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PLANNING BOARD

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MEMBERS
Emad Andarawis
Michael Hale
Joel Koval
Eric Ophardt
Kim Paulsen
Tom Werner
(alternate) Eric Prescott

Planning Board Meeting
July 10, 2012

Those present at the July 10, 2012 Planning Board meeting were:

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

Those absent were: E. Ophardt, K. Paulsen

Those also present were: J. Scavo, Director of Planning
R. Milano, M J Engineering and Land Surveying, P. C.
M. Montague, Environmental Specialist
P. Pelagalli, Counsel
J. Dean, Secretary

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

Mr. Ferraro announced that Mr. Prescott would be sitting as a full voting member of the Board in the absence of Mr. Ophardt and Ms. Paulsen.

Public Hearings:

[2012-018] **Kim Timber Harvesting** – Special Use Permit #80867 to permit selective timber harvesting in an R1 zone, 226 Woodin Road – Preliminary public hearing and site plan review and possible determination. SBL: 278.-1-7

Mr. Ferraro, Chairman, called the public hearing to order at 7:05p.m. The Secretary read the public notice as published in the Daily Gazette on July 4, 2012.

Mr. Sang Y. Kim, applicant, presented this application that was last reviewed by the Planning Board on May 23, 2012 and that remains generally as proposed at that time. Mr. Kim explained that pink fluorescent ribbon now delineates the 50' no cut buffer along Woodin Road and the side property lines. The diameter of the trees to be removed ranges in inches from 12"-29". The remaining basal area after the harvesting will be 35-40 square feet per acre. A total of 306 trees will be removed from a 5.3 acre portion of the entire parcel. The scenic easement that adjoins the Northway will not be disturbed. Mr. Kim commented that it is likely that he will request subdivision approval in the future.

In response to a question posed by an audience member, Mr. Ferraro explained that the parcel lies within an R1 zone and that the applicant may seek approval for uses permitted within that zone. The code states that Residential 1 Districts are "primarily for suburban residential uses and to accommodate relatively dense residential development." For example, permitted uses specifically include any form of agriculture horticulture, one-family dwellings and their accessory buildings, public utility structures, and residential cluster development. Mr. Ferraro explained that other uses may be considered within the district through approval of a Special Use Permit. These include, among others, cemeteries, accessory use of a building, timbering, excavation and removal of stone, day-care facilities, and two-family and/or semidetached dwellings. As required by code, proposed timbering operations are reviewed by the Board pursuant to Chapter 184 of the Town Code. Mr. Pelagalli explained that the proposed use is a permitted use within the zoning district, though the Board utilizes special procedures to review the applications due to particular characteristics of the site or location of the project. These procedures allow the Board to impose approval conditions upon the application so it may be located, designed, and implemented with minimal impact to adjoining properties.

Mr. Scavo reported that Mr. Myers, Director of Building and Development, offered the following comments in a memo dated July 9, 2012. The applicant has not provided an erosion and sediment control plan and the associated bond as required by Town Code. Verification from the NYSDEC and/or ACOE is required to ensure that the wetland delineation is correct. Documentation regarding the width of the NYS Scenic Enhancement Reserve would be provided.

Mr. Scavo offered the following comments prepared by the Planning Department. Chapter 184-3 of the Town Code states the following:

If the special use permit is granted, the Town Highway Superintendent shall be notified by the applicant so he can determine whether or not a driveway-opening permit will be required for the particular operation. Before the issuance of a permit, the applicant shall show proof that the logger has liability insurance in the amount of \$500,000/\$1,000,000, property damage insurance in the amount of \$100,000, both in favor of the town and the landowner, and workers' compensation insurance.

The applicant should clarify whether or not the proposed access driveway currently exists. If not, a construction entrance with crushed stone should be established to minimize debris onto

Woodin Road. Wetland jurisdictional determination letters should be required from both the ACOE and NYS DEC. The following notes should be added to the site plan:

Loading areas, which must be located in the same zone as the operation, shall be smoothed to remove all ruts and debris. Waste materials shall be buried or removed to a point out of sight of any road or adjacent property.

No logging operations or removal of products shall take place between the hours of 7:00 p.m. and 8:00 a.m. or any time on Sunday or legal holidays.

Haul and skid trails shall be maintained and abandoned in a manner that will prevent erosion.

The Town Highway Superintendent shall have the authority to:

Order the suspension of logging operations if, in his opinion, conditions created by the spring thaw, adverse weather or any other cause make damage to public roads likely.

Restrict the weight of logging trucks in accordance with the capabilities or condition of roads, bridges, and culverts.

Require the repair of roads, bridges, and culverts damaged as a result of a logging operation.

Mr. Scavo provided the following additional comments. Per Chapter 184, “the purpose of this Chapter is the regulation of logging operations in order to protect and preserve the environment, to preserve the rights of residents living near logging operations and to protect the interests of the taxpayers of the Town of Clifton Park and the County of Saratoga. Trees are a natural resource and an integral part of the natural landscape of the town. Trees provide soil erosion control, surface water flow barriers and scenic beauty. Selective timber harvesting ensures the continued health and viability of a forest area and its related ecosystem.” Based on the intent and purposed of Chapter 184, it is recommended that a 50’ restriction should be added to the area around the isolated wet land to allow for continued water absorption of surface water by the existing natural vegetation.

Mr. Scavo stated that comments received from the Trails Subcommittee of the Open Space, Trails, and Riverfront Committee have been forwarded to Planning Board members.

Mr. Montague, Environmental Specialist, reported that the ECC issued the following comments after review of the application. The applicant should inform the Town prior to commencing any timbering operations. Any debris (limbs, woodchips, etc.) from timbering operations should be removed from site. A 50-foot buffer where no timbering operations will occur should be included around any non-jurisdictional wetlands on the site.

Mr. Anthony LaFleche, 21 Wheeler Drive, first spoke as a representative of the Trails Subcommittee of the Open Space, Trails, and Riverfront Committee, advising the applicant that future trail development includes plans for construction of a trail segment along Woodin Road to connect with the Sitterly Road Trail that is jointly proposed by the Towns of Halfmoon and Clifton Park. Speaking as a town resident, Mr. LaFleche supported the preservation of a 130’-140’ no-cut buffer along the Northway corridor to preserve the visual aesthetics along that highway.

Mr. Jeff Bregenzer, 24 Bayberry Drive, spoke on behalf of others in the audience, stating that he was “opposed to every component of the project.” He cited current traffic conditions along Woodin Road as an issue, noting that drivers become frustrated by delays caused by the number of unsynchronized traffic signals in the area. In his opinion, the additional traffic generated by the logging operation would add to traffic congestion. He cited the diminishment of property values as another reason for the Board to deny the application. Stating that many families purchased homes in the Colonial Green subdivision and along Woodin Road because of the “peacefulness and tranquility” offered by undeveloped properties, he asked that the Board not allow the creation of a “city environment” in the neighborhood. Reporting that the parcel owned by Mr. Kim contained “very wet areas,” he questioned what future development plans for the site might include. Mr. Pelagalli explained that the application before the Board requests permission to conduct selective timber harvesting on the property: no development plans are proposed at this time. Mr. Ferraro explained that the Board must allow a property owner to develop his land in accordance with zoning and applicable legislation and he noted that concerns such as the protection of natural resources and other site issues would be considered if [and when] a development proposal was presented.

Ms. Jane Nealon, 7 Stephen Drive, stated her “vehement opposition” to the application, explaining that although selective harvesting of trees was proposed at this time, clear-cutting to allow for the construction of new homes would likely be required in the future. Mr. Ferraro explained that the applicant must respect the buffer areas and assure that the required basal area per acre remains. In response to her question regarding the number of trees to be removed from the property, Mr. Ferraro stated that the application calls for the removal of 306 trees. Ms. Nealon commented that although a 100’ no-cut buffer has been provided along the Northway, the removal of trees will dramatically increase the noise from that roadway. The speaker stated that Stephen Drive is often used as a “cut through” street and she fears that both Stephen and Windsor Drives will be used by drivers to avoid the logging operation. She asked that protection of the wetlands be assured. Mr. Ferraro stated that he supported the recommendations of both Mr. Scavo and the ECC regarding the establishment of a 50’ no-cut buffer around the isolated wetland area depicted on the plan. Ms. Nealon stated that an existing drain directs water from the Kim parcel to the Colonial Green drainage system and she asked if impacts to that system resulting from the proposed cutting will affect the current flow. Future plans for water and sewer service to the site were also of concern. Mr. Ferraro explained that such issues would be considered should a subdivision plan be proposed. In response to Ms. Nealon’s question regarding the potential damage to Woodin Road by logging vehicles, Mr. Werner explained that the logging company would be responsible for “observing the legal weight limits” for the roadway.

Ms. Christina Rajotte, 6 Colonial Drive, reiterated the concerns expressed by her neighbors, explaining that, as the mother of three boys, she was very concerned that the cut-through traffic resulting from those drivers wishing to avoid the logging area would jeopardize her children’s safety. She explained that the currently forested site provides a substantial buffer along the Northway and fears that the traffic noise will increase significantly when trees are removed from the site. Ms. Rajotte explained that there are several homes for sale in the

neighborhood: it is her belief that the selective harvesting operation will negatively impact the sale of those properties. In response to her question regarding the timing of the harvesting operation, Mr. Koval stated that such harvesting usually takes place during the winter when the ground is frozen and there is minimal damage to the soils. Describing the current traffic situation on Woodin Road as “horrific,” she stated that the addition of heavy trucks would cause serious safety issues. She asked that the Board consider who would assume responsibility for road repair should damage result from the tree harvesting operation.

Ms. Sandra Gonzolez, area resident, reported that she has lived next door to the Kim parcel for sixteen years. She fears that the removal of trees from the lot will negatively impact her well. She expressed her concerns about the potential for “something big” to be developed on the site once the trees were removed. She also cited traffic issues as a reason for the Board to deny the application.

Ms. Jaime Prescott, 218 Woodin Road, cited the increased noise for neighborhood residents, negative impacts to the traffic along the roadway, and loss of wildlife as reasons for the Board to reject this application. The speaker referenced a December 26, 2011 article from the Times Union newspaper that discussed the traffic volumes and delays at the Woodin Road – Sitterly Road and Sitterly Road – Crossing Boulevard intersections. She believes that the article clearly describes the traffic problems. In her opinion any additional traffic would make the situation worse.

Mr. Bob Lawrence, 11 Leslie Court, stated his opposition to the proposal identifying traffic impacts and increased noise as reasons.

Ms. Nancy Bellamy, 147 East Side Drive, referencing businesses located at Exit 9 of the Northway, asked how the Board would protect the scenic viewshed from the Northway. Mr. Ferraro stated that the Board would assure that the required basal area and designated buffer area was preserved.

Ms. Karen Chhabra, 5 Stephen Drive, stated her agreement with others who spoke before her in opposition to the proposal. As a thirty-year resident of the neighborhood, she has concerns with impacts to the water table since she has installed three sump pumps in recent years. In response to her question regarding oversight of the harvesting operation, Mr. Ferraro explained that all trees slated for removal have been marked on site.

Ms. Deanna Stephenson, 7 Cindy Lane, echoed the comments of those who spoke before her, citing impacts to the water table, increased traffic, and potential development of “townhouses and condos,” as reasons for her strong opposition to the project. She viewed Town of Clifton Park’s collaboration with the Town of Halfmoon as “imperative”.

There being no further public comment, Mr. Hale moved, seconded by Mr. Koval, to close the public hearing at 7:50p.m. The motion was unanimously carried.

Mr. Pete Nichols, a certified forester registered with NYSDEC, was present at the meeting. In response to Mr. Werner's question regarding the length of time required to complete the timbering operation and the number of vehicles using the site, Mr. Nichols explained that the project would likely be completed within two weeks in either the summer or winter. During that time, approximately two trucks per day would be entering and exiting the site. All chips and debris will be removed from the site. Mr. Hale explained that trees are measured in diameter at breast height (or DBH). The applicant proposes to remove trees that are 12" or greater in diameter at breast height, leaving 30 SF of basal area per acre or 20 – 40 trees. Mr. Hale commented that there would likely be a diversity of species located upon the site: Mr. Nichols stated that a diversity of species would remain. Mr. Ferraro questioned the need for the cutting of trees to establish the roadway and loading area: Mr. Nichols stated that there is an existing entrance drive that will be utilized: no additional tree cutting will be required for its construction. He also stated that there will be no disturbance of the 50' buffer areas. In response to Mr. Ferraro's question concerning protection of the smaller trees to remain on site, Mr. Nichols stated that though there will always be some damage, the loggers will attempt to protect as many trees as possible. Mr. Ferraro expressed concerns with any disturbance to NYSDEC wetlands that might be identified on the parcel. Though Mr. Kim explained that there are no jurisdictional wetlands located on the property and that he was uncertain of how the isolated wetland located in the north easterly corner of the site was created, Mr. Ferraro noted that the Planning Board could request that a site evaluation be performed, that a delineation be performed and verified, that the location of wetlands be mapped, and that all information be made available to the Planning Department and Board members. He emphasized to the applicant that the identified isolated wetlands must be protected. In response to Mr. Hale's question regarding the protection of "large snags," Mr. Nichols reported that such dead trees that serving as wildlife habitats will remain. Mr. Prescott, who resides on Woodin Road, stated that any additional traffic on Woodin Road "is not welcome" and that any additional traffic on that roadway was "not a good idea." Both Mr. Ferraro and Mr. Koval stated their reluctance to take action on the application without the completion of a formal wetland delineation. Protection of the identified isolated wetland area was viewed as significant. Mr. Hale and Mr. Werner concurred with the requests. Board members discussed the implications of timbering on potential future development of the parcel. Mr. Pelagalli explained that the Board may wish to consider imposing conditions such as the establishment of increased buffer areas that would protect adjoining property owners. Mr. Ferraro advised the applicant to provide a more detailed plan that included delineated wetlands so Board members would "have a clearer understanding of current conditions" on which to base their decision.

[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 – Preliminary public hearing, site plan review, and possible determination. SBL: 288.-1-25

Mr. Ferraro, Chairman, called the public hearing to order at 8:30p.m. The Secretary read the public notice as published in the Daily Gazette on July 4, 2012.

Mr. Donald Frame, applicant, explained that this application remains generally as presented at the June 12, 2012 meeting. Mr. Frame briefly described the application, stating that he and his

family propose 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, within the R1 zoning district. The applicant 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. Mr. Frame explained that after consultation with the Health Department, it was determined that since the business was considered as “wholesale distribution,” he would be required to obtain a permit from the Department of Agriculture and Markets.

Mr. Scavo reported that Mr. Myers, Director of Building and Development, offered the following comment regarding this application. In 2009 the Building Department received a complaint from an adjoining property owner that there was an encroachment of an accessory use onto the adjoining property. This issue should be resolved before approval of the Special Use Permit.

Mr. Scavo found that many of the comments issued previously have been satisfied. He advised the Planning Board to “be specific” when listing the conditions of approval. For example, conditions might stipulate that there be no pick up of baked goods by customers, that the products produced be limited to baked goods, and/or that no employees other than family members be permitted to work at the site.

Mr. Milano reported that the responses provided at the June 12, 2012 Planning Board meeting by the applicant regarding anticipated hours of operation, anticipated traffic, number of employees, utility work required to service the addition, and the size of the proposed addition addressed prior comments from the letter prepared by M J Engineering and Land Surveying, P. C. on June 8, 2012. He offered the following additional comments. The applicant should provide a letter from a professional engineer stating that the existing septic system has been inspected, is functioning properly, and is sized appropriately to handle the additional anticipated flow. The approximate location of the existing septic tank and system components should be added to the plan to confirm that the required separation distances for septic system components from the proposed addition are met.

Mr. Montague, Environmental Specialist, reported that the ECC reiterated the concern expressed at the June 12, 2012 meeting. The applicant should install an exhaust system if ventilation of the oven is required to protect the neighborhood from any nuisance odor.

There being no further public comment, Mr. Werner moved, seconded by Mr. Andarawis, to close the public hearing at 8:35p.m. The motion was unanimously carried.

In response to Mr. Koval’s question regarding the alleged encroachment mentioned by Mr. Myers, Mr. Frame explained that the dispute has been settled. He stated that in 2009 he

added a canopy to the side of his garage not realizing that it encroached on his neighbor's property. The canopy and supporting structures were removed soon after he learned of the problem. Mr. Ferraro stated that approval of the Special Use Permit should be conditioned upon the following stipulations: baking should be limited to normal business hours; no additional employees will be permitted; no customers will visit the site to pick up products; ventilation equipment will be installed as necessary; the septic system will be evaluated to determine if it is capable of handling additional flows.

Mr. Frame asked if it would be necessary to contact the Building Department if and when the business was discontinued. Mr. Pelagalli explained that although it was not necessary for the applicant to notify the Building Department, Mr. Frame should check with Mr. Myers to determine if a discontinuance of the business for a specified period of time renders the Special Use Permit null and void. In response to Mr. Frame's question regarding specifications for the exhaust fan, Mr. Scavo recommended that he discuss equipment and installation questions with Mr. Myers.

The Board first considered approval of Special Use Permit #80871.

Mr. Werner moved, seconded by Mr. Hale, 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.

Mr. Koval offered Resolution #11 of 2012, seconded by Mr. Hale, to grant approval of Special Use Permit #80871 to permit construction of a 600 SF addition to an existing residence within an R1 zoning district to provide for an accessory use building conditioned upon the following stipulations: baking shall be limited to normal business hours; no additional employees will be permitted; no customers will visit the site to pick up products; ventilation equipment will be installed as necessary; the septic system will be evaluated to determine if it is capable of handling additional flows. Ayes: Prescott, Andarawis, Hale, Koval, Werner, Ferraro. Noes: None.

The Board then considered site plan approval.

Mr. Werner moved, seconded by Mr. Prescott, 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.

Mr. Andarawis moved, seconded by Mr. Prescott, to grant preliminary and final site plan approval to this application conditioned upon satisfaction of all comments provided by M J Engineering and Land Surveying, P.C. and those issued in the final comment letter from the Planning Department. The motion was unanimously carried.

Old Business:

[2012-017] **DCG Light Industrial Shovel Ready Site, Phase II** – Proposed (16) acre expansion of a shovel ready light industrial site, Wood Road – Preliminary site plan review and possible determination. SBL: 259.-2-74.2

Mr. Joe Dannible, consultant for the applicant, explained that this application remains generally as presented at the May 23, 2012 meeting. On June 20, 2012, Mr. Dannible forwarded correspondence to Mr. Milano, Town Engineer, that addressed comments issued on May 22, 2012 and presented at the May 23, 2012 Planning Board meeting. The consultant explained that a Stormwater Pollution Prevention Plan modification has been completed and submitted for review. The modification includes computations for the relocated Temporary Sediment Basin and Erosion control plans for the 15 acre disturbance area. Additional SEQOR information has been revised in accordance with the “Temporary Sediment Trap Sizing” report that was included with the preliminary submission. This report indicates that the basin as depicted on the plans has been adequately sized to treat water quality volume from the disturbed area. Revised preliminary plans now indicate a total disturbance area of 15.3 acres. 7± acres of the previously graded Phase 1A and 1B areas will be regraded to balance the cuts proposed within the Phase 2 area and 8± acres of new disturbance is proposed. DCG has engaged Hartgen Archeology to complete a Phase I archeological investigation of the site. Once a signoff is received from the NYSOPRHP, the correspondence will be forwarded to the Town of Clifton Park. The preliminary plans include a full erosion and sediment control plan. A proposed grading plan has also been prepared. Mr. Dannible assured the Board that the applicant “has no intention of hauling material to another site.” As plans are refined the consultant will develop an appropriate location for a soil stockpile area. He stated that all necessary erosion control measures will be utilized to contain potential runoff from this area. The stockpiled soil will be used at a later date to balance building pads for future uses. In response to M J Engineering’s comment regarding stabilization of disturbed areas, Mr. Dannible explained that the use of a 60% annual ryegrass mixture provides the fastest germination rate: areas will be stabilized as rapidly as possible. The remaining 40% of the grass mixture will be perennial grasses which will provide for long-term stabilization of the site. Test pits were scheduled to be excavated during the last week of June: results will be forwarded to the Town when available. Addressing the issue of topography, Mr. Dannible indicated that the access road to the site is graded “roughly at a slope of 10% and a cross slope of 3%.” He presented photographs that depicted the existing access roadway. Information regarding the location and sizing of proposed temporary sediment traps has been submitted to the Planning Department. Mr. Dannible stated that he is in receipt of comments issued by M J Engineering and Land Surveying, P.C. and that all technical issues will be addressed. The applicant will request a waiver from the 5-acre disturbance restriction.

Mr. Scavo reported that Mr. Myers, Director of Building and Development, offered the following comment on this application. He states that no Stormwater Pollution Prevention Plan has been submitted to date: a full Stormwater Pollution Prevention Plan will be required. The applicant must also ask permission to disturb more than five (5) acres at a time. He notes that significant justification for such a request is required. Mr. Myers reported that the comment from M J Engineering and Land Surveying, P. C. regarding the type of seed mix to be used for

site reclamation has not been adequately addressed. Once the complete stormwater has been submitted, Mr. Myers will provide additional comments.

Mr. Scavo offered a number of comments prepared by the Planning Department. He reported that the project was reviewed by the Saratoga County Planning Board: that Board determined that the project would not have an adverse county-wide impact. The Board did comment that Saratoga County is working to connect the Zim-Smith Trail with Clifton Park's trail network. As this project moves forward, a trail connection should be provided between Wood Road and Ushers Road. The Wood Road GEIS evaluated the cumulative impacts of the potential development of the entire Wood Road Corridor including the project site. The Findings Statement concluded that the Planning Board must examine the following when determining whether further environmental review will be required for an individual project in the Wood Road Corridor: (1) traffic transportation; (2) Karner Blue butterfly & lupine habitat; (3) wetlands; (4) utility services; (5) fire protection; (6) maintenance of visual buffers; (7) Phase I environmental audit; (8) cultural resources; and (9) zoning. The applicant has submitted information addressing the above criteria for the Planning Board's consideration. The documentation demonstrates that none of the aforementioned criteria will be adversely impacted by the project and that the applicant has complied with the requirements of the Findings Statement.

Mr. Milano reported that M J Engineering and Surveying, P. C. reviewed the application and offered the following comments. He explained that all previous comments from the letter of May 22, 2012 have been addressed with the exception of comment #1 as it relates to a written request to disturb more than 5 acres of soil at one time and post construction stormwater management practices, and comment #7 relating to the grass mixture for permanent stabilization.

Mr. Milano stated that, based upon the revised information submitted, the town engineer offers the following comments. Page 2 of the Additional SEQR Information narrative states that there are no New York State DEC wetlands or streams on the property, though the plan indicates a NYSDEC wetland in the northwestern corner of the site: this discrepancy should be addressed. Page 3 of the Additional SEQR Information states that the outlet from the sediment basin will be installed over a spillway that will discharge to an existing ditch along Wood Road, but the plan shows two separate temporary sediment basins and indicates only one overflow spillway near the northwestern corner of the site: clarification regarding the discrepancies should be provided. The outlet for the second temporary sediment basin should be indicated on the plan. The last paragraph on Page 4 of the Additional SEQR Information contains contradicting information regarding the status of the Phase 1 Archaeological Investigation and should be revised accordingly. The Temporary Sediment Trap Sizing document states that approximately 12.0 acres of land will be disturbed. The Phase 2 Clearing, Grading and Erosion Control Plan, though the Stormwater Pollution Prevention Plan and Additional SEQR Information indicate approximately 15.0 acres of land disturbance. The written response to comments also indicates approximately 15.0 to 15.3 acres of land disturbance. These discrepancies should be revised and the land disturbance should be consistent throughout all project-related documents. Several notes on the Site Details sheet reference paving and storm sewer work. The notes should be reviewed and revised since no paving or storm sewer work is being proposed at this time. The

note regarding the seed mixture should also be revised to be consistent with the seed mixture referenced throughout the other project-related documents. All limits of allowable contractor activity should be clearly indicated on the plans, and erosion and sediment control (ESC) measures should be proposed to address all potential impacts within that area. The proposed stabilized construction entrance (SCE), and construction storage and staging area is not included within the limits of clearing and grading. Currently, the SCE is located in close proximity to ACOE wetland areas that do not appear to have any associated ESC measures, and could be adversely impacted by contractor activities. More detail for the design and construction of temporary sediment trap(s)/basin(s) and perimeter swales should be provided. As shown, it is unclear if these site elements are in conformance with NYSDEC regulations, and how runoff can be effectively conveyed throughout the site as described in the “Temporary Sediment Trap Sizing, Light Industrial Shovel Ready Site, Phase II,” contained in Section 5 of the Stormwater Pollution Prevention Plan. Silt fencing should be shown installed parallel to contours. For example, the fencing on the northeast corner of the property, along Wood Road, does not provide the assumed intended effect. All runoff tributary to this fencing will channelize at the fence, and discharge in a northerly direction toward Wood Road. The Stormwater Pollution Prevention Plan should address the hydrological impacts of the proposed grading operations on the project site’s watershed. The extensive tree clearing and mass grading will result in significant hydrological impacts to the project site, resulting in increases in peak discharge rates and volumes for storm events. The Stormwater Pollution Prevention Plan should provide a pre- vs. post-development hydrological analysis, complete with permanent, post-construction stormwater controls which have been designed based upon the entire contributing watershed(s). The Stormwater Pollution Prevention Plan is proposing the use of temporary (during construction) erosion and sediment control practices as permanent stormwater controls (i.e. the Stormwater Pollution Prevention Plan is proposing to utilize temporary sediment trap/basins for an extended period). Temporary sediment trap/basins are not suitable post-construction stormwater management practices. Section 1, Subsection II.G. ENDANGERED OR THREATENED SPECIES says “No wild lupine or Karner Blue butterflies were found [on-site].” However, the subsequent paragraph mentions two wild lupine areas receiving protective fencing; the inconsistency should be corrected. The stabilized construction entrance shall be a minimum of 24’ wide. Section 1, Subsection V. CONSTRUCTION PHASING AND SEQUENCING PLAN references a “CONSTRUCTION PHASING AND SEQUENCING PLAN” attached in Section 6 – Supplemental Information of the Stormwater Pollution Prevention Plan. This Plan was not found in Section 6 and should be provided. Section 1, Subsection I.I. indicates the applicant is seeking a waiver to disturb more than five acres of soil at a time, while the attached Notice of Intent, question 8, indicates more than five acres of soil will not be disturbed at any one time. The consultant should clarify whether or not a five-acre waiver is being requested for the project. It is unclear if the attached Notice of Intent is intended to address the current phase for the project or if it is attached as reference to previous phase(s). The following comment applies to Question 10 of the attached Notice of Intent that indicates the proposed project is not a phased project. The Stormwater Pollution Prevention Plan contains a completed Notice of Intent indicating 4.081 ac-ft of Water Quality Volume (WQv) and 4.081 ac-ft of Channel Protection Volume (CPv) is being provided; however, it does not indicate which post-construction standard practice is providing said volume(s). Temporary Sediment Trap/Basin detail(s) should be provided. Provide clarification if the “Temporary Sediment Trap Sizing, Light Industrial Shovel

Ready Site, Phase II,” contained in Section 5 of the Stormwater Pollution Prevention Plan is assumed to be prepared for this phase of the project, while the “Temporary Sediment Basin Sizing, For the Ushers Road Light Industrial Shovel Ready Site, Revised November 15, 2010,” contained in Section 6, is assumed to be for previous phase(s) of the project.

Mr. Montague, Environmental Specialist, reported that the ECC issued the following comment relevant to this application. The applicant should install a split-rail fence indicating where the 50-foot buffer around the Blue Lupine Area No. 3-A and No. 3-B, including signage to indicate that it delineates a “wildlife protection area.”

Ms. Pam Marshall, 5 Fairlawn Court, asked if the applicant proposed a trail segment to help the Town of Clifton Park multi-use pathway network connect with the county-wide Zim-Smith Trail. Mr. Donald MacElroy, DCG representative, stated that the developer will provide a 20’-25’ strip along the easterly property boundary to provide the space necessary for installation of a trail link.

Mr. Anthony LaFleche, 21 Wheeler Drive, representative of the Trails Subcommittee of the Open Space, Trails, and Riverfront Committee, offered his thanks to the developer for providing a substantial buffer along the Northway corridor. He recommended that a “reasonable buffer” also be established along Wood Road.

Mr. Bill Koebbeman, 861 Riverview Road, asked if the buffer along the Northway was a “State Easement.” Mr. Scavo explained that the proposed buffer area was established as part of the Statement of Findings for the Wood Road GEIS.

Mr. Engleman, 6 Partridge Plateau, read a prepared letter to the Board. He asked that the Planning Board conduct a public hearing regarding this application. He also alleged that proper notification of adjoining property owners was not made in accordance with the Town Code. Stating that the proposed plan would be “devastating” to the Karner Blue, he explained that, in his opinion, the plan did not comply with the Wood Road GEIS Findings Statement. Citing Findings Statement Item #93, he asked if the plan included reintroduction of the Karner Blue as required. Referencing a 2006 e-mail from Ms. Kathleen O’Brien, he stated his belief that the development plan does not protect the endangered species as required. He called for rejection of the application and asked that the applicant be required to prepare and submit a Supplemental Environmental Impact Statement since the proposal does not conform to the thresholds established by the Wood Road GEIS Findings Statement.

Mr. Ferraro responded to Mr. Engleman’s request for a public hearing, stating that public hearings for site plan applications were held at the discretion of the Planning Board. Ms. Scavo reported that the 500’ notifications were sent as required.

Ms. Lynn Jackson, 223 South Swan Street, Albany, speaking as a member of Save the Pinebush organization, stated that she is concerned with the Town of Clifton Park’s actions regarding the Karner Blue butterfly, noting that since 1991 there has been no consistent effort to protect its habitat or reestablish the butterfly in area where it had previously thrived. Stating that

there has been “incredible destruction of habitat in Clifton Park,” she asked the Board to take Mr. Engleman’s recommendations seriously.

Mr. Russell Ziemba, 1813 Highland Avenue, Troy, stated that, he, too, was a member of the Save the Pinebush organization. He spoke of the importance of the “linkage” of the habitat site on the parcel to be developed by DCG Development with other habitat areas within Saratoga County or the Pinebush in Albany County, explaining that the one-acre site of habitat to be protected was not large enough to encourage butterfly migration and possible reestablishment of the species. He stated that he believes that the applicant has not complied with the Statement of Findings, noted that the proposed site grading will change the hydrology of the site significantly impacting the habitat area, and asked that the Board enforce the GEIS Statement of Findings. He called for rejection of the application.

Mr. Koebbeman recommended that the Planning Board conduct a public hearing on the application and comment on the applicant’s narrative that addresses all issues identified in the Statement of Findings.

Mr. Pelagalli explained that the subject of preservation of Karner Blue habitat and reintroduction of the species as required by the Wood Road GEIS Statement of Findings has twice been litigated: the Town has won both cases – one from the Appellate Division, Third Department.

Ms. Nancy Bellamy, East Side Drive, stated that the Town of Wilton “is excited about butterflies,” their preservation, and continued survival. She asked that the Board encourage the creation of a “spot to protect butterflies.”

Mr. Ferraro explained that the Planning Board had is in receipt of requests for a public hearing on this application from several individuals and groups in addition to the individuals who commented at this meeting. He reported that Mr. David Gibson, town resident, sent an e-mail to Mr. Scavo on July 9, 2012 in which he notes that the area proposed for development includes a former and/or existing habitat for the endangered Karner Blue butterfly. Mr. Gibson requests that a public hearing be conducted on the application to ensure that those concerned with preservation of natural resources have an opportunity to comment on the application and potential impacts to the Karner Blue. Ms. Barbara Murphy, town resident, has also asked that the Board conduct a public hearing. Mr. Pete Sheehan, Chairman of the Sierra Club, Hudson Mohawk Group, forwarded correspondence on July 10, 2012, in which he raises concerns regarding DCG Development’s compliance with the Wood Road Corridor GEIS Statement of Findings and asks that the Board conduct a public hearing on the application.

Mr. Ferraro posed the following question to the Board: does a public hearing appear warranted or do members believe that sufficient information is available to render a decision on the application. In response to Mr. Werner’s question regarding the size of the protected lupine habitat area and its potential to attract butterflies, Mr. Dannible explained that there are a limited number of blue lupine plants within the protected area and that mowing and maintenance as prescribed for several years has not resulted in expansion of the habitat area. Mr. Koval stated

that the town must conduct public hearing for all subdivision and special use permit applications: public hearings for site plans are held at the discretion of the Board should the Board determine that unique or unusual circumstances for approval should be considered as part of its deliberation. He noted that the Board invites public comment at all of its meetings and, therefore, does not see a need to convene a public hearing for this application. Mr. Ferraro argued that since there were many environmentally sensitive issues associated with this application, public participation should be encouraged through the use a more formal public hearing process.

Mr. Ferraro moved, seconded by Mr. Andarawis, to conduct a public hearing on the DCG Light Industrial Shovel-Ready Site, Phase II to provide an official forum for those wishing to comment on the application. Ayes: Prescott, Andarawis, Hale, Werner, Ferraro. Noes: Koval.

In response to Mr. Werner's question regarding the applicant's desire to prepare 25 acres of land as "shovel-ready" immediately, Mr. Dannible reported that the applicant would like to continue site work under an existing SPDES permit issued by NYSDEC.

Mr. Ferraro asked that the applicant address all outstanding issues prior to the public hearing. Mr. Pelagalli requested that Mr. Scavo provide Board members with a copy of the Statement of Findings as well as all background information regarding identification of and preservation and protection of the Karner Blue and its habitat.

[2005-011A] **Bradford Pointe (formerly Abele Subdivision) Amendment** – Proposed amendment to an existing Stormwater Pollution Prevention Plan, Carrington Court – Preliminary review and possible determination. SBL: 259.13-4-2

Mr. Tom Andress, consultant for the applicant, presented this proposed amendment to an approved subdivision known as Bradford Pointe which was formerly entitled the Abele Subdivision. The 21-lot subdivision, located at the intersection of Crescent and Southbury Roads, is currently under construction. Since the site appears drier than anticipated, the applicant has asked that the Board consider modifications to certain stormwater containment practices that were deemed necessary based upon site conditions at the time of approval. The speaker explained that the subdivision was originally designed with a drywell on each lot to handle roof runoff: Mr. Andress now believes that there may be a better way to contain and disperse such runoff. Based upon the revised plan and storm calculations, three alternative methods are being considered. Mr. Andress explained that the original roadway design proposed a stone diaphragm off the edge of pavement. Due to the amount of fill brought onto the site and an issue with National Grid that required the owner to grant easements outside of the town right-of-way, there is now a significant level area off much of the roadway that will allow the road runoff to be treated by infiltration. This will not only provide a more pleasing roadway of groomed grass but will also eliminate future maintenance issues for the Highway Department. Mr. Andress stated that the original plan proposed the use of Gabion baskets at the drainage ditch crossings. Green slopes were utilized instead. He noted that one area received large cobbles on the slope which provides a more natural look while providing the necessary stabilization of soils.

Mr. Scavo reported that Mr. Myers, Director of Building and Development, stated in a memo dated July 9, 2012 that review of the proposed revisions will be required to determine if there will be effects on the original Stormwater Pollution Prevention Plan. He reported that, due to disagreement over whether or not the original Stormwater Pollution Prevention Plan would meet NYSDEC requirements, the applicant required to post a bond. The timing of the release of the bond in light of new stormwater management plans should be discussed.

Mr. Andress reported that the applicant has agreed that all conditions of the existing bond – including the timing of its release - would remain in effect.

Mr. Scavo provided comments prepared by the Planning Department. As a condition of the original approval, the applicant was required to provide a set of deed restrictions to each homeowner that includes information regarding the installation and maintenance of dry wells installed on the properties. The Board discussed several options for ensuring the on-going maintenance associated with the proposed dry wells at that time. It was decided that each individual property deed would contain language for the overall maintenance and ownership of the dry well for each property owner. During a public hearing held in 2007 many surrounding residents complained of wet conditions on their properties. At that time Chairman Bulger stated that the Board utilizes the best engineering information available to review and analyze proposals to ensure that all federal, state, and local statutes and code regulations are followed. He also explained that no project is permitted to impact adjoining properties: the developer cannot make a drainage situation worse. The dry wells provided a layer of stormwater runoff protection that was deemed necessary by a prior Planning Board to feel comfortable with the project and its associated wetland constraints, proposed clearing of vegetation, and creation of impervious surfaces.

In response to Mr. Scavo's question regarding the distance of the finished floor elevations to groundwater levels, Mr. Andress stated that the original plan called for finished floor elevations to be at least 2' above the groundwater level: he explained that most finished floor elevations will be more than the required 2' above the water table.

Mr. Scavo stated that the Trails Subcommittee of the Open Space, Trails, and Riverfront Committee had requested an update on the status of the trail section of the Crescent Road Trail that was to be constructed by the developer. Mr. Scavo explained that the Crescent Road Trail was a cooperative effort between the Towns of Clifton Park and Halfmoon and dependent upon design approval from NYSDOT. He stated that the applicant is aware of his responsibility for completion of the trail and, when approval for the alignment and design is received, construction will begin.

Mr. Anthony LaFleche, representative of the Trails Subcommittee of the Open Space, Trails, and Riverfront Committee, commented that all potential homeowners should be aware of the proposed trail development along Crescent Road.

Mr. Milano reported that M J Engineering and Land Surveying, P.C. reviewed the proposed amendment to the approved subdivision located on Crescent Road. Although M J Engineering agrees that the proposed three alternate house stormwater practices result in less maintenance issues than the originally proposed dry wells, it is recommended that the proposed alternate practices be modified to provide a storage volume equal to or greater than the storage volume of the originally proposed drywells. Also, the stone drip edge should be located far enough out from the face of the exterior building wall to ensure that roof runoff discharges into the stone trench area. The consultant is asked to provide backup calculations and clarification to demonstrate how the removal of the stone trench along both sides of the roadway and replacement with a vegetated swale meets the originally proposed Stormwater Pollution Prevention Plan. Based upon a field visit and evaluation of the areas noted where Gabion walls were not installed, it appears that the green slopes and large cobbles offer a more natural and aesthetically pleasing option than Gabion walls or rip rap and provide for an effective means of slope stabilization. Upon final approval of the proposed Subdivision Amendment, the Stormwater Pollution Prevention Plan should be revised to incorporate the proposed changes, NYSDEC informed of the revisions, and the Notice of Intent modified accordingly.

Mr. Montague, Environmental Specialist, reported that, after review of the data presented, the ECC made the following recommendations. The applicant should indicate which sites the dry wells will be removed from. The ECC is concerned that removal of the dry wells and rip-rap next to the road would increase storm water runoff and flooding.

Mr. Ferraro described the site as “challenging” and observed that it is clear that previous Boards worked diligently to ensure that drainage would be managed on site. Mr. Hale asked if Mr. Andress was confident that the use of the drip edge would not impact groundwater levels. Mr. Andress explained that, due to the considerable amount of fill brought to the site, the use as proposed would be effective. In response to Mr. Koval’s question concerning the number – if any – drywells to be installed, Mr. Andress stated that a dry well has been installed on Lot #2. All other lots will employ alternate methodologies for handling stormwater. Mr. Andress further explained that the homes under construction were high-end custom homes with angles and designs that made the piping to a single dry well difficult. Mr. Ferraro observed that the subdivision was not complete: he questioned the calculations used to determine the amount of water flow and the storage capacity of the proposed alternative containment methods. Mr. Andress explained that recharge and infiltration calculations would be based upon full build-out of the subdivision. In response to Mr. Ferraro’s question regarding the potential for water flow to adjoining properties, Mr. Andress stated that there will be no change to impacts to neighboring properties. Deed restrictions will be revised to eliminate references to ownership and maintenance of the dry well. Mr. Koval noted that some homeowners may wish to add gutters along roof lines: Mr. Andress reported that some of the home designs do require the installation of gutters. Mr. Hale viewed the revisions positively, commenting that it is not a question of IF drywells fail, but a question of WHEN. Mr. Ferraro asked that the consultant insure that the proposed alternatives will operate efficiently during significant storm events. Mr. Milano reported that although he still has reservations about the proposed diaphragm design along the roadway, he believes that the volumes of water from impervious surfaces will be handled effectively. Mr. Scavo reported that Mr. Myers, Director of Building and Development, was

amenable to considering alternative methods of stormwater management: documentation regarding the effectiveness of alternative methods must be provided. Responding to Mr. Koval's comment that the proposed amendment was technical in nature, Mr. Hale offered his engineering expertise, stating that he believed the amendment to be an improvement over the initial design plan.

Mr. Prescott 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.

Mr. Koval moved, seconded by Mr. Prescott, to grant approval to this amendment to the Bradford Pointe subdivision conditioned upon satisfaction of all comments issued by M J Engineering and Land Surveying, P.C, that the consultant clearly demonstrates that the proposed roadway diaphragm design will work as effectively as the original drainage design, assurance that there will be no impacts from water run-off to adjoining properties, and approval from Mr. Myers, Director of Building and Development of the amended stormwater management plan for the subdivision. The motion was unanimously carried.

[2012-022] **Jonesville Fire Station** – Proposed demolition and 4,000 SF addition to existing station, 629 Route 146A – Preliminary site plan review and possible determination. SBL: 271.-1-1

Mr. Neil Weiner, legal representative for the fire district, stated that this application remains generally as presented at the June 12, 2012 meeting. There will be no disturbance of the wetlands located on the parcel. The speaker reported that site demolition is scheduled to begin next week.

Mr. Anthony LaFleche, representative of the Trails Subcommittee of the Open Space, Trails, and Riverfront Committee, reiterated the previous comments issued by the subcommittee, asking that a bike rack be installed near the entrance to the station. Mr. Weiner pointed out that the fire station was not designed for public functions. Mr. Ferraro stated that he would leave the decision regarding installation of a bike rack to the discretion of fire district officials. In response to his request for the installation of additional shrubbery along the parking area to the north, Mr. Weiner agreed to install plantings as recommended by Mr. Scavo.

Mr. Koval moved, seconded by Mr. Hale, 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.

Mr. Hale moved, seconded by Mr. Andarawis, to grant preliminary and final site plan approval to this application conditioned upon the installation of appropriate landscaping along the northern parking area and satisfaction of all items in the final comment letter issued by the Planning Department. The motion was unanimously carried.

New Business:

[2012-026] **Purdy, John D. and Mary Claire** – Proposed (2) lot subdivision, 1 Lakewood Meadows – Conceptual review. SBL: 259.13-3-45

Mr. Duane Rabideau, consultant for the applicant, explained that the applicant seeks approval to subdivide a 1.21 acre property located on the northwesterly quadrant of the intersection of Lakewood Meadows and Pebble Beach Drive. The parcel lies within the Country Knolls West Planned Development District. Mr. Rabideau stated that when the applicant purchased the property in August, 1993 the parcel was two (2) separate lots: when he purchased Lot #3, tax mapping officials combined the lots into a single lot identified as 1 Lakewood Meadows. The plan now calls for the subdivision of the parcel into lots of 29,446 SF and 23,194 SF, respectively. The larger lot will contain an existing single-family residence. Lot #1 is currently serviced by public water and sewer and Lot #3 will be connected to public water and Saratoga County Sewer District #1. The plan presented for this evening's review contained the proposed clearing limit line as requested by Mr. Scavo.

Mr. Scavo reported that Mr. Myers, Director of Building and Development, determined that the proposed subdivision appears to meet all current zoning requirements.

Mr. Scavo offered Planning Department comments. The applicable parkland fee for a new residential vacant lot will apply. The Planning Department verified that the subdivision of this lot will not increase the number of approved lots within the PDD legislation. A sign-off from both the Saratoga County Sewer District and the Clifton Park Water Authority will be required prior to final approval. Initial clearing limits for the proposed lot should be shown. It is recommended that as much of the mature buffer is maintained with the initial construction to allow the future homeowners to make the decision whether additional site clearing is desired. The following note should be added to the subdivision plan: "Initial clearing limits have been established for construction of a new residential dwelling and a condition of subdivision approval. The clearing limits are not meant to encumber future tree clearing as desired by the property owner once a certificate of occupancy is obtained for the new residential structure."

Mr. Montague, Environmental Specialist, reported that the ECC offered no comment on this application.

In response to Mr. Ferraro's question regarding the preservation of a buffer on the westerly side of the new lot, Mr. Rabideau reported that all required setbacks will be met. Board members found the subdivision proposal generally acceptable.

Minutes Approval:

Mr. Werner moved, seconded by Mr. Ferraro, approval of the minutes of June 27, 2012 as written. Ayes: Hale, Werner, Koval, Ferraro. Noes: None. Abstained: Andarawis, Prescott

Mr. Koval moved, seconded by Mr. Hale, adjournment of the meeting at 11:20p.m. The motion was unanimously carried. Since there is only one meeting scheduled for the month of July, the next meeting of the Planning Board will be held as scheduled on August 14, 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 #11 of 2012

APPROVAL
Special Use Permit

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 July 10, 2012 there were:

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

Absent: E. Ophardt, K. Paulsen

Mr. Koval offered Resolution #11 of 2012 and Mr. Hale seconded, and

Whereas, an application has been made to this Board by Don Frame, Jr. for approval of Special Use Permit #80871 to permit the construction of a 600 SF addition to an existing residence in an R-1 zone to provide for an accessory use pursuant to Section 208-16D(3)[10] of the Town Code;

Whereas, pursuant to Section 276 of the Town Law a public hearing was advertised and was held on July 10, 2012 in the Town Office Building,

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

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

Now therefore, be it resolved that the Planning Board approves the application of Don Frame, Jr. for approval of Special Use Permit #80871 to permit construction of a 600 SF addition to an existing residence within an R1 zoning district to provide for an accessory use building conditioned upon the following stipulations: baking shall be limited to normal business hours; no additional employees will be permitted; no customers will visit the site to pick up products; ventilation equipment will be installed as necessary; the septic system will be evaluated to determine if it is capable of handling additional flows.

Resolution #11 of 2012 passed 7/10/2012

Ayes: Prescott, Andarawis, Hale, Koval, Werner, Ferraro

Noes: None

R. Ferraro,

Chairman