 inch gravity sewer crossing NYS Route 146 is less than the minimum allowed per the Recommended Standards for Wastewater Facilities. This should be reviewed and revised accordingly. The invert "in" elevation is lower than that the invert "out" elevation for MH18 and MH22. The invert information should be reviewed and revised accordingly. 6 inch diameter PVC is referenced in the utility notes, but 8 inch is shown on the plans and is referenced in the Engineering Report. Per the Recommended Standards for Wastewater Facilities, the minimum pipe size for gravity sewer is 8 inches. The utility notes should be reviewed and revised accordingly. The water and sewer infrastructure should be shown in the road and utility profiles. A detail for the water main crossing of NYS Route 146, if being performed via directional drill, is required. AWWA C651 has been revised since 1995. The most recent version of this standard should be included in the Disinfection Procedure description. A 2-1/2 inch force main is indicated in the pump station notes, though a 2 inch diameter force main is included in the sewer system components table and referenced in the Engineering Report: review and revise accordingly. Two different pump station details are shown on the plans. It appears that only the E-One Model 3048P-92 is to be installed based on the information included in the sewer system components table: if two different pump stations are proposed it should be noted on the plans. The electrical requirements (phase, horsepower, and voltage) should be indicated in the pump station detail.

Mr. Milano stated that M J Engineering and Land Surveying, P.C. also reviewed the Stormwater Pollution Prevention Plan prepared for the project. The following comments were issued. In general, the Stormwater Pollution Prevention Plan submitted is incomplete. There are no appendices, post development analysis, calculations for WQv or RRv, or hydrographs included. There are no figures indicating drainage areas, Tc paths, or impervious areas included in the plan. A MS4 Stormwater Pollution Prevention Plan acceptance form should be included. The Dwaas Kill is a 303(d) impaired water body and this should be revised within the Stormwater Pollution Prevention Plan. Green infrastructure practices should be identified, calculations should be provided, and all information should be shown and labeled on the plans. The proposed P-5 pond does not appear to be in conformance with the NYSDEC Stormwater Management Design Manual (NYS SMDM). Easements and access for maintenance of the stormwater management areas should be provided. The applicant must provide some discussion, a table, or notes for soil restoration per Table 5.3 of the NYS SMDM. Infiltration tests per the

NYS SMDM must be conducted for infiltration practices. The applicant must provide the test results and soil logs as applicable.

Mr. Milano stated that the following comments were based upon review of the Water and Sewer Engineering Report. The proposed water and sewer extensions must cross NYS Route 146. Plans for the proposed method of crossing (open cut/directional drill) must be included in the report. The size of the low pressure force main should be included.

Mr. Anders stated that his firm received the comment letter prepared by M J Engineering and Land Surveying, P.C. and that many of the technical comments have been addressed. He stated that no construction traffic will utilize Tisdale Lane and that the utility connections across Route 146 will be achieved via directional bore. A Phase I archeological study has been completed: a Phase II study is being prepared. Creighton Manning Engineering is preparing a comprehensive traffic report. Information regarding wetland delineations has been forwarded to the NYSDEC and ACOE for their respective jurisdictional determinations. Mr. Scavo stated that the Planning Department will provide the applicant with a Memo of Understanding regarding preservation of the historic residence.

Mr. Roy Casper, representative of the Trails Subcommittee of the Open Space, Trails, and Riverfront Committee, offered recommendations issued by that group and distributed an aerial map that clearly depicted all of the public lands, residential communities, and retail spaces that would benefit from trail development along the Route 146 corridor. It is recommended that the applicant provide a 15' right-of-way along Route 146 and construct a 10' wide multi-use pathway from Tisdale Lane to the entrance to Gold's Gym, possibly installing the trail within the NYS Route 146 right-of-way. He noted that such a trail connection appears to meet the NYSDOT guideline of connecting logical endpoints. The subcommittee recommends that crosswalks and appropriate pedestrian signage be provided across Route 146 at both entrances to Sterling Heights Drive. Mr. Casper listed the benefits provided by the proposed trail, stating that it would offer a critical connection for east-west pedestrian and non-motorized travel along Route 146 and provide direct access to Gold's Gym, shopping areas, and many neighborhoods.

Mr. Scavo reported that the ECC issued a number of comments regarding this application. The Commission is asked to add the following notes to the plan:

- Due to the location of this project relative to the Vischer Ferry Aquifer/Recharge Area no underground storage tanks shall be constructed on this property; during construction any temporary above-ground storage tanks shall have secondary containment of no less than 110% of the tank volume to prevent releases to the aquifer/recharge area; during construction, contractors shall have a spill contingency plan which addresses prevention and cleanup of releases of petroleum and/or hazardous materials.
- If hazardous materials will be stored on site, the applicant must submit a plan addressing handling, storage, and spill response to the Town of Clifton Park Environmental Specialist before such materials are stored.
- No salts, fertilizers, pesticides, or other materials may be used on the property where they will contaminate any wetland areas or surface water

through runoff, leaching, or any other manner which violates the New York State Environmental Conservation Law (ECL).

- The Land Conservation (LC) Zone has been delineated in accordance with Section 208-69 of the Clifton Park Town Code. Federal jurisdictional wetlands have also been identified on this parcel. Uses in these areas are restricted. The Town of Clifton Park Building Department shall be notified before undertaking any land disturbance activities in the LC Zone and/or Federal Wetlands.
- The applicant will control fugitive dust and debris during construction/demolition phase of the project.

Mr. Al Morson, 3 Chillmark Turn, stated that he was speaking not only for himself but also on behalf of several of his neighbors, explaining that many of the residents of the Brookhaven Subdivision were concerned with four issues related to the proposed Honey Hollow Farm subdivision that is to be developed adjacent to their properties. The first issue centered on the sanitary sewer system. Mr. Morson explained that although properties within Brookhaven currently utilize individual grinder pumps to direct sewage to the main line located on the northerly side of Route 146, dry lines – that remain dormant – have been installed throughout the subdivision to provide for future connection to the south. He asked that information regarding the proposed sewer connection for Honey Hollow Farm be provided. He then requested that the existing tree line between the two subdivisions be left undisturbed since the line provided a “natural boundary” between the two neighborhoods. His third concern focused on the proposed lot sizes for the new development: he noted that the proposed lots were “half the size” of those within Brookhaven. The residents of Brookhaven fear that the development of smaller, less expensive homes to the east will diminish their property values. The last issue involved the proposed roadway connection between the two subdivisions that would be located near the Brookhaven’s northeasterly property boundary. The speaker explained that residents fear that the connection will result in increased traffic through their neighborhood. Residents would approve of a paved emergency-use-only connection or multi-use pathway in that location.

Mr. Richard Cuscino, 7 Tisdale Lane, expressed concerns about the increased traffic, stating that there has been a significant increase in traffic and the number of accidents in the area recently. He asked if the Planning Board could recommend a reduction of the speed limit along Route 146.

Ms. Margaret Catellier, 26 Royal Oak Drive, asked for clarification regarding proposed ownership of the grinder pumps. Mr. Anders explained that grinder pumps for the proposed subdivision would not be located on individual properties. Two grinder pumps would be located in each of the proposed cul-de-sacs and the Saratoga County Sewer District, as owner, would assume responsibility for their maintenance and replacement.

Mr. Raymond Seymour, 7 Nadler Road, asked if the grinder pumps contained within each cul-de-sac would be interconnected. Mr. Anders stated that “duplex” units would be installed in each area with battery-operated back-up systems. Each unit would operate independently.

In response to Mr. Ophardt's question regarding the sanitary system, Mr. Anders stated that the grinder pumps will direct flows to the main gravity line that is located along Route 146.

Mr. Walter Szwetkowski, 38 Droms Road, asked if it was the developer's intention to preserve the existing barns. Mr. Anders explained that the applicant will remove those structures.

Mr. Frank Berlin asked if potential problems with the grinder pumps and sewage disposal could possibly result in impacts to the Dwaas Kill. Mr. Anders explained that the system is designed with "multiple fail-safe systems" to prevent overflows and contamination of surrounding lands and streams. He stated that the system is designed with an electronic alarm system that would automatically notify the Saratoga County Sewer District of a malfunction. The duplex systems are also designed with generator back-ups. Mr. Pelagalli commented that responsibility for operation, maintenance, and replacement of the pumps by the Saratoga County Sewer District must be assured by a sign-off from that agency and formalized by a resolution approved by the district.

Mr. Bill Koebbeman, 861 Riverview Road, commented that he often uses the trail network throughout the town and finds that traveling along Route 146 is extremely dangerous. He supports the recommended bike trail link. The speaker also asked the consultant to explain the method used for measuring the 100' non-disturbance area from the stream corridor since he was concerned that chemicals and fertilizers used for lawn maintenance may impact the Dwaas Kill. Mr. Anders stated that the distance is measured from the "mean high level water mark". Mr. Scavo noted that, in response to prior comments by the Town Engineer and Planning Department, all proposed lot boundaries had been moved beyond the 100' buffer area. Mr. Koebbeman recommended that the applicant install "unobtrusive signage" to mark the boundary of the protected areas.

Ms. Pam Marshall, 5 Fairlawn Court, asked if there were ways to prevent the illegal dumping of yard waste and other debris within the protected buffer areas. She stated her support for "connectivity" between locations along Route 146 and recommended that the Board encourage the applicant to provide at least a partial berm along Route 146, particularly in the area that adjoins the Brookhaven subdivision.

Mr. Morson, 3 Chillmark Turn, spoke a second time at the hearing, stating that there is debris behind his residence that has not yet been removed by the developer. Mr. Scavo stated that he will consult with enforcement officials and request that all debris be removed.

Ms. Pei Yi Chang, 1 Chillmark Turn, stated her opposition to the proposed roadway link between the proposed development and Brookhaven, explaining that she fears for the safety of her young twins and an older child who walks to the bus stop. She commented that when she and her family purchased their home they were unaware of the potential connection. Mr. Ferraro commented that "builders should be encouraged to disclose all conditions of subdivision approval to potential home buyers," showing respect for Board decisions and conditions imposed.

Mr. Frank Parisi, 4 Chillmark Turn, stated his “adamant opposition” to the proposed roadway connection, fearing for the safety of his children due to the increased traffic through the neighborhood.

Mr. Frank Berlin, Main Street, identified himself as a member of the Open Space, Trails, and Riverfront Committee and encouraged protection of the Dwaas Kill stream corridor, noting that this classified stream is a significant natural resource with 15 tributaries. He encouraged the installation of trail links, explaining that many people find trails and multi-use pathways desirable community amenities.

Mr. Zhang Galor Wenyi, 2 Chillmark Turn, reported that he had no knowledge of the proposed roadway connection to the Brookhaven subdivision when he purchased his home and viewed it as a problem since it would make Chillmark Turn and Tisdale Lane more dangerous. He asked Board members not to “jeopardize his dream”. Mr. Koval explained that the Planning Board generally viewed such connections as useful planning tools and often provided “stub streets” to be developed as roadway connections between neighborhoods. Mr. Wenyi stated his preference for “walkway” connection rather than a paved roadway since it would be safer and “better for the environment”. In response to his question regarding the prices of homes in the Honey Hollow subdivision, Mr. Anders stated that the developer proposes the development of “upscale, smaller homes,” though specific home designs and price points are not available at this time.

There being no further public comment, Mr. Ferraro moved, seconded by Mr. Ophardt, to close the public hearing at 8:30p.m. The motion was unanimously carried.

Mr. Werner asked that the comment regarding speeding traffic on Route 146 and traffic congestion at the Tisdale Lane – Route 146 intersection be conveyed to Creighton-Manning for consideration in the traffic study being prepared. Mr. Anders stated that previous comments regarding the installation of a crosswalk across Route 146 at the Sterling Heights entrance had been conveyed to the traffic engineers. He reported that the traffic consultants rejected the idea because of the volume of vehicles and speed of traffic along Route 146. Mr. Werner suggested that those homeowners who were concerned about traffic speeds along Route 146 request an evaluation of the situation by NYSDOT and consideration of a possible speed limit reduction. Mr. Ferraro stated his support for trail connections along the major arterials and also within developments. Mr. Anders agreed, noting that trail development along the Dwaas Kill corridor may be considered in the future. Mr. Ferraro commented that on-going maintenance of such an amenity, should it become a reality, must be assured. Mr. Ophardt stated his support for the construction of a trail segment along the property frontage, though he is concerned with the terminus to the east. A discussion of potential locations for trail development ensued, concluding with the decision to consult with NYSDOT regarding construction within the state right-of-way. Mr. Hale supported trail development, explaining that “new urbanism” concepts promote interconnectivity and complete street designs. Addressing the issue of the roadway connection between Brookhaven and the proposed development, he remarked that it is the construction of such connections that “prevents roads such as Route 146 from becoming a 4-lane highway.” He believes that trail connections from west to east are desirable and that any type of “connectivity” and “diversity of housing” should be encouraged. Mr. Andarawis vocalized his

support for the concept of connectivity. In response to Mr. Ferraro's recommendation that Lot #2, located adjacent to the Brookhaven subdivision in the northwesterly portion of the parcel, be eliminated to permit extension of the existing berm, Mr. Anders stated that the applicant has been considering such a revision. Mr. Koval concurred with Mr. Ferraro's comment and noted that the proposed back yard areas appeared larger than the minimum 15' feet listed in the space and bulk requirements table. Board members approved of the revisions to the plan that included elimination of keyhole lots and a larger lot for the historic home, though they noted that there were a number of outstanding issues to be addressed before a SEQRA determination could be rendered and subdivision approval considered.

[2012-015] **MDG Mill Creek** – Proposed (3) lot subdivision, 485 Moe Road – Preliminary public hearing and possible determination. SBL: 271.-3-43

Mr. Ferraro, Chairman, called the public hearing to order at 9:10p.m. The Secretary read the public notice as published in the Daily Gazette on June 6, 2012.

Mr. Duane Rabideau, consultant for the applicant, presented this application that was last reviewed by the Board on April 25, 2012. The applicant proposes to subdivide 3.14 acres of land located on the easterly side of Moe Road approximately 1,500 feet north of the intersection of Moe Road and Clifton Park Center Road into three lots. The parcel is located within the R1 zoning district. Lot #485B, which fronts on Moe Road, will be the smallest lot at 23,550 SF; Lots #485A and #485 will be 39,677 SF and 73,395 SF, respectively. The lots will be served by connection to the Clifton Park Water Authority and Saratoga County Sewer District #1. Mr. Rabideau explained that to minimize wetland impacts and curb cuts a common ingress/egress and utility easement will be utilized in conjunction with the approved subdivision of the Lands of William Connors that directly adjoins the property to the north. All setback requirements have been met.

Mr. Scavo reported that Mr. Myers, Director of Building and Development, provided the following comments in a memo dated June 5, 2012. Mr. Myers notes that Lots #485A and #485A must be served by municipal water and sewer services since they are less than the required 40,000 SF. He offered a number of comments on the Stormwater Pollution Prevention Plan, noting that the Notice of Intent was incomplete and that the plan was not followed: the project started before receiving Planning Board approval and before silt fencing was installed. Mr. Myers stated that the Notice of Intent must be submitted to the town for approval prior to submission the NYSDEC. Although contractor certification had not been completed, a contractor was observed on site: work was started prior to approval.

Mr. Scavo reported the Ms. Sheryl Reed, Fire Marshall, asked that the standard note regarding driveway construction pursuant to Section 208-86d of the Town Code be added to the plan.

Mr. Scavo asked that the postal addresses be revised in accordance with guidelines established by emergency service agencies.

Mr. Scavo requested that, as recommended by the ECC, the following notes be added to the plan:

- The Land Conservation (LC) Zone has been delineated in accordance with Section 208-69 of the Clifton Park Town Code. Federal jurisdictional wetlands have also been identified on this parcel. Uses in these areas are restricted. The Town of Clifton Park Building Department shall be notified before undertaking any land disturbance activities in the LC Zone and/or Federal Wetlands.
- This parcel (subdivision) is located in an area where aviation activity occurs. Such activity may include, but is not limited to periodic noise, vibration, hours of operation, and other associated activities. A study describing this impact in detail is available for inspection in the offices of the Albany International Airport.
- No person shall operate or permit to be operated any tools or equipment used in construction, drilling, excavations or demolition work, between the hours of 10:00 p.m. and 7:00 a.m., where such sound is plainly audible across a residential property line, except the provisions of this section shall not apply to emergency work.
- No salts, fertilizers, pesticides, or other materials may be used on the property where they will contaminate any wetland areas or surface water through runoff, leaching, or any other manner which violates the New York State Environmental Conservation Law (ECL).

Mr. Milano reported that M J Engineering and Land Surveying, P.C. reviewed that preliminary plans and offered the following comments. He explained that many of the previous comments issued in the April 20, 2012 comment letter had been adequately addressed. The following items remain to be satisfied: A Typical Driveway Cross Section Detail should be provided to confirm that the driveway is capable of supporting the required vehicle loading; a Culvert Detail should be provided and should indicate the following: all storm drainage lines are to be installed with a minimum of two feet of cover; the type of material for the storm line must be indicated. The use of HDPE pipe and the use of flared end sections at both ends of the culvert are recommended. The existing and proposed utility location and information including water and sanitary services should be indicated on the plan.

Based upon review of the revised plans and Stormwater Pollution Prevention Plan, Mr. Milano reported that the firm offered the following additional comments. Inverts for the proposed culvert pipe should be added to the plans. Standard Town Note #3 on the Subdivision Plan should include Lots #487 and #489 of the adjacent subdivision. Standard Town Note #3 on the Erosion and Sediment Control Plan should be revised to correspond to Note #3 on Subdivision Plan. The plans currently indicate a street grade of approximately 9.0% near the intersection of Moe Road. Grades at street intersections should be held to a maximum of 3.0% for a distance of 100 feet from the edge of pavement of the intersecting street. The grading should be revised to meet this requirement and to provide a maximum street grade of 7.0% per Town Code. A minimum roadway radius of 30 feet should be provided at the Moe Road intersection. It is recommended that a crosswalk be installed across the asphalt sidewalk and that a crosswalk detail be added to the plans. A note should be added to the plans to indicate final sign-offs from Clifton Park Water Authority and Saratoga County Sewer District #1 will be required prior to the issuance of a Building Permit. The language in the Stormwater Pollution

Prevention Plan directing the contractor to redirect surface runoff around soil stockpiles and concrete wash out areas should be included on the plans. The soil stockpile and concrete wash out areas for Lot #485 are located within an area of concentrated runoff. The stabilized construction entrance for Lots #485 and #485A should be a minimum of 50 feet long. A hydrological analysis of the existing on-site wetland should be performed, including soil profiling and infiltration testing, to ensure the wetland can accommodate the increase in surface runoff resulting from the increase in impervious cover of the proposed project without adversely impacting any of the neighboring residences.

There being no public comment regarding this application, Mr. Ferraro moved, seconded by Mr. Werner, to close the public hearing at 9:10p.m. The motion was unanimously carried.

Ms. Paulsen commended the applicants and consultants for working cooperatively to create a very desirable subdivision. In response to Mr. Ferraro's question regarding the necessity to revise the approved subdivision to the north, Mr. Scavo explained that no modifications were required since there were no changes to property boundaries. Mr. Rabideau reported that all necessary revisions to easements had been made. In response to Mr. Ophardt's question regarding the designation of the wetland buffer, Mr. Rabideau stated that split-rail fencing will be installed to define the boundary line. Mr. Werner questioned the advisability of requiring striping on the multi-use pathway to define the driveway area. Though Mr. Rabideau explained that the striping was shown on the plan in response to previous comments, Mr. Werner advised against such striping, stating that it was not an approved standard marking. Board members appeared to agree that a STOP sign at the driveway was unwarranted and that the issue regarding appropriate striping should be referred to the Highway Safety Committee. The applicant would be required to comply with the Committee's recommendations. Mr. Ferraro sought reassurance that future homeowners would be aware of their responsibilities for long-term maintenance of the common driveway. He stressed the importance of disclosure of pertinent facts by the seller of the property and asked that the information regarding driveway maintenance responsibilities be included in property deeds.

Mr. Ophardt moved, seconded by Mr. Andarawis, to establish the Planning Board as Lead Agency for this application, an unlisted action, and to issue a negative declaration pursuant to SEQRA. The motion was unanimously carried.

Ms. Paulsen offered Resolution #9 of 2012, seconded by Mr. Werner, to waive the final hearing for this application and to grant preliminary and final subdivision approval conditioned upon the specific condition that the applicant comply with any requirements imposed by the Highway Safety Committee and upon satisfaction of the comments offered by the Planning Department, M J Engineering and Surveying, P. C., the Planning Board, and all items outlined in the final comment letter issued by the Planning Department. Ayes: Ophardt, Paulsen, Andarawis, Hale, Werner, Koval, Ferraro. Noes: None.

Old Business:

There were no items of old business scheduled for this evening's meeting.

New Business:

[2012-021] **Allen In-Law Apartment** – Special Use Permit #80873 to permit construction of a two-family residence within an R1 zone, 522 Englemore Raod - Conceptual site plan review. SBL: 277.-3-14.152

Mr. Duane Rabideau, consultant for the applicant, presented this application that calls for construction of a new garage/apartment structure, the subsequent removal of an existing residence, and the building of a new residence which will be connected to the garage/apartment with a breezeway. The 13.19 acre property is located on the south side of Englemore Road approximately 1,370 feet west of its intersection with Moe Road. The new residence will be served by an existing well. The existing septic system will be evaluated to determine its adequacy to handle additional flows. The system will be modified or relocated as necessary. If a new septic system is required, it will be designed by a NYS Professional Engineer. After construction of the garage/apartment unit, Mr. Allen intends to continue to live on the property while the new home is constructed. It is “probable” that the apartment will then be used by Mr. Allen’s mother as an “in-law” apartment. The existing home is located near the center of the parcel and will not be visible from Englemore Road. Mr. Rabideau explained that, during most of the year, the home is not visible from any neighbor’s house. Pursuant to Section 208-10B(9)[7] of the Town Code, the applicant requires Planning Board approval of Special Use Permit #80873 to permit the construction of a two-family residence in an R1 zone.

Mr. Scavo reported that Mr. Myers, Director of Building and Development, has advised the applicant that “at a minimum” erosion and sediment control plans will be required due to adjacent wetlands. He recommends that that a wetland delineation be performed: permission to cross the wetland should be required. Mr. Myers notes that the existing house must be demolished prior to the issuance of the Certificate of Occupancy for the new residence.

Mr. Milano offered the following comments prepared by M J Engineering and Land Surveying, P. C. 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 the following: Town of Clifton Park Planning Board – Special Use Permit and Site Plan Approval. Based on the information submitted, it appears that the proposed project meets the Town’s Standards for Special Use Permits. However, the applicant should provide verification by NYSDEC confirming the wetland delineation and the limits of jurisdictional determination shown on the plan. The applicant is asked to provide clarification as to whether or not the existing septic system will be abandoned or removed. It is recommended that any anticipated staging areas, soil stockpile areas, and concrete washout areas for construction are indicated on the plan outside of the required 100 foot wetland buffer areas. The plan should also indicate silt fencing around the soil stockpiles and any other erosion and sediment control measures. Signage indicating the general limits of the 100 foot wetland buffer areas should be installed to help ensure conservation of these natural areas.

The following note should be added to the Plot Plan:

Final detailed on-site wastewater treatment system design plans shall be issued to the Town for review and approval prior to issuance of a building permit. All components of the system as well as requirements for test pits and percolation

testing shall comply with the Individual Residential Wastewater Treatment Systems Design Handbook, 1996, published by the New York State Department of Health.

Mr. Scavo read comments issued by the ECC. The applicant is asked to add the following notes to the plan:

- No salts, fertilizers, pesticides, or other materials may be used on the property where they will contaminate any wetland areas or surface water through runoff, leaching, or any other manner which violates the New York State Environmental Conservation Law (ECL).
- The Land Conservation (LC) Zone has been delineated in accordance with Section 208-69 of the Clifton Park Town Code. Federal jurisdictional wetlands have also been identified on this parcel. Uses in these areas are restricted. The Town of Clifton Park Building Department shall be notified before undertaking any land disturbance activities in the LC Zone and/or Federal Wetlands.

The adequacy of the soils to accommodate the proposed septic system should be evaluated.

Though Mr. Casper, representative of the Trails Subcommittee of the Open Space, Trails, and Riverfront Committee, asked that an additional 5' of right-of-way be provided along Englemore Road, Mr. Scavo explained that there is sufficient existing right-of-way for future improvements.

Mr. Allen, applicant, asked if it would be possible to move to the apartment residence to be built above the garage before the existing residence is demolished since it would be difficult to coordinate moving while demolition is underway. Mr. Scavo will consult with Mr. Myers regarding the timing of the issuance of the Certificate of Occupancy to ensure the applicant a smooth transition from one residence to the other.

In response to Mr. Ophardt's question regarding the load capacity of the driveway, Mr. Allen explained that the driveway had recently been repaved in anticipation of the proposed demolition and reconstruction. He assumes that the driveway was constructed to a standard that will adequately handle construction and emergency vehicles. Mr. Ferraro explained that since the application requests approval of a Special Use Permit to allow construction of a two-family residence within an R1 zone, a public hearing must be conducted.

[2012-020] **Frame Addition SUP** – Special Use Permit #80871 to permit construction of a 600 SF addition to an existing residence to provide for an accessory use, 84 VanVranken Road - Conceptual site plan review. SBL: 288.-1-25

Mr. Don Frame, applicant, explained that he seeks approval of Special Use Permit #80871 pursuant to Section 208-16D(3)[10] that would allow for construction of a 600 SF addition to an existing residence and accessory use of a building. The applicant proposes to use the new addition to operate a "home-based cookie business." He explained that Health Department regulations require a dedicated room for ovens and other equipment. The property to be enhanced is located at 84 VanVranken Road in the R1 zoning district. He will utilize

existing water, sewer, and electrical services that currently serve the residence. The business will be operated only by family members on a “per need” basis. No delivery vehicles or other large trucks will be visiting the site: the owners will deliver the cookies using their own vehicles. Per the zoning code definition of an accessory use, no more than 25% of the total floor area may be designated for the accessory use. Mr. Myers, Director of Building and Development, has calculated that the proposed use would amount to 24.7% of the property’s square footage.

Mr. Scavo explained that Mr. Myers, Director of Building and Development, states that the applicant has requested approval for an accessory use of a residence. It appears that the portion of the residence to be utilized for the owner’s cookie business is “just below” the 25% permitted by Town Code.

Mr. Scavo offered comments prepared by the Planning Department. The applicant must clarify the intensity of use since construction of a fire wall may be required. The speaker stated that the ECC reviewed this application and issued the following comments. The applicant should explain if an exhaust fan will be installed and if so the location of the install. Although baking cookies does not necessarily cause unpleasant odors, the constant smell may be undesirable by neighbors. The applicant should install a carbon filter exhaust system if ventilation of the oven is required. The age of the existing septic may limit its ability to handle the additional capacities from the wastewater of cleaning the baking equipment and cookie: the adequacy of the system should be verified.

Mr. Milano reported that, after reviewing the information provided by the applicant, M J Engineering and Land Surveying, P.C. offered the following 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 – Special Use Permit and Site Plan Approval; Saratoga County Planning Board – Section 239 Referral. Based on the information submitted, it appears that the proposed project meets the Town’s Standards for Special Use Permits; however, the applicant should provide additional information regarding the anticipated hours of operation, anticipated traffic, number of employees, and if any additional utility work will be required to service the addition. It appears that the maximum allowable size of the proposed addition may be in question and will require further discussion between the applicant, Planning Board, and Zoning Enforcement Officer in order to determine the maximum allowable size of the addition.

Mr. Seymour, 7 Nadler Road, asked if the applicant would be installing a commercial kitchen. Mr. Frame explained that no commercial appliances will be used and that the space will revert to a family room if the cookie business is not successful.

Board members found the project plan acceptable.

[2012-012] **Ushers Woods and Northway 10 Apartments** – Proposed construction of 92 duplex units and 265,800 SF of commercial space, Ushers Road – PDD recommendation and conceptual site plan review. SBL: 259.-2-60

Mr. Joe Bianchine, consultant, presented this application for the Board's consideration. The project plan, currently entitled Northway 11 at Exit 10 on one set of plans and Ushers Woods PDD on others, calls for the construction of 443,800 SF of building on a 96 acre parcel located within B1 and B2 zoning districts. The property is located on the north side of Ushers Road and is adjoined by I-87 (the Northway) to the east and Wood Dale Drive to the west. The integrated site development involves cooperation between three different owners: Mr. Boni, Mr. Belmonte, and Mr. VanPatten. Mr. Boni, the applicant of record for tonight's application, proposes the construction of 92 modular units on seven lots within the B1 zoning district and 275,800 SF of office/warehouse space within the B2 zoning area. It is anticipated that the development will be served by extension of a Clifton Park Water Authority line along Ushers Road and connection to the Saratoga County Sewer District. All areas of the site will be accessed via a private roadway that will have two curb cuts on Ushers Road and one on Wooddale Drive. The speaker stated that the site has many environmental constraints, including a stream corridor that traverses the site and steep slopes: these and other issues of concern were addressed in an environmental impact statement that was prepared several months ago. Mr. Bianchine explained that it is Mr. VanPatten's contention that a PDD established for his portion of the development area remains valid.

Mr. Scavo addressed the issue of the validity of the PDD, stating that there is no reference to the PDD in the town code. The PDD was apparently repealed by Town Board resolution in the early 1990's.

Mr. Scavo reported the Ms. Sheryl Reed, Fire Marshall, provided several comments regarding this application in a memo dated June 12, 2012. She asked that the applicant provide information regarding the proposed width of the private roadway, including a road profile that shows the width of the carriage way. Several questions regarding maintenance of the roadway must be addressed. The applicant should clarify the plans for the ingress/egress on Wood Dale Drive and indicate if it will become a paved, unrestricted roadway. Ms. Reed commented that the Emergency Services board does not favor boulevard-type entranceways such as the one proposed from Ushers Road due to the "lack of accessibility for them." The applicant must provide a detail of the boulevard for review.

Mr. Scavo reported that Mr. Myers, Director of Building and Development, provided the following comments regarding this application. A full Stormwater Pollution Prevention Plan must be prepared. He commented that although the proposed uses appear to be permitted, actual occupants of the proposed commercial spaces may cause this to change. He notes that if the PDD is approved, the permitted uses may vary from those allowed within B1 and B2 zoning districts: future comments will be based upon actual uses.

Mr. Scavo noted that the project plans refer to the Ushers Woods PDD while the application requests that the Board consider site plan review. Clarification of the applicant's intent for development of the site is requested.

Mr. Scavo reported that after review of the proposed project plan, the following comments were issued by the ECC. It appears the LC Zone wetland boundary is inaccurately delineated. The LC Zone is shown over a "Federal Wetland:" the ECC believes this wetland

area is under NYS DEC jurisdiction. The applicant should verify the delineation. The ECC is unsure if the application is for site plan approval or PDD consideration since both the application and site plan make reference to the “Ushers Woods PDD”. The ECC strongly discourages the private road bridge structures needed to cross the protected wetlands. The parcels should develop independent of one another to protect the natural habitat. The proposed berm and fence seem to be located too close to the wetlands. The proximity of proposed improvements to critical environmental features on the site creates a scenario where the potential for negative environmental impacts are likely (i.e. proximity to protected wetlands and steep slopes). The ECC is unable to complete its review due to significant information missing from the site plan and application to effectively evaluate the potential environmental impacts of the proposed project (i.e. build-out calculations). Seeps may be present at the bottom of the steep slopes and the environmental impacts of such features should be evaluated. Seeps are important discharge points for ground and subsurface flows. Depending on the vegetative composition of the seep, they can provide important habitat for variety of wildlife species, including migratory passerines, game birds, and amphibians. The applicant should provide a survey showing 2’ contours rather than 10’ to allow an accuracy review of the proposed project in relation to steep slopes present on site.

Mr. Milano reported that, after review of the conceptual plan submitted, M J Engineering and Surveying, P.C. offered the following comments. The proposed project appears to be a “Type 1” action pursuant to SEQR, and as such a coordinated review is required. The Planning Board or Town Board may wish to accept lead agency status, depending upon how the project progresses. Involved agencies are expected to include, but are not limited to the following: Town of Clifton Park Planning Board – Site Plan Approval; Saratoga County Planning Board – Section 239 Referral; Saratoga County Sewer District #1 – Sanitary Sewer Extension and Connection Permit; Clifton Park Water District #1 – Water Connection Permit; NYSDOH –Public Water and Sanitary Sewer Extensions; NYSDEC – Wetland Disturbance Permit, Sanitary Sewer and Water Supply Approvals; State Office of Parks, Recreation & Historic Preservation – Archaeological Review. The applicant should clarify if the applicant is pursuing PDD approval from the Town Board. Warehouse and Flex Space are not permitted uses within B1 or B2 zoning districts. A Full Environmental Assessment Form should be provided. A Phase 1A Archaeological Survey should be provided. 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. Clarification should be provided as to who delineated the wetlands and when they were delineated. Correspondence from USACOE and/or NYSDEC should be provided to confirm agreement of the wetland delineation identified on the plan. Engineering water and sewer reports should be submitted for review. A Traffic Impact Study should be submitted for review. An Erosion and Sediment Control Plan will be required for the project. A full Stormwater Pollution Prevention Plan will be required for the project as well as a written request to disturb more than five acres of soil at one time. Sufficient detail must be provided to justify this request and is to include a thorough explanation of why the project must be constructed disturbing more than 5 acres at one time. The Stormwater Pollution Prevention Plan is to be prepared in accordance with the 2010 NYSDEC Stormwater Management Design Manual. Required components of the Stormwater Pollution Prevention Plan are to consist of, but are not limited to, the following:

- A construction phasing plan and a construction sequencing schedule with the site contractor's input on developing these components.
- Temporary erosion control measures.
- Temporary sediment control measures.
- Permanent erosion control measures.
- Permanent sediment control measures.
- Final stabilization of the site.
- Post construction stormwater management practices.

If the project will be completed in phases, clarification regarding projected construction and completion times should be provided. An overall site build out analysis should be provided for the project. Existing contours should be shown at 2 foot intervals. Any correspondence with National Grid regarding restrictions for the easement as proposed should be provided since roadways and parking areas are shown within that easement. All individual utility poles are to be shown on the plan. Bearings and distances for all proposed individual lot lines and easements must be provided. A legend of symbols and line types must be added to the plan.

Mr. John Rajczewski, 173 Wood Dale Drive, stated his opposition to the proposal, explaining that he was concerned that the proposed link between the proposed development and Wood Dale Drive had been increased from a "roadway" to a "highway".

Mr. Jim Ruhl, 168 Wood Dale Drive, described the proposed plan as "not credible, feasible, or defensible," and asked that the Board consider it as such.

Mr. John Ducharme, attorney, spoke on behalf of his client, Ms. Lakshmi Mohan, who resides at 159 Wood Dale Drive. The speaker explained that Ms. Mohan, who has owned the property since 1975, had no knowledge that a roadway to connect property to the east was a possibility. He stated that due to the orientation of Ms. Mohan's house and driveway location, the proposed access roadway would be installed over his client's existing drive. Mr. Ducharme concluded his remarks by informing the Board that approval of the ingress/egress location as presented to serve the proposed project would result in litigation.

Mr. Roy Casper, representative of the Trails Subcommittee of the Open Space, Trails, and Riverfront Committee, offered comment on the application. He stated that although committee members found that the plan lacked "necessary pertinent information" to permit thorough review, several comments issued for previous project plans remained applicable. It is recommended that the developers extend the existing sidewalk along Ushers Road on the north side from its current end point to Wood Dale Drive. The box crosswalks at VanPatten Drive and Ushers Road should be completed. Internal pedestrian connections should be designed to connect residential and mixed-use portions of the project. The installation of bike racks at each of the mixed-use buildings was requested.

Mr. Wilfred Ganem, 167 Wood Dale Drive, stated that he was "adamantly opposed" to the project. He explained that when he purchased property on Wood Dale Drive he was informed that all land to the east would remain "forever wild". He described the parcel as a beautifully forested area that served as a habitat for all types of wild birds and animals, providing them with surroundings that allowed them to "live and thrive:" he would like to see the area

remain as open space. Mr. Ganem also commented on the proposed access drive from the Ushers Woods parcel to Wood Dale Drive, stating that the roadway “never existed before.” The speaker then stated his concerns with the proposed removal of trees and forested areas from the site, noting that the removal of vegetation would result in increased noise for residents of Wood Dale Drive.

Mr. Werner stated that there were a number of legal issues to be resolved before the Board could review the plan seriously. Mr. Ophardt agreed that the plan was incomplete and that there was “nothing to comment on”. Mr. Ferraro reiterated these concerns, calling the plan “very incomplete” and expressing his disappointment that the proposed development plan did not develop design plans around the natural features of the site. Insufficient information and inaccurate labeling of the plan made review difficult. Mr. Ferraro addressed the issue of disclosure regarding the proposed connection onto Wood Dale Drive, encouraging developers and sales agents to be certain that potential property owners are informed of the development potential of lands reserved within subdivisions for future roadway extensions as well as the possible development potential of adjoining properties. Mr. Koval pointed out that the “forever wild” designation exists only within the Adirondack Park: all potential property owners should be wary when such terms are used to describe adjoining properties. He recalled a previous plan that had been submitted several years ago by the owners of this property, describing that plan as reasonable plan that was nearly complete and one that “respected and integrated” site features. He noted that that plan called for a gated emergency access onto Wood Dale Drive – not a full ingress-egress as now presented. Mr. Werner agreed, stating that the previous project, aimed at marketing homes to “empty-nesters” within the community, was much more desirable than the one presented at this evening’s meeting. Ms. Paulsen also agreed, calling the original plan “a very nice project:” she described the plan now presented as “a mess”. Mr. Hale stated that, although portions of the original plan appeared “somewhat segregated,” he found this plan less desirable and encouraged the applicant to incorporate more mixed uses in the design to serve as transition areas between residential and commercial spaces. Mr. Ferraro summarized the discussion and identified the significant issues of concern as revision of the GEIS to address the issues of the site plan presented rather than those of the previous plans that generally called for residential and mixed use development on the property, a definitive determination of the status of the PDD, and a determination regarding the number of residential dwelling units that may be developed on a single parcel.

Minutes Approval:

Mr. Werner moved, seconded by Mr. Andarawis, approval of the minutes of May 23, 2012 as written. Ayes: Ophardt, Paulsen, Andarawis, Prescott, Werner, Koval, Ferraro. Noes: None. Abstained: Hale.

Discussion Items:

[2012-022] **Jonesville Fire Station** – Proposed construction of a 4,500 SF firehouse, 629 Route 146A. SBL: 271.-1-1

Mr. Neil Weiner, legal representative of the Jonesville Fire District, described this project plan which calls for the renovation and expansion of an existing fire station at 629 Route 146A. The ±9 acre property is located north of the Route 146 – Route 146A intersection and lies within the R1 zoning district. Plans call for the removal of asphalt, concrete, sidewalks, and hand rail along the southerly side of the building and the construction of a 4,000 SF addition which will contain exercise rooms and rooms for OSHA and other training programs. The facility is currently served by the Clifton Park Water Authority and Saratoga County Sewer District. Site enhancements will include the installation of handicapped parking spaces to the rear of the building and additional parking spaces along the southwesterly and northern property boundaries. The speaker reported that the site improvements were authorized by a public referendum held in December, 2011.

Mr. Scavo stated that Mr. Myers, Director of Building and Development, noted that the proposed expansion of the existing use is permitted. Since it appears that there will be less than one acre of disturbance, a full Stormwater Pollution Prevention Plan will not be required, though an erosion and sediment control plan should be developed due to the proximity of the project to designated wetlands.

Mr. Pelagalli explained that the Planning Board must determine if the fire district is immune from Town Code requirements related to site plan review. He advised Board members that the Board was responsible for determining if the district needed a Building Permit, site plan approval and a Building Permit, or the granting of immunity from both. Citing case law and criteria for rendering decisions in such situations, he noted that the use of the property is not in question: the fire station has been operational in its current location for many years. Site plan review would likely be required, however, since “if the project were not subjected to site plan review by the Planning Board, there would be no equivalent review by any other entity.” After some discussion it was determined that the plans for renovation of the fire station would be subject to site plan review.

Mr. Weiner explained that since the department hopes to have the improvements completed by the winter, fire district representatives would appreciate Planning Board approval as soon as possible. It appears that all submission documents for preliminary site plan review have been prepared: the Board will consider the plan at its July 10, 2012 meeting.

Mr. Ferraro observed that the proposed parking extends beyond the building setback line into the “front yard” of the parcel and he recommended that vegetative screening be provided to minimize the visual impact for those traveling along Route 146. Ms. Paulsen found the parking layout acceptable.

Mr. Scavo explained that a demolition permit has been requested from the Building Department. It was decided that the demolition permit would be issued concurrently with the building permit upon the Planning Board’s approval of the site plan. Board members found the plan generally acceptable.

Mr. Koval moved, seconded by Mr. Ophardt, adjournment of the meeting at 11:15p.m. The motion was unanimously carried. The next meeting of the Planning Board will be held on Wednesday, June 27, 2012.

Respectfully submitted,

Janis L. Dean,
Secretary

cc: Planning Board Members, Planning Department, Supervisor, 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

NOTICE OF DECISION

Resolution #9 of 2012

Preliminary and Final Subdivision Approval

At a meeting of the Planning Board of the Town of Clifton Park, Saratoga County, New York, held at the Town Office Building, One Town Hall Plaza, on June 12, 2012, there were:

Present: R. Ferraro, Chairman, E. Andarawis, M. Hale, J. Koval, E. Ophardt, K. Paulsen,
T. Werner
E. Prescott – Alternate Member

Absent: None

Ms. Paulsen offered Resolution #9 of 2012, and Mr. Werner seconded, and

Whereas, an application has been made to this Board by MDG Mill Creek, LLC for approval of a subdivision entitled Subdivision of the Lands of MDG Mill Creek, LLC consisting of (3) lots;

Whereas, pursuant to Section 276 of the Town Law, a public hearing was advertised and was held on June 12, 2012;

Whereas, the Planning Board was established as Lead Agency for this application, an unlisted action, and a negative declaration was issued pursuant to SEQRA on June 12, 2012;

Whereas, it appears to be in the best interest of the Town that said application be approved,

Now, therefore, be it resolved that the final hearing for this application is waived and that the subdivision plat entitled Subdivision of the Lands of MDG Mill Creek, LLC consisting of (3) lots is granted preliminary and final approval conditioned upon and satisfaction of all issues outlined in the final comment letter prepared by the Planning Department.

Resolution #9 of 2012 passed 6/12/2012

Ayes: Ophardt, Paulsen, Andarawis, Hale, Werner, Koval, Ferraro

Noes: None

Rocco Ferraro,

Chairman