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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
August 14, 2012

Those present at the August 14, 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:

Those also present were: J. Scavo, Director of Planning
R. Milano, M J Engineering and Land Surveying, P. C.
M. Montague, Environmental Specialist
L. Renzi, 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 the Request for Expressions of Interest (REI) for the Clifton Park Town Center Study is ready for release since the scope of work has been reviewed and accepted. Mr. Ferraro reported that the release means that “third phase of the three-phase process” will be completed. He noted that the Capital District Transportation Commission offers area towns the unique opportunity to benefit from the funding and professional support that it provides for planning studies and the implementation of projects.

Public Hearings:

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

Mr. Ferraro, Chairman, called the public hearing to order at 7:10p.m. The Secretary read the public notice as published in the Daily Gazette on August 6, 2012.

Mr. Rabideau, consultant for the applicant, explained that this application remains generally as presented at the June 12, 2012 Planning Board meeting. Mr. Rabideau reported that verification of the NYSDEC wetland has been received from that agency and that the wetland and its associated buffer area have been depicted on the project plan. The existing septic system has been evaluated by a licensed engineer and deemed adequate to serve the new residence. A staging area, soil stockpile area, and concrete washout area have all been included on the preliminary plan. Elevations of the proposed new residence and attached garage area were presented for consideration.

Mr. Scavo reported that Mr. Myers, Director of Building and Development, provided the following comments in a memo dated August 6, 2012. Mr. Myers states that delineation of the wetland and LC zone will be required on site. An erosion and sediment control plan will be required due to the proximity of the proposed construction to the wetland. The existing house must be fully demolished and removed prior to the issuance of a Certificate of Occupancy for the new structure. In order for the applicant to transition smoothly from the residence to be razed to the garage apartment, Mr. Myers recommends the issuance of a temporary Certificate of Occupancy for the apartment until the original structure is demolished and removed from the site. He notes that there appears to be an existing easement for access: it is recommended that this be verified since the access is located within the LC (Land Conservation) zone. The required separation distances for distances between the well and septic and septic and wetland must be verified and indicated on the plot plan.

Mr. Scavo offered the following comments prepared by the Planning Department. He explained that the application requires approval of both a Special Use Permit to permit the construction of a two-family dwelling within an R1 zone and site plan review and recommended that site plan review focus upon the layout of the proposed garage/apartment in relation to construction of a new primary dwelling. The speaker noted that the applicant may receive a temporary Certificate of Occupancy for the garage and in-law apartment provided that the new main dwelling structure is built and a permanent Certificate of Occupancy issued within a reasonable time frame from the time of demolition of the existing primary structure. The approved address – 552 Englemore Road – should be included on the site plan. Mr. Scavo reported that, since the property lies adjacent to the Stony Creek Reservoir, the plan was forwarded to the Latham Water District for review and comment. Mr. Edward Cehowski, Senior Civil Engineering Technician for that agency, has forwarded a memo stating that the Division of Latham Water has “reviewed the plot plan sent via email on for the site and finds the proposal satisfactory.”

Mr. Milano explained that after review of the information submitted for preliminary review, M J Engineering and Land Surveying, P. C. provided the following comments for the above referenced project in a letter dated June 12, 2012. Though most of the previous comments from the letter dated June 8, 2012 have been addressed, comment #5 regarding signage to indicate the general limits of the 100 foot wetland buffer areas has not been satisfied. Based upon the letter from Lansing Engineering, P.C. dated June 22, 2012, the existing septic system has no known reported deficiencies and no additions or modifications to the system are required for the system to be utilized to service the proposed house. As such, it is recommended that note #3 regarding the septic system be modified to include the following at the beginning of the note: “In the event that the existing septic system is found to not comply with required separation distances for septic system components or the required minimum 2.0% slope from the building lateral to the septic tank cannot be maintained, then proposed...” It is also recommended that a construction fence be installed around the limits of the existing septic system to ensure that it is not compromised by vehicular traffic during construction activities and that a note be added to the plan to ensure that there is no disturbance of the area. After this evening’s presentation, Mr. Milano stated that all comments had been satisfactorily addressed.

Mr. Montague, Environmental Specialist, reported that, after review of the application, the ECC found the project plan acceptable.

There being no public comment regarding this application, Mr. Ferraro moved, seconded by Mr. Hale, to close the public hearing at 7:16p.m. The motion was unanimously carried.

The Planning Board first considered approval of Special Use Permit #80873.

Board members agreed that the wetland boundary should be “discreetly” marked with small markers to ensure that that the property owner is aware that land use activities are restricted within the wetland areas. Mr. Scavo recommended that the applicant use aluminum nails to attach the markers. In response to Mr. Koval’s question regarding future use of the apartment, Mr. Rabideau explained that use of the second residence will not be restricted to family members. Mr. Ferraro noted that it was important for Board members to understand that there would be no restrictions on future use of the second residence. Mr. Hale commented that he views the proposed use as appropriate for this parcel, particularly because it is an “unobtrusive” lot.

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.

Mr. Koval offered Resolution #12 of 2012, seconded by Mr. Ophardt, to grant approval of Special Use Permit #80873 to permit construction of a two-family residence within an R1 zone pursuant to Section 208-10B(9)[7] of the Town Code. Ayes: Ophardt, Paulsen, Andarawis, Hale, Koval, Werner, Ferraro. Noes: None.

The Board then considered site plan approval.

Ms. Paulsen 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. Werner moved, seconded by Mr. Hale, to grant preliminary and final site plan approval to this application conditioned upon the installation of markers to delineate wetland boundaries and satisfaction of all items listed in the comment letter issued by the Planning Department. The motion was unanimously carried.

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

Mr. Ferraro, Chairman, called the public hearing to order at 7:25p.m. The Secretary read the public notice as published in the Daily Gazette on August 6, 2012.

Mr. Rabideau, consultant for the applicant, explained that this application remains generally as presented at the July 10, 2012 Planning Board meeting. He explained that, in accordance with comments issued by Mr. Scavo, initial clearing limit lines have been added to the plan and that the recommended note regarding these limit lines and future clearing of the property has been added to the plan.

Mr. Scavo reported that Mr. Myers, Director of Building and Development, offered the following comments in a memo dated August 6, 2012. The setbacks shown on the subdivision plan reflect the requirements of the existing PUD. The lot appears appropriate for connection to public water and sewer services.

Mr. Scavo offered the following comments prepared by the Planning Department, explaining that although the consultant has satisfactorily addressed many of the comments previously issued, the following remain. A parkland fee of \$850.00 has been assessed and must be submitted prior to the stamping of the final subdivision plan. Sign-offs from both the Saratoga County Sewer District and the Clifton Park Water Authority will be required prior to the stamping of the final plan. Mr. Scavo reported that an individual living near the Purdy property had reported that there was a cemetery located in close proximity to the property: a review of aerial photographs placed the cemetery at a considerable distance from the subject parcel.

Mr. Montague, Environmental Specialist, reported that the ECC found the project plan acceptable.

There being no public comment regarding this application, Mr. Ferraro moved, seconded by Ms. Paulsen, to close the public hearing at 7:28p.m. The motion was unanimously carried.

Mr. Andarawis moved, seconded by Mr. Koval, 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. Ophardt offered Resolution #13 of 2012, seconded by Mr. Hale, to waive the final hearing and to grant preliminary and final subdivision approval to this application conditioned upon satisfaction of all items listed in the final comment letter issued by the Planning Department. Ayes: Ophardt, Paulsen, Andarawis, Hale, Koval, Werner, Ferraro. Noes: None.

[2012-023] **Keefe, Kenneth G. and Grace L.** – Proposed (4) lot subdivision, 267 Lapp Road – Preliminary public hearing and possible determination. SBL: 278.-1-21

Mr. Ferraro, Chairman, called the public hearing to order at 7:33p.m. The Secretary read the public notice as published in the Daily Gazette on August 6, 2012.

Mr. Rabideau, consultant for the applicant, explained that this application remains generally as presented at the July 10, 2012 Planning Board meeting. Correspondence from the New York State Department of Environmental Conservation states that the agency has “no record of rare or state listed animals or plants, significant natural communities or other significant habitat, or in the immediate vicinity of the site.” A utility plan that shows the proposed locations for utility connections as well as driveway locations has been added to the plan set. Applicable notes regarding the impact of possible noise and/or vibration from the site’s proximity to the Northway and aviation activity have been added to the plan. A 15’ foot wide easement will be granted to the Town of Clifton Park to provide additional right-of-way for the installation of a multi-use pathway has been illustrated on the plan.

Mr. Scavo reported that Mr. Myers, Director of Building and Development, provided the following comment in a memo dated August 6, 2012. The burned-out house has been secured and the garage “is down”. Both destroyed buildings will be removed upon approval of the subdivision. The yard has been mowed.

Mr. Scavo offered the following comment prepared by the Planning Department. The Notice of Decision should include the following condition of approval: no building or grading permits shall be issued for the three newly created lots until the abandoned structures have been removed from the site. Since all proposed residences will be accessed from Frankie Lane, a note should be added to the plan stating that there will be no future curb cut from 267 Lapp Road onto Lapp Road.

Mr. Milano explained that after review of the information submitted for preliminary review, M J Engineering and Land Surveying, P. C. provided the following comments. With the exception of comment #5 regarding correspondence from NYSDEC New York Natural Heritage Program, and comment #8 regarding the size and type of material for water services, all previous comments from the letter of June 22, 2012 have been addressed. M J Engineering and Land Surveying, P. C. offered the following additional comments. All sanitary sewer laterals should

be revised to a pressure rated PVC SDR-26 as it appears that a minimum 10 foot horizontal separation and minimum 18 inch vertical separation between the water and sewer lines may not be feasible based on actual field conditions encountered. The current layout of sewer laterals is problematic and it appears that a direct conflict may be present at the crossing of the sewer lateral from Lot #10 with the existing water main. The overall layout and alignment of the sewer laterals should be reviewed with Saratoga County Sewer District #1. M J recommends that each individual sewer lateral be connected to the existing sewer main with a 45 degree wye fitting in front of each respective lot. The subdivision plan contained in the Stormwater Pollution Prevention Plan does not match the subdivision plan submitted: this discrepancy should be revised for the final submission. The Erosion and Sediment Control Plan should be titled Grading, Erosion and Sediment Control Plan. In a prominent location on the Grading, Erosion and Sediment Control Plan, a note should be added directing the contractor to amend and restore to their original condition any soils compacted as a result of construction activities. Add a note on the Grading, Erosion and Sediment Control Plan indicating that silt fencing and/or check dam(s) or any other sediment control practice required shall be installed continuously as required to prevent sediment laden runoff from discharging from the site.

Mr. Montague, Environmental Specialist, reported that the ECC found the project plan acceptable though members made the following recommendation: the Standard Notes #12 and #13 on the site plan dealing with aviation noise/vibration and Northway noise/vibration, respectively, be listed on each individual deed.

Ms. Nancy O'Donnell spoke on behalf of her parents, Mr. and Mrs. Crowe who reside across Lapp Road from the proposed development at 268 Lapp Road. Ms. O'Donnell questioned whether the 15' easement shown on the plan would have an impact on her parent's property. Mr. Rabideau explained that although the Trails Subcommittee of the Open Space, Trails, and Riverfront Committee had requested that the applicant provide a 20' – 25' easement along Lapp Road for future trail development, the applicant has provided a 15' easement since the land along the roadway in that area is relatively flat. In answer to Ms. O'Donnell's concern regarding the need for land along the opposite side of the road, Mr. Scavo explained that such an easement would not be required. Ms. O'Donnell's second issue involved concerns over the possible damage and/or blockage of an existing drainage culvert with debris from construction or dumping by potential residents that could cause disruption of the existing flow. Mr. Rabideau explained that it is unlikely that the proposed development would impact the existing flow since the land behind the proposed homes slopes to a natural drainage corridor that directs drainage to the east and south. He did note that inspection of the culvert found it to be about half full of silt and debris and he recommended that the Highway Superintendent be notified of the condition. In response to Ms. O'Donnell's question regarding general maintenance of the culvert, Mr. Scavo explained that the Highway Department is responsible for maintenance of such drainage structures.

There being no additional public comment regarding this application, Mr. Ferraro moved, seconded by Mr. Koval, to close the public hearing at 7:48p.m. The motion was unanimously carried.

Mr. Ferraro asked that the identifying note concerning the easement to be granted to the Town of Clifton Park be expanded to state that the easement is provided for the future installation of a multi-use pathway along Lapp Road. In response to Mr. Andarawis' question regarding the width of the no-cut buffer along the southern property boundaries, Mr. Rabideau stated that it was approximately 35' wide at its narrowest point.

Ms. Paulsen 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. Ophardt offered Resolution #14 of 2012, seconded by Mr. Andarawis, to waive the final hearing and to grant preliminary and final subdivision approval to this application conditioned upon the addition to the notation regarding the easement along Lapp Road to state that it is provided to allow for future construction of a multi-use pathway, inclusion of Standard Notes #12 and #13 on the individual deeds, satisfaction of the comments offered by the Planning Department and all items listed in the final comment letter issued by the Planning Department. Ayes: Ophardt, Paulsen, Andarawis, Hale, Koval, Werner, Ferraro. Noes: None.

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

Mr. Ferraro, Chairman, called the public hearing to order at 7:55p.m. The Secretary read the public notice as published in the Daily Gazette on August 6, 2012. The Chairman explained that public comments would be accepted first, followed by presentation of the application by the applicant's consultant and comment by professional staff members. Board discussion would follow.

Mr. Jim Ruhl, 168 Wooddale Drive, read from a prepared statement. Speaking in support of the proposed multi-use pathway link to be installed by DCG, he labeled the segment a "vital connection" between the Zim Smith county-wide trail with the trail network within Clifton Park. He recommended that the Board require the installation of "extensive screening vegetation" along Ushers Road to "protect the aesthetic character of the Exit 10 gateway." Explaining that he has worked for the past several years with the Karner Blue butterfly restoration project on the southeasterly side of Ushers Road, he asked that the Board consider requiring the applicant to plant Lupine plants on vacant parcels and to establish a mowing plan to encourage propagation of the plants and, possibly, the reintroduction of Karner Blue butterfly colonies.

Mr. Bill Koebbeman, 861 Riverview Road, began his comments with the following quote from Albert Schweitzer:

A man is ethical only when life, as such, is sacred to him, that of plants and animals as that of his fellow men, and when he devotes himself helpfully to all life that is in need of help.

In his opinion the Karner Blue butterfly "needs our help" and he called for a cooperative approach from all parties – the applicant, the Town of Clifton Park, and interested citizens to

work toward the preservation of the species. He asked Board members to consider whether or not the area provided by the applicant for habitat protection is “sufficient for restoration of the butterfly” and requested that the Board adjourn the public hearing to allow for professional review of the proposed management plan.

Mr. Pete Sheehan, Chairman of the Hudson-Mohawk Group of the Sierra Club, thanked the Board for conducting a public hearing regarding this application. He then stated that although there was once a “thriving colony” of butterflies within the Wood Road Corridor, “development, grading, mowing, and other actions” have significantly diminished their populations. He asked that the Planning Board extend the hearing process for another 60 days to allow “adequate time” to review all documents submitted by the applicant. The speaker recommended that “a third, independent party with national credentials in restoration and protection of the Karner Blue butterfly” – Applied Ecological Services, Inc. – be retained to evaluate the current situation and management plan.

Mr. John Wilmot, 344 Sheridan Avenue, Albany, NY spoke as a member of the Save the Pinebush organization. He explained that the habitat and life cycle of the endangered butterfly is significantly dependent upon nectar plants and he encouraged the planting of such plants in an effort to create an inviting and nurturing habitat area. Noting that recent changes in climate have resulted in “anomalies in the growth and reproductive patterns” of the species, he encouraged those who would like to know more about the butterflies to visit the Pine Bush Discovery Center on August 18, 2012. He stressed the importance of maintaining forested areas.

Mr. Roy Casper, 8 Turnberry Lane, representative of the Trails Subcommittee of the Open Space, Trails, and Riverfront Committee, asked that installation of the proposed trail segment be required and “finalized at the time of approval of the first building.”

Ms. Grace Nichols, 2 Main Street, described herself as a member of the Save the Pine Bush organization and stated that the property to be developed by DCG was perceived as containing “a rare ecosystem worthy of protection.” Citing preservation initiatives across the country, she encouraged DCG to maintain connections between colonies and/or habitat areas and the Planning Board to work with conservation biologists to achieve an effective management plan.

Mr. Russell Ziembra, 1813 Highland Avenue, Troy, NY, a member of the Save the Pinebush organization, noted that the Statement of Findings prepared for the Wood Road Corridor in 1991 called for the “preservation, management, and possible reestablishment” of the Karner Blue butterfly and its habitat. He spoke of the importance of “controlled burns” in maintaining viable habitat areas, though he acknowledged that mowing and other actions may also encourage the growth of nectar plants and other food sources that the butterfly relies on for sustenance. He stated that he has “watched the deterioration” of habitat areas that has placed the butterfly species “in peril”. Mr. Ziembra asked that the Board adjourn the public hearing to allow time for review of the proposed management plan.

Mr. William Engleman, 6 Partridge Plateau, thanked the Board for conducting a public hearing on this application. He spoke at length regarding what he alleged are discrepancies between the proposed site development plan and Karner Blue management plan and the requirements included in the Statement of Findings issued for the Wood Road Corridor several years ago. He was concerned that the proposed 1.53 acre management site was insufficient for preservation of the butterfly habitat and/or reintroduction of the species. In his opinion, the Stormwater Pollution Prevention Plan contains inaccuracies regarding the presence of endangered species on the shovel-ready site. He asked that the Board reconvene the public hearing at a later date to permit those interested in the project sufficient time to review all available documents.

Ms. Nancy Bellamy, 147 East Side Drive, asked that the plan clearly designate the existing cemetery on the northerly side of Wood Road.

Mr. Joe Dannible, consultant, presented a brief overview of this application that remains generally as presented at Planning Board meetings held on May 23, 2012 and July 10, 2012. The speaker introduced Mr. Donald MacElroy, Vice President of DCG Development Company and Ms. Teresa Bakner, legal representative for the firm, Artie Tompkins, environmental consultant, and Wendy Cimino, Creighton-Manning Engineering, who were in attendance at the meeting. Mr. Dannible explained that the following documents have been submitted to the Planning Department for review: a letter dated July 25, 2012 that provides written responses to the comments offered by M J Engineering and Land Surveying, P. C. in a letter dated July 9, 2012; a detailed Habitat Management Plan for the Karner Blue butterfly prepared on July 23, 2012; a revised narrative entitled Light Industrial Shovel Ready Site (Phase II) DCG Development Company: Additional SEQR information; a Stormwater Management Design Report; a full Environmental Assessment Form; a Stormwater Pollution Prevention Plan Modification Report; an archeological investigation report prepared by Hartgen Archeological Associates, Inc. Mr. Dannible stated that the archeological report concluded that “no further archeological study is recommended for the proposed expansion of the Ushers Road project.” A full report was being submitted to the state Office of Parks, Recreation, and Historic Preservation. Mr. Dannible stated that the projected development of 200,000 SF of light industrial space and 200,000 SF of warehouse space would result in significantly fewer vehicle trips than the number estimated in the Statement of Findings. He noted that the Karner Blue management area lies in close proximity to an existing .91 acre parcel on the northerly side of Wood Road. He also addressed the issue of discrepancies within the Stormwater Pollution Prevention Plan, stating that appropriate modification of the plan will be made and submitted for approval.

Ms. Bakner, legal representative for the applicant, addressed several of the issues raised by those who spoke during the public hearing, explaining that the DCG Development Company is sensitive to the environmental concerns expressed and has been “pro-active” in developing mitigation measures to protect natural resources and natural areas for the endangered species that formerly and/or currently inhabit a portion of the development site. Noting that the parcel to be developed has been zoned L1 for a number of years and that the developer has expended significant effort and expense to ensure that Karner Blue habitat sites have been preserved and maintained in accordance with SEQRA determinations and Planning Board approvals, the

speaker explained that the current management plan is modeled after the plan approved by the Planning Board in 2006. It has been reviewed and approved by independent consultants. She commented that although it is likely that litigation will result from approval of the project plan, the Town of Clifton Park and DCG's legal representatives have successfully defended four previous lawsuits that sought to prevent or restrict development within the Wood Road Corridor.

Ms. Bakner then addressed several comments made by those speaking during the public hearing. She explained that DCG has worked with other project developers such as Bobrick in the past to provide viable management plans that ensure the preservation of endangered species and associated habitats: the firm will continue to work diligently to protect identified habitat areas. The applicant is committed to preserving the habitat area that supports current butterfly populations and providing additional "nectaring species" plant materials within protected areas. Addressing the issue of a requested extension of the approval process, Ms. Bakner explained that all documents required by Town Code and requested by the Planning Department and Board members have been provided in accordance with the submission schedule, providing sufficient time for public review. In response to a question regarding the need to provide "shovel-ready sites" within the state, the speaker stated that such sites are necessary to attract businesses to the area. She assured the Board that the developer is committed to providing a trail link from the Zim-Smith trail to the town network as requested.

Mr. Scavo reported that Mr. Myers, Director of Building and Development, offered the following comments on this application. The stormwater revision has no mention of any green infrastructure practices being proposed. Although it is his understanding that the Stormwater Pollution Prevention Plan was approved prior to this requirement, it is his belief that any modifications to the plan must meet current standards. Though there are significant steep slopes in this portion of the project, there is no information provided that addresses these issues other than the proposed placement of erosion control matting to be placed on the finished slope. The consultant must provide documentation that the proposed matting will be suitable for the slope proposed. No justification for the five-acre waiver has been provided.

Mr. Scavo explained that the Planning Department has no additional comments at this time. All comments offered by the public at this evening's meeting will be considered in future reviews of the application.

Mr. Milano reported that M J Engineering and Land Surveying, P.C. reviewed the revised documents submitted and offered the following comments. Mr. Milano reported that the comments from the letter dated July 9, 2012 have been addressed with the exception of the following. A written request to disturb more than 5 acres of soil at one time should be submitted to the Town. The grass mixture proposed for permanent stabilization should be revised. The mix specified contains 60% annual rye grass which is acceptable for temporary stabilization. Since it unknown how long the site will remain vacant, it is recommended that the mix be modified to contain a considerably lower percentage of annual grass or provisions be made to inspect and reseed the site annually as necessary to maintain a good stand of vegetative cover. There are still discrepancies regarding the amount of proposed disturbance within the project related documents. The "Stormwater Management Design Report, Light Industrial Shovel Ready Site,

Phase II” contained in Section 5 of the revised Stormwater Pollution Prevention Plan mentions 15+/- acres of land will be disturbed. The “Light Industrial Shovel Ready Site (Phase II), DCG Development Company, SWPPP Modification Report Narrative”, dated July 25, 2012 references a 16 acre parcel, 7 acres of new disturbances, and regarding of 6.5 acres of land previously disturbed (13.5 acres, total). The consultant is asked to coordinate the area(s) between both documents and the Notice of Intent. The stabilized construction entrance shall be a minimum of 24’ wide. The applicant has indicated that the Stormwater Pollution Prevention Plan and Erosion and Sediment Control Plan have been designed in accordance with the technical standards of the NYSDEC Standards and Specifications for Erosion and Sediment Control: providing a stabilized construction entrance, as the only means of ingress and egress, with a width less than 24 ft, is not in conformance with the technical standards. Silt fencing should be shown installed parallel to contours. For example, the fencing on the northwestern 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 onto Wood Road. The revised layout of the silt fencing at the northwestern corner of the property is now discontinuous. An additional length of silt fence should be shown at the toe of the proposed infiltration/stormwater basin to prevent sediment laden runoff from discharging onto Wood road. The proposed silt fencing should be shown parallel to the contours. If space limitations prohibit the placement of silt fence as required, consideration should be given to relocating the sediment/stormwater basin deeper into the parcel (farther away from Wood Road and the NYSDEC wetland). The provided Stormwater Pollution Prevention Plan and Notice of Decision should be updated to include this phase of the project.

Based on the revised information submitted, the following additional comments have been issued. A complete review of the revised submission was not possible. An updated NOI and hydrological calculations for all proposed stormwater practices must be included with the revised Stormwater Pollution Prevention Plan. The Town should be copied on any correspondence to NYSDEC regarding amendments to the existing SWPPP and NOI. The applicant has incorporated an intermediate stormwater pond to address post-construction stormwater management. The type of pond, however, has not been identified, nor has it been shown how the pond addresses the Unified Sizing Criteria (Chapter 4 of the NYSDEC Stormwater Management Design Manual). More detail for the intermediate stormwater pond and an explanation of how it is in conformance with stated technical standards must be provided. The following comments refer to the proposed sediment basin: the minimum embankment top width shall be 8’ or 10’, for Class 1 and Class 2, respectively. (Note: if the basin were proposed as a Class 1, it would also exceed the max height of embankment. Furthermore, the Stormwater Management Design Report references the sediment basin as a Class 1). An Area vs. Elevation Chart or information regarding the required storage volume should be included on the plans for the sediment basin. Diversion swales should be installed at the top of the sediment basin to direct runoff to ensure that all runoff would enter the basin at a point as far from the outlet as possible, thereby maximizing the length/width ratio of the basin (minimum length to width ratio of 2:1 is required). All runoff entering the proposed stormwater pond must receive pretreatment, compliant with NYSDEC requirements. (Minimum depth for a sediment forebay is required to be 4’.) Silt fencing should be added along the eastern edge of the existing temporary sediment basin fill area to protect the Karner Blue butterfly habitat during grading. The predevelopment

and post development HydroCAD, watershed maps, and calculations for sizing of the proposed swales should be included in the Stormwater Pollution Prevention Plan.

Mr. Montague, Environmental Specialist, reported that, after review of the application, the ECC found that all previous comments had been adequately addressed.

Mr. Ferraro remarked that although there is “a lot of information to digest,” he did not believe that a 60-day extension was warranted. It was his recommendation that the public hearing be adjourned and reconvened at the September 12, 2012 meeting. Mr. Hale was in agreement with this recommendation. He also commented that although Applied Ecological Services, Inc. is a respected firm with considerable experience in managing endangered species, he believes that the information provided by Bagdon Environmental is sufficient for the Board’s review. He supports the concept and development of “shovel-ready sites,” noting that it is important for business owners to be able to develop facilities quickly. Mr. Hale recommended that the endangered species management plan discuss the repopulation of habitat areas and he supported the “linking” of protected areas on either side of Wood Road and the development of “migratory corridors” as other sites along Wood Road are developed. He concluded his comments by stating that the plan presented by the applicant seemed reasonable. Mr. Ophardt referenced Mr. Engleman’s comment regarding the size of the protected area, asking why the recommendation in the GEIS to preserve 5-12 acres of habitat area was reduced to the 1.5 acres now provided. Ms. Bakner explained that the GEIS recommendation included all land within the Wood Road corridor rather than habitat areas specific to individual parcels. Mr. Ophardt commented that the Town of Clifton Park may wish to assume responsibility for the protection of small areas of habitat areas to ensure that they are maintained in perpetuity. In response to his question regarding the applicant’s willingness to provide trail and/or sidewalk connections between buildings proposed within the development area, Ms. Bakner assured him that the applicant was likely to provide such amenities as individual sites are developed. Mr. Ophardt agreed that reconvening of the public hearing at the September 11, 2012 meeting seemed reasonable. Mr. Andarawis stated his appreciation for the work done by the applicant to provide information requested by the Board and agreed that 30 days was enough time to evaluate all of the documents provided for review. In response to his question regarding the possible introduction of nectaring plants on other areas within the site, Ms. Bakner stated that this was indeed possible since there were many types of such plants. Mr. Koval asked if it would be the developer’s responsibility to provide for reintroduction of the butterfly. Ms. Bakner explained that the frosted elfin identified on the site was considered an “indicator species” for possible reintroduction of the Karner Blue since the environmental conditions necessary for survival were similar for both species. She noted, however, that the original recommendation for preservation and maintenance of the habitat called for management of the areas by public entities such as the Land Conservancy: it would not be the responsibility of the private property owner to reintroduce a particular species on private land. Mr. Hale commented that such activities are usually performed by the U. S. Fish and Wildlife Service. Mr. Ferraro summarized the Board’s position by stating that Board members respect private development rights and find that the management plan as presented, calling for deed restrictions and the establishment of an escrow account to ensure proper maintenance of the area with no cost to the Town appears reasonable. Approval of a shovel-ready site is consistent with state initiatives and the need for businesses to build

facilities quickly. He noted, however, that all potential negative impacts must be mitigated to the greatest extent practicable.

Mr. Werner moved, seconded by Mr. Ophardt, to adjourn the public hearing at 9:55p.m. The motion was unanimously carried. It is anticipated that the public hearing will be reconvened at the September 11, 2012 Planning Board meeting.

Old Business:

[2012-024] **County Waste Recycling** – Proposed upgrade to the existing fueling facility, 1927 Route 9 – Preliminary site plan review and possible determination. SBL: 259.-2-97.1; 23; 106

Mr. Bill Black, consultant for County Waste, described this project that calls for the removal of the existing fuel tank with state-of-the-art equipment that will be compliant with all of the equipment and installation standards required by NYSDEC. The plan remains generally as presented at the June 27, 2012 meeting. A copy of written correspondence from Monarch Design to Mr. Michael Crandall, Shaker Flats Equipment and Installations, that addresses all of the issues raised by M J Engineering and Land Surveying in a comment letter dated July 18, 2012 has been submitted to the Planning Department. The consultant believes that all of the Town Engineer's concerns have been adequately addressed.

Mr. Scavo reported that Mr. Myers, Director of Building and Development, deferred all Building Department comments to Ms. Sheryl Reed, Fire Marshall who offered several comments regarding this proposal. All existing fuel tanks lying within the Town of Clifton Park, including size, product type, and dispenser must be shown on the site plan. The plan should also include the locations of any tanks that have been removed from the site. The applicant should clarify whether or not the existing above ground tanks were registered with NYSDEC. Ms. Reed particularly notes that, pursuant to the Fire Code of New York State, a 15,000 gallon above ground diesel tank is not allowed without a vault. She reports that the applicant has been made aware of this fact and has been advised that the proposed tank should be reduced to 12,000 gallons.

Mr. Scavo offered the following comments prepared by the Planning Department. The applicant must ensure that if there is any soil contamination from the existing pump it must be mitigated prior to the installation of the new pump and containment system. The applicant is required to coordinate the installation with NYSDEC and to comply with all State and Federal requirements.

Mr. Milano explained that after review of the information submitted for preliminary review, M J Engineering and Land Surveying, P. C. provided the following comments. All previous comments from the letter dated June 22, 2012 have been addressed with exception of the following. Since the facility will store in excess of 1,320 gallons of a petroleum product, the owner is subject to the requirements of EPA's 40 CFR Part 112, the Spill Prevention, Control and Countermeasure Rule. Mr. Milano explained that the response from Shaker Flats Equipment

and Installations indicates that the facility could not be expected to discharge oil to nearby waterways and as such does not require a Spill Prevention Control and Countermeasure (SPCC) Plan. Due to the proximity and down gradient location of an existing catch basin to the storage tank and diesel dispensers, M J Engineering and Land Surveying, P. C recommends that such a plan be developed for the facility as this storm sewer flows to a stormwater management area that ultimately discharges to the Dwaas Kill. The plan needs to stress the importance of Best Management Practices to protect the existing catch basin during filling operations.

Mr. Milano reported that the consultant for the applicant provided him a copy of a Spill Prevention Control and Countermeasure (SPCC) Plan that has been in place since 2009 that satisfactorily addresses all of the Town Engineer's concerns and is enforceable by NYSDEC.

Mr. Montague, Environmental Specialist, reported that the ECC provided the following comments and recommendations regarding this application. When the existing 10,000 gallon tanks are removed, the soil should be tested and any contamination be remediated. The applicant shall comply with the Town's Hazardous Materials Policy which can be obtained from the Town Environmental Specialist. The ECC notes that the project includes the installation of storage tanks that are regulated under the state petroleum or chemical storage regulations. The ECC recommends that the Planning Board require the applicant to provide evidence of registration of these tanks prior to their being placed in service.

In response to ECC comments, Mr. Crandall explained that NYSDEC oversees the removal of all fuel tanks. The tanks to be removed have been registered as required. Mr. Black explained that, as a result of the comment issued by Ms. Reed, the applicant is deciding whether to install a 12,000 gallon tank or two 8,000 gallon tanks on site. The footprint of the installation would not change: the size and scale of the installation would remain the same. Mr. Ferraro recommended that the applicant provide a site plan that clearly illustrates site conditions.

Mr. Andarawis 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.

Ms. Paulsen moved, seconded by Mr. Ophardt, to grant preliminary and final site plan approval to this application conditioned upon the submission of a detailed site plan that clearly illustrates site conditions and satisfaction of all items listed in the final comment letter issued by the Planning Department. The motion was unanimously carried.

New Business:

[2012-027] **Drake Petroleum Co., Inc.** – Proposed removal and relocation of an existing kerosene and diesel island, 283 Ushers Road – Conceptual site plan review. SBL: 259.-2-36

Mr. Parker Fennelly, consultant for the applicant, explained that his client would like to remove an existing kerosene and diesel island located at the southeasterly side of the site and

relocate the dispensers to the westerly side of the site. The plans call for the installation of a new 24' x 32' (4) column canopy with (2) new 3' x 7' islands for dispensing fuel. An existing shed behind the store will be relocated and vegetation removed as necessary to provide for more efficient circulation through the site. The parcel is located in a B3 zoning district on the northerly side of Ushers Road approximately 250' from the northbound ramp of Exit 10 of the Northway. The existing curb cuts, building, canopy and gasoline dispensers, and underground storage tanks will remain unchanged. A new septic system will be installed if connection to the municipal system is not feasible.

Mr. Scavo reported that Mr. Myers, Director of Building and Development, has reported that the application appears to comply with Town Code requirements.

Mr. Scavo offered comments prepared by the Planning Department. It is his opinion that, from a vehicle circulation standpoint the replacement and relocation of the existing diesel with the proposed new diesel island is reasonable. He notes that though there is "a significant reduction in the green space as a result of the proposed project, the remaining percentage will comply with the zoning code." Since the site modifications will enhance the ability of larger vehicles through the site and increase the separation of the diesel fuel pumps from passenger vehicle fueling islands, the loss of green space appears warranted. The applicant should verify that the height of the overhead utilities can accommodate large commercial vehicles traveling under them.

Mr. Milano explained that, after review of the project plans, 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 – Site Plan Approval. The conceptual site plan appears to meet B3 District zoning, space, and bulk standard requirements with the exception of the following: the location of the new canopy encroaches into the required 80 foot front yard setback for structures and the parking area along the eastern side of the site encroaches into the required 20 foot side yard setback. The 20 foot rear yard setback noted on the plan should be revised to the required 30 feet. There is an existing utility pole located near the southwestern portion of the site that is not shown on the plan. This pole should be shown on the site plan and may require relocation. A detail for the dumpster enclosure should be provided. One handicap accessible parking space, access aisle, and required signage are to be indicated on the plan. Verification should be provided that there is an accessible route to the building from the accessible parking space. An Erosion and Sediment Control Plan should be provided for review. General note #8 indicates that a new septic system will be installed as part of the project. If, indeed, this improvement is included within the scope of the proposed site improvements, the location of all components of the system, soil evaluation and percolation test results, design information, and details should be included in a future submission for review.

In response to Mr. Milano's comments, Mr. Fennelly state that the utility pole will be removed and that the septic system will be upgraded if connection to the municipal system is not feasible.

Mr. Montague, Environmental Specialist, provided the comments offered by the ECC. The applicant should clarify the function of the well adjacent to the proposed diesel fuel island. The location of the existing and/or proposed septic system should be indicated on the site plan.

Mr. Fennelly addressed the issue of the well, stating that the site is served with public water: the existing well will be abandoned.

Mr. Werner observed that both driveways serving the site are full access and he recommended that the applicant provide signage that would direct those using the diesel island to the proper lane since there is sometimes confusion for drivers entering or exiting the site. In response to Mr. Koval's question regarding the available turning radius for tankers servicing the site, the consultant stated that the new circulation pattern may make deliveries easier. Mr. Ophardt supported the use of signage to direct drivers through the site. Mr. Ferraro asked that the plan include plantings to the easterly side of the site where the existing diesel tanks are to be removed. Board members found the plan to be an improvement over current site conditions. Preliminary plans should clearly show existing site conditions and the actual edge of woods.

[2012-029] **The Sara Marie School** – Proposed use of existing 2,700 SF building as a school, 942A Route 146 – Preliminary site plan review and possible determination. SBL: 271.-4-10

Mr. Rabideau, consultant for the applicant, explained that the sponsors of this project seek approval to operate a school in an existing 2,700 SF building located at 942A Route 146. The property is located within the B1 zoning district. The exterior of the building and parking area will not change. The only proposed changes to the site are the addition of a connecting driveway to the east and the installation of an outdoor playground. The project plan calls for the establishment of a non-public school for grades 1-5 in the upper level of the building to serve approximately 45-50 students. Anticipated future expansion calls for the lower level of the building to be used for a nursery school and kindergarten for approximately 35 students. School hours would be from 7:30a.m. to 5:30p.m. The parcel is located in a B1 zoning district on the southerly side of Route 146 approximately 543 feet east of its intersection with Green Meadow Drive.

Mr. Scavo reported that Mr. Myers, Director of Building and Development, provided the following comments regarding this application. A Building Permit will be required for any work within the existing structure. He notes that the Building Department has received plans for completion of the proposed school area that will leave the lower level of the building vacant at this time. Mr. Myers also notes that the applicant has requested a permit to work on the building prior to the receipt of site plan approval by the Planning Board: the applicant has acknowledged that, should that permit be granted, the applicant would proceed with such work "at his own risk". Mr. Scavo read comments provided by Ms. Reed, Fire Marshall, in a memo dated August 8, 2012. She states that a Building Permit has been requested for renovation of the building's first floor to prepare classrooms for "nursery school, pre-kindergarten, kindergarten, first grade, and second grade" students and notes that this is contradictory to the narrative

provided with the application that reports that the first floor will be used to house students from grades 1-5.

Mr. Scavo offered the following comments. This project was previously approved as Mother Teresa's Academy. Since that site plan approval has expired, the applicant is required to begin the approval process anew. Specifications for the dumpster enclosure should be included on the plan. The speaker noted that the applicant has constructed a sidewalk from Route 146: this is viewed as an improvement over the striping that was previously required. The required cross easement connection between this property and the property to the east has been paved.

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, but are not limited to the following: Town of Clifton Park Planning Board – Site Plan Approval; Saratoga County Planning Board – Section 239 Referral. The site plan appears to meet B1 District zoning, space, and bulk standard requirements. The applicant is asked to provide clarification on student drop off location(s), procedures, and internal traffic circulation. The number of anticipated employees for the facility at full expansion should be indicated on the plan. Verification that the existing stormwater management area is functioning properly should be provided. It appears that existing vegetation will be removed along the western side of the site to accommodate the proposed playground. The plan should indicate the installation of additional landscaping in the area for buffering. It appears that an existing utility pole may be in conflict with the proposed playground: this issue should be addressed.

Mr. Ray Emirzian, representative for the school, stated that until the school district has the opportunity to evaluate the turning radius of the cross easement, students will be dropped off at Route 146. Class times will be staggered to provide for reasonable traffic flow.

Mr. Roy Casper, 8 Turnberry Lane, representative of the Trails Subcommittee of the Open Space, Trails, and Riverfront Committee, recommended that a bike rack be installed near the building's entranceway.

Mr. Montague, Environmental Specialist, reported that, after review of the application, the ECC found the project plan acceptable.

Board members found the project plan generally acceptable. In response to Mr. Werner's question concerning the number of buses visiting the site each day, Mr. Emirzian stated that 2-3 buses will transport students to and from the site each day. Mr. Ferraro explained that the applicant has requested approval at this evening's meeting to allow time to prepare for the opening of school in a few weeks.

Mr. Koval moved, seconded by Mr. Ophardt, 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. Werner, to grant preliminary and final site plan approval to this application conditioned upon satisfaction of all the items listed in the final comment letter issued by the Planning Department. The motion was unanimously carried.

Minutes Approval:

Mr. Koval moved, seconded by Mr. Hale, approval of the minutes of July 10, 2012 as written. Ayes: Andarawis, Prescott, Hale, Werner, Koval, Ferraro. Noes: None. Abstained: Ophardt, Paulsen.

Mr. Milano announced that he would be leaving M J Engineering and Land Surveying, P. C. to take an engineering position with the City of Albany. Board members thanked him for his months of service as the Town Engineer and wished him well in his new endeavor.

Ms. Paulsen moved, seconded by Mr. Koval, adjournment of the meeting at 11:00p.m. The motion was unanimously carried. Since there is only one meeting scheduled for the month of August, the next meeting of the Planning Board will be held as scheduled on September 11, 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 #12 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 August 14, 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

Mr. Koval offered Resolution #12 of 2012 and Mr. Ophardt seconded, and

Whereas, an application has been made to this Board by Craig Allen for approval of Special Use Permit #80873 to permit the construction of a two-family residence within an R1 zone pursuant to Section 208-10B(9)[7] of the Town Code of the Town Code;

Whereas, pursuant to Section 276 of the Town Law a public hearing was advertised and was held on August 14, 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 Craig Allen for approval of Special Use Permit #80873 to permit construction of a two-family residence within an R1 zone pursuant to Section 208-10B(9)[7] of the Town Code.

Resolution #12 of 2012 passed 8/14/2012

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

Noes: None

R. Ferraro,

Chairman

NOTICE OF DECISION

Resolution #13 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 August 14, 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

Mr. Ophardt offered Resolution #13 of 2012, and Mr. Hale seconded, and

Whereas, an application has been made to this Board by John Purdy for approval of a subdivision entitled Subdivision of the Lands of John D. and Mary Claire Purdy consisting of (2) lots;

Whereas, pursuant to Section 276 of the Town Law, a public hearing was advertised and was held on August 14, 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 August 14, 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 John D. and Mary Claire Purdy consisting of (2) lots is granted preliminary and final approval conditioned upon satisfaction of all issues outlined in the final comment letter issued by the Planning Department.

Resolution #13 of 2012 passed 6/12/2012

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

Noes: None

Rocco Ferraro,

Chairman

NOTICE OF DECISION

Resolution #14 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 August 14, 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

Mr. Ophardt offered Resolution #13 of 2012, and Mr. Andarawis seconded, and

Whereas, an application has been made to this Board by Kenneth and Grace Keefer for approval of a subdivision entitled Subdivision of the Lands of Kenneth G. and Grace L. Keefer consisting of (4) lots;

Whereas, pursuant to Section 276 of the Town Law, a public hearing was advertised and was held on August 14, 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 August 14, 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 Kenneth G. and Grace L. Keefer consisting of (4) lots is granted preliminary and final approval conditioned upon the addition to the notation regarding the easement along Lapp Road to state that it is provided to allow for future construction of a multi-use pathway, satisfaction of the comments issued by the Planning Department, and all items outlined in the final comment letter prepared by the Planning Department.

Resolution #14 of 2012 passed 8/14/2012

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

Noes: None

Rocco Ferraro,

Chairman