

**Town of Clifton Park
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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
September 25, 2012

Those present at the September 25, 2012 Planning Board meeting were:

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

Those absent were: None

Those also present were: J. Scavo, Director of Planning
J. Bianchi, 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 the Capital District Regional Planning Commission and several other agencies and departments are sponsoring a Planning and Zoning Workshop on October 4, 2012 at Hudson Valley Community College. Noting that the workshop fulfilled continuing education for Planning and Zoning Board members, he urged all those who were able to attend.

Minutes Approval:

Mr. Ferraro explained that approval of the minutes would be considered as the first order of business at this evening's meeting.

Ms. Paulsen moved, seconded by Mr. Hale, approval of the minutes of September 11, 2012 as written. The motion was unanimously carried.

Copies of the minutes were made available to all those present.

Public Hearings:

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

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 determination from public hearing held on August 14, 2012 and reconvened on September 11, 2012. SBL: 259.-2-74.2

Mr. Joe Dannible, consultant for the applicant introduced Mr. Donald MacElroy, President of DCG Development Company, Ms. Teresa Bakner, legal representative for the firm, and Artie Tompkins, environmental consultant, who were in attendance at the meeting. He then provided a brief overview of the project plan that remains generally as presented at the May 23, 2012, July 10, 2012, August 14, 2012, and September 11, 2012 Planning Board meetings. Mr. Dannible reported that many of the issues of concern raised by professional staff members, the Town Engineer, Planning Board members, and the public have been satisfied. He explained that projected traffic would be considerably less than that estimated by the GEIS: there would be minimal impacts to existing traffic flows. He stated that the Karner Blue butterfly management plan has been revised to include a restoration strategy. The plan now requires the enhancement of the preserve area with a seed mixture that contains habitat enhancers as well as species that support both first and second broods. Under the section of the management plan that describes Karner Blue occupation of the preserve area, the plan will now require the applicant to monitor that area during the first and second brood periods for four years. If during that time no Karner Blue butterflies are found, the land owner will move to reintroduce the butterflies to the area: a specific plan for the reintroduction, which may require state and federal permitting, has been outlined. The following has been added as a component of the bi-annual mowing program: the land owner will be required to remove trees, shrubs, and vines within the preserve area as necessary.

Mr. Dannible explained that Mr. Donald MacElroy, President of DCG Development Company, submitted a letter to the Planning Department and Board members that outlined the "applicant's view of the history of the parcel as experienced by Mr. MacElroy." The speaker

also presented a copy of an e-mail from Mr. Jed Hayden, NYSDEC Region 5 representative to Mr. Tompkins, Environmental Design Partnership representative, which states that the Karner Blue management plan will “not result in a ‘taking’ of the Frosted Elfin. The agency continues to review the application: a final determination is pending.

Mr. Scavo reported that the Planning Department had no additional comments on this application.

Mr. Ferraro explained that all application materials and documents as well as public comment had been provided to Board members for their review. Mr. Hale stated that, after consideration of all materials submitted and comments received, he found the Karner Blue management plan complete. He commented that he found the reintroduction component warranted and expressed his appreciation to the applicant for including it in the overall plan. He believes that its inclusion in the plan will make the plan a model for those proposed for other sites within the corridor that contain endangered species areas. Mr. Andarawis agreed that inclusion of the reintroduction plan was significant and he encouraged the continued monitoring of the area for some time after such action – if necessary – was to occur. Mr. Ferraro stated that he was reassured by NYSDEC’s determination regarding the Frosted Elfin that the Board’s requirements regarding the management plan have been appropriate. In response to his question regarding reintroduction of the species, Ms. Bakner replied that such action may be required, but has never been attempted by a private developer. Mr. Koval commented that the reintroduction component of the plan satisfied his concerns.

Mr. Bill Engleman distributed several copies of letters referenced during the public hearing conducted on August 14, 2012 and reconvened on September 11, 2012. He commented that a review of the proposed site plan indicates that it calls for the removal of an area of pitch pines that define areas known as “pine barrens.”

Mr. Ferraro read the following comment:

We have heard the concerns expressed at the public hearings and reviewed the materials, including the proposed management plan to preserve and protect the Karner Blue butterfly habitat. Based upon the input received and the revisions made to the management – restoration plan, I believe that the mitigation measures offered provide an appropriate means to manage and/or restore the Karner Blue to the habitat located on the parcel proposed for development and I believe that Planning Board approval is reasonable.

Mr. Ferraro moved, seconded by Mr. Koval, to reaffirm the negative declaration pursuant to SEQRA in accordance with 6NYCRR Section 617.12 that was issued on September 11, 2012 and to grant preliminary and final site plan approval to this application submitted by DCG Development Company that calls for the clearing and grading of approximately 15 acres of land located on the southerly side of Wood Road in the LI-1 zone allowing for the proposed expansion of an existing Light Industrial Shovel Ready site conditioned upon 1. receipt of final sign-offs from M J Engineering and Land Surveying, P. C., the designated Town Engineer, the Stormwater Management Officer, and the Town of Clifton Park Planning Department that all outstanding technical issues have been addressed to their satisfaction and 2. that if NYSDEC

determines that a permit is required to establish and maintain an endangered species habitat, that permit will be secured by the applicant. The motion was unanimously carried.

Mr. Ferraro explained that the Planning Board's action is based on careful review and due consideration of the documents and information presented by the applicant as well as both oral and written public comment. The Board's determination is supported by, but not limited to, the following:

- The proposed project is in conformance with the Town's Comprehensive Plan and has complied with the Findings Statement issued as a result of the Wood Road GEIS. Specifically, page 32 of the Comprehensive Plan states that "the Town should utilize the services of SEDC and the State Economic Development Corporation to attract commercial and light industrial development in the Town." This project will participate in the NYS SEDC Shovel Ready Program to meet this strategy.
- The application is located in the Town's LI-1 (Light Industrial) zone and complies with the regulations of the LI-1 (Light Industrial) zoning district.
- The Planning Board issued negative declaration in accordance with SEQRA at its September 11, 2012 meeting and has reaffirmed this declaration at its September 25, 2012 meeting and prepared and adopted a Notice of Determination of Non-Significance which has been made available for public review in accordance with 6NYCRR Section 617.12.
- The project has incorporated extensive landscaping and site stabilization measures, future pedestrian accommodations, green infrastructure accommodations for stormwater, and provision for the preservation and non-disturbance of an identified and studied critical habitat area and wetlands.
- Review and acceptance of the project record which includes, but is not limited to, the following:
 Traffic analysis conducted by Creighton-Manning Engineers;
 Karner Blue Butterfly Management/Restoration Plan prepared by Environmental Design Partnership with analysis and review provided by Bagdon Environmental;
 Phase I Archeological Assessment prepared by Hartgen Archeological Associates, Inc.;
 Stormwater Pollution Prevention Plan prepared by Environmental Design Partnership;
 Two public hearings to obtain community input for both SEQRA purposes and preliminary plan consideration.

A copy of the State Environmental Quality Review Act Negative Declaration Notice of Determination of Non-Significance is attached to these minutes.

[2011-011] **Synergy Technology Park** – Proposed (7) commercial subdivision, Route 9 – Revised conceptual review. SBL: 265.-1-15.3

Mr. Ivan Zdrahal, consultant for the applicant, presented this application that remains generally as presented at the February 15, 2012 meeting. The consultant reported that plans have been forwarded to the Saratoga County Sewer District, Saratoga County Department of Public Works, and NYSDOT for review and comment. An archeological study has been completed and sent to the New York State Office of Parks, Recreation, and Historic Preservation. Wetland delineation information has been forwarded to both NYSDEC and the ACOE. The plan involves approximately 83 acres of land located at the northwesterly quadrant of the intersection of Kinns Road and Route 9. The applicant proposes to subdivide the parcel to create seven (7) commercial lots to be developed in two phases. Phase I of the project calls for improvements on six (6) of the parcels in anticipation of future development. Two of the parcels will front on Route 9 and will utilize a single full service access to that highway. A private roadway will be installed between Route 9 and Kinns Road to provide access to the additional lots. A future roadway connection has been provided for future development of Lot #7 and Phase II of the project plan. A "green space reserve" area is provided between Lots #4 and #5 in which the developer proposes the construction of walking trails which will connect to a sidewalk to be installed along the roadway. Development of specific lots will require site plan approval at which time the Board will consider traffic impacts, on-site circulation, green space, and other pertinent issues on a site-specific basis. The traffic study indicates that, at some point, widening of Kinns Road will be required though the build-out threshold for such an improvement has not yet been established. A detailed Stormwater Pollution Prevention Plan has been submitted. It is the applicant's intention that the roadway and stormwater management areas be privately held and maintained by an entity currently identified to be identified as Synergy Park Association. Utility and other easements will be provided as necessary. Mr. Zdrahal reported receipt of comments from the Town Engineer and will address them appropriately.

Mr. Scavo read several comments provided by Mr. Myers, Director of Building and Development. He reports that the proposed stormwater management design uses "end of pipe" methods such as ponds and detention basins which are not allowed without significant justification. He notes that a full range of soils exists on the site. Test pit locations are not identified on the plan, though since 1 per every 5,000 SF of land is generally required, the seventeen (17) test pits for this site appear to be insufficient. All stormwater management facilities will be owned by the applicant: a maintenance agreement with the town is required. Proposed green infrastructure is limited to "bioretention" since it is the consultant's opinion that no other practice is suitable. Mr. Myers states that this is not an acceptable reason for not employing other practices. The Stormwater Pollution Prevention Plan will not be accepted until all green infrastructure techniques are properly ruled out via the appropriate procedure(s) or included in the project. He states that pocket ponds are proposed for this project: such ponds are not allowed per town law since they cause direct interfacing of runoff with groundwater. It appears particularly unacceptable in this area due to the parcel's proximity to the endangered DwaasKill. There is no key on sheet DP-1 to explain the graphics. The entrance onto Route 9 will require both NYSDOT and Town of Halfmoon approvals. Plans show slopes of 20% in areas which are to be avoided. Mr. Myers states that the project will require significant site inspection. The applicant should clarify proposed if the proposed roadway will be privately maintained or conveyed to the town. The entire project lies within the B-5 (Corporate Commerce) zoning district. The proposal shows a combination of office, manufacturing, and warehouse space within each building. Once tenants and uses for each building are determined,

each must be evaluated to ensure that uses will comply with code requirements. Per Section 208-54B of Town Code, lot coverage for each parcel must not exceed 50%. Building heights must comply with Section 208-54 of the Code. There appear to be building and parking lot setback issues on several of the lots: the applicant is advised to review Section 208-54E(1) of the Code and apply setback requirements contained therein.

Mr. Scavo reported that the following comments were provided by Ms. Sheryl Reed, Fire Marshall. The applicant must determine if the roadway is to be held privately or conveyed to the town. If it is to remain under private ownership, the applicant must indicate the entity responsible for overall maintenance of the surface area and snow removal.

Mr. Scavo read several comments issued by the Planning Department. Under the Project Data Section Heading found on Page L-1, the consultant is asked to differentiate between Phase #1 and #2 for items numbered 6 and 7. Under General Notes on Page L-1, Item #2 should be modified to read, "Maintenance and protection shall be in accordance with the 2009 Edition of the Manual on Uniform Traffic Control Devices (MUTCD), NYS Supplemental to the National MUTCD, and Town of Clifton Park Highway Regulations. Under Concept Development Plan Notes on Page L-1, Item #1 states, "Drawing DP-1, which is part of the Synergy Technology Park – Phase 1 Subdivision Plans, is establishing conceptual site layout for Lots #1 through #6." It is recommended that this note be modified to state the following:

In order to evaluate the impacts of the subdivision, a full build out plan has been provided. The plan includes conceptual building footprints, parking, and utilities. The plan also quantifies the proposed wetland impacts. The build out plan in no way grants conceptual approval for any future site plan applications. Each future site plan will be evaluated on its own merits and a determination will be made to see if each future project is consistent with the impacts evaluated under the subdivision review process.

On Page L-1 under the heading of Jurisdictional Wetland Notes, Item #1 states that there are 18.09 acres of both Federal and NYS DEC wetlands. Item #2 states that there are 18.09 acres of federal wetlands and 5.25 acres of state wetlands: this inconsistency should be corrected. On Page L-1 under Traffic Control Notes, Item #3 should reference the Town of Clifton Park rather than the Town of Halfmoon. Under Kinns Road Widening Notes, on page L-1, please add the Town of Clifton Park to item #5 so it reads, "...approval by the Town of Clifton Park, NYS DOT, and Saratoga County Department of Public Works." The applicant should provide a copy of the Declaration of Restrictive Covenants to the Planning Board Attorney for review and comment prior to consideration for final subdivision approval. A copy of the Synergy Technology Park Association (STPA) Offering Plan should be provided to the Planning Board for review and comment prior to consideration of final subdivision approval. Mr. Scavo recommended that the applicant meet with the Open Space Trails Subcommittee to present details of proposed trail locations and connections. The Town's Open Space Coordinator will forward any recommendations, comments, or opinions the advisory committee may have to the Planning Board for their consideration prior to consideration for preliminary site plan approval.

Referencing Mr. Zdrahal's comment regarding the potential widening of Kinns Road, Mr. Ferraro asked when such road improvements would be warranted. Mr. Scavo stated that it is likely that the widening of Kinns Road would be required when the project reaches

approximately 50% of the proposed build out. He noted that restrictive covenants should clearly outline the threshold(s) for requiring the improvements and establish mechanisms for their funding. Mr. Ferraro commented that such obligations must also be included in [STPA] association documents.

Mr. Montague, Environmental Specialist, reported that the ECC offered the following comments regarding this application. The applicant should delineate the DwaasKill 100 foot buffer area throughout the entire property. The applicant should consider use of green infrastructure stormwater management techniques, including the use pourous pavement. The applicant must indicate the proposed amount of greenspace for this project.

Mr. Bianchi, M J Engineering and Land Surveying, P. C. reported that the firm reviewed the latest submission for the above referenced subdivision. Documents received for review included the following: Plans entitled, "Synergy Technology Park – Phase I" as prepared by Ivan Zdrahal Engineering and Planning, last revised August 20, 2012; Stormwater Management Report, as prepared by Ivan Zdrahal Engineering and Planning, last revised August, 2012; Engineer's Report – Stormwater Pollution Prevention Plan, as prepared by Ivan Zdrahal Engineering and Planning, last revised August, 2012; Engineer's Report – Proposed Water Supply System, as prepared by Ivan Zdrahal Engineering and Planning, last revised August 2012. Based upon review of these documents, M J Engineering and Land Surveying, P. C. issued the following comments. Based upon a review of the meeting minutes from the last time the application was before the Planning Board on February 15, 2012, several comments from town staff, the Planning Board as well as the engineering firm were offered. It may be beneficial to respond to all comments offered both verbally and in writing so the Planning Board is updated on outstanding issues or the status of topics previously discussed. A portion of the project lies within the Town of Halfmoon (access to U.S Route 9). There needs to be a discussion with Clifton Park staff regarding how jurisdictional approval will occur for those activities proposed within Halfmoon. The project proposes disturbances in excess of one acre and, therefore, is subject to the NYSDEC Phase 2 Stormwater Regulations and General Permit GP-0-10-001. Since there are disturbances that extend into the Town of Halfmoon, there needs to be discussions with Town staff regarding permit jurisdiction between the two MS4s. The project proposes two access points from existing public right-of-ways: one from U.S. Route 9 and another from Kinns Road (County Route 109). Any action taken on this application should be conditioned upon receipt of approval from the Saratoga County Department of Public Works for access to and work within the Kinns Road right-of-way and no construction should be permitted until the Town is furnished with a NYSDOT Utility/Non-Utility Work Permit for access to and work within the U.S. Route 9 right-of-way. The project proposes to service each new lot with public water from the Clifton Park Water Authority by extending a new public water main throughout the project. The project record indicates there has been correspondence with the Clifton Park Water Authority. The applicant shall provide an update with respect to the status of the Clifton Park Water Authority review of submitted materials. Our review of the submitted materials has excluded any design elements of the potable water system other than ensuring that adequate supply would exist for both potable water and fire protection. Any action on the subdivision application should be conditioned upon receipt of plan approval from the Clifton Park Water Authority. The extension of public water mains to the project is subject to NYSDOH plan approval and potentially the NYSDEC for the taking of additional water. If not already

initiated, the applicant will have to apply for the referenced plan approvals. Any action on the subdivision application should be conditioned upon receipt of plan approval from the NYSDOH and/or NYSDEC for the additional taking of water. The extension of public sanitary sewers to the project is subject to the review and approval by the Saratoga County Sewer District No. 1 as well as the NYSDEC. There is no indication from a review of documents submitted that the applicant has had any discussions with the SCSD regarding their ability and/or willingness to service the project and initial communication with the SCSD may be warranted. Any approvals offered by the Planning Board should be conditioned on receipt of SCSD and NYSDEC review and approval. The project proposes impacts to regulated wetlands and streams (bed and bank). The applicant should provide a status update regarding any permitting with the USACOE and/or NYSDEC for these impacts. Any approvals offered by the Planning Board should be conditioned on receipt of permits from those agencies. The applicant is proposing an association to be responsible for road and stormwater system maintenance. The Town may consider requesting that the Board's legal counsel review the draft offering plan.

The following comments concern the subdivision plan. The plans show suggested locations of trails throughout the project. It is suggested that the Town's Trails Committee be allowed opportunity to review the proposed locations. Alternatively, if the Planning Board is to take action on the subdivision application, it should be conditioned upon final trail locations, dimensions, and materials of construction being reviewed and approved by the Town at the time of site plan review of each lot. All pavement markings along the proposed roads shall be identified with specific reference to appropriate NYSDOT specification or other recognized standards acceptable to the Town. Appropriate traffic regulatory signage needs to be shown on the plans and shall be in accordance with the MUTCD standards. The proposed road has fill sections that exceed 5-feet. The profiles should note any special provisions including lift and compaction requirements to be implemented to ensure a stabilized sub-grade will be provided. Plan Sheet ES-1 needs to be at a scale smaller than provided as it is difficult to determine if the proposed sediment and erosion control measures are placed appropriately, if all measures proposed are being implemented, or if additional measures are warranted. Plan Sheets ES-1 and ES-2 provide a phasing plan for the development of the project and it appears to illustrate that the development will proceed without requiring a 5-acre land disturbance waiver. Clarification as to whether a 5-acre waiver request will be submitted is requested. The stock pile areas shown on Sheet ES-1 as well as access to the stock pile areas should be included within a specific phase of disturbance unless definable measures can be provided justifying why they should not be. The utility crossing of the regulated wetlands between Lots #3 and #4 is shown on Sheet ES-1 and, therefore, may need to be included within one of the defined phases of disturbance. There should be notation provided on Sheet ES-1 indicating that none of the F-5 practices can be brought on-line until the contributing drainage areas have a dense and vigorous vegetative cover as required in Section 6.4.5 of the New York State Stormwater Management Design Manual (NYSSMDM). The maintenance access to SMA#1 should be extended to the overflow weir between the bioretention practice and first cell of the P-1 practice. It is suggested that an anti-seep collar be installed between DMH-D and the outlet to prevent seepage along the pipe run. SMH#1 needs to include a pond drain that can completely or partially drain the pond within 24-hours in accordance with Section 6.1.6 of the NYSSMDM. The restrictor plate invert found on Detail 3/D-3 does not match the HydroCAD data for Pond 32P. Detail 4/D-3 for SMA#1 needs to be updated as follows: correct several pipe inverts/slopes and water elevations as they do not

match the HydroCAD data for Pond 32P; show the location of the aquatic bench which is required pursuant to Section 6.1.5 of the NYSSMDM; provide a note on the section indicating that wetland plantings shall be placed within 6-inches of the normal pool elevation pursuant to Section 6.1.5 of the NYSSMDM. A planting schedule is provided for the aquatic bench of SMA#1, however, a practice specific landscaping plan is also required pursuant to Section 6.1.5 of the NYSSMDM. SMA#2 is proposed as a P-5 Pocket Pond. The Town discourages their use, but allows them on a limited basis when all other available options are deemed inappropriate. There needs to be further discussion with the Town regarding the use of this practice with justification on its use as deemed appropriate by the Town. The review does not include any comments relative to the technical appropriateness of this practice within the NYSSMDM. The test pit data (TP-9 and TP-15) suggest that both of the bioretention (F-5) facilities will be located in areas that may be subject to groundwater at elevations that may be within the two feet vertical separation required between the filter bottom as required by Section 6.4.2 of the NYSSMDM. Verification that this vertical boundary condition is being satisfied based upon the defined groundwater elevation and proposed filter bottoms is required. The planting plans provided for each of the bioretention facilities are incomplete and need to be finalized to demonstrate compliance with Section 6.4.5 of the NYSSMDM. Each of the proposed stormwater practices shall have a legible sign of not less than 18 inches by 24 inches (or 10"X12" for footprints smaller than 400 sf) bearing practice specific information as outlined in Section 3.5 of the NYSSMDM. The plans should provide a sample sign and showing the suggested location of the signs. The proposed locations of the fire hydrants appear satisfactory for fire protection needs; however, they should still be reviewed by the responding agency. There will be a need to further review spacing of hydrants with a potential need to include additional hydrants on each lot to conform to Section 508.5 of the Fire Code of NYS. Prior to final stamping of the subdivision plat, the appropriate 911 emergency response numbers must be indicated on the plat.

Mr. Bianchi offered comments on the traffic study. The August 20, 2012 Creighton Manning response to our technical comments of February 13, 2012 is appropriate: no further comments are necessary. Attachment B of the CME correspondence includes responses to NYSDOT comments of May 30, 2012. There should be an updated comment letter provided to the Town regarding the status of the NYSDOT's review and acceptance of the responses offered.

Mr. Bianchi commented on the stormwater management plan. The project proposes the use of two green infrastructure practices without a discussion of the planning efforts completed for the evaluation of all available practices identified in Table 5.2 of the NYS Stormwater Management Design Manual. At a minimum, the report needs to list all practices that are acceptable and discuss why specific ones are not practical for use. There is no mention within the report of soil restoration. Pursuant to Section 5.1.6 of the NYSSMDM, soil restoration is a required practice applied across areas of a development site where soils have been disturbed and will be vegetated in order to recover the original properties and porosity of the soil. The report needs to discuss the soil restoration requirements that correlate to the soil disturbance proposed as outlined in Table 5.3 of the NYSSMDM. The DwaasKill is defined as a trout spawning stream C(t) and as such CPv calculations should be based upon a 12-hour extended detention per Section 4.4 of the NYSSMDM: plans should be revised accordingly. The report shows that a percentage of the WQv will be reduced via conservation areas, and that the remaining WQv will be treated by bioretention facilities, but there is no indication or discussion of why the entire

WQv has not been reduced and every attempt shall be made to achieve WQv reduction above the minimum by soil type. The subcatchment tributary to Kinns Road in the Existing Condition (1E) has a Tc of 11.8 minutes. The subcatchments tributary to Kinns Road in the Proposed Condition (1-1D and 1-2D) have Tc values of 18.9 and 13.3 minutes, respectively. As the hydrologic efficiency tends to increase as land is developed (and subsequently, Tc's decrease), the consultant is asked to explain how the Tc is increased after development of the project. Similarly existing subcatchment 3E (35.4 minutes) and proposed subcatchment 3-7D (35.6 minutes). The consultant is asked to provide consistent surface descriptions in the Tc calculations that also accurately reflect the existing and proposed cover type. For example, existing subcatchment 3E has 150 feet of sheet flow, defined with a cover type of "Range" and an associated Manning's value of 0.130, and proposed subcatchment 3-3D has 100 feet of sheet flow, defined with a cover type of "Dense Grass" and an associated Manning's value of 0.240. Each area appears to have similar cover type and, therefore, should utilize similar cover descriptions within the Tc calculations. The time span for all storm events in the Existing Condition and Proposed Condition should be set to the same range: a range of 0 to 48 hours is recommended. Figure 1 of the Existing Drainage Conditions Map appears to delineate a portion of the watershed not included in the analysis (the area north of the DwaasKill). Please confirm this area is or is not to be included in the analysis. Please provide the area and soil listing print-outs from the HydroCAD model. A table along with supporting calculations should be provided summarizing the flow capacities of all stormwater pipes to ensure that they are freely passing the 10-year design event without surcharge.

Additional comments concerned the Stormwater Pollution Prevention Plan. In order for the project to demonstrate permit eligibility, the Stormwater Pollution Prevention Plan must include documentation or make reference to studies or correspondence indicating that discharges from the construction activities:

Will not adversely affect a listed, or proposed to be listed, endangered or threatened species or its critical habitat (pursuant to Part I.D.4 of GP-0-10-001).

Will not adversely affect property that is listed or is eligible for listing on the State or National Register of Historic Places (pursuant to Part I.D.8 of GP-0-10-001).

The applicant will be required to execute a Stormwater Maintenance Agreement with the Town. It is suggested that a copy of the executed agreement be included within the Stormwater Pollution Prevention Plan that is to be retained on-site during site disturbances. Appendix J which includes post construction maintenance requirements for each of the stormwater practices needs to be updated to include the following:

Soil restoration maintenance requirements outlined in Section 5.1.6 of the NYSSMDM.

Additional elements for sediment cleanout and vegetation maintenance for the bioretention facilities as defined in Section 6.4.6 of the NYSSMDM.

Mr. Bianchi reported that additional comments concerned the water supply system. Based upon our review, the report suggests that the existing Clifton Park Water Authority infrastructure can accommodate the proposed development. M J Engineering defers to the Clifton Park Water Authority regarding the technical review of the report and the adequacy of their system to supply the project.

Mr. Werner questioned whether or not NYSDOT had reviewed the traffic study prepared by Creighton-Manning Engineering and if comment and recommendations had been received from that agency. Mr. Scavo reported that the applicant has received a comment letter from Mr. Mark Kennedy, Regional Traffic Engineer for NYSDOT. Mr. Werner recommended that the two parcels fronting on Route 9 be connected to the main roadway that serves other parcels in the proposed park. In response to Mr. Koval's question regarding use of such a connection as a "cut-through," Mr. Werner stated that it would be unlikely unless there was substantial traffic on Route 9. Mr. Koval observed that the trails in the "green reserve area" appear to end abruptly. Mr. Zdrahal explained that the trails will connect to other segments as various parcels are developed, eventually linking all of the sites together. Mr. Ferraro reinforced Mr. Scavo's recommendation that the applicant consult with the Trails Subcommittee of the Open Space, Trails, and Riverfront Committee and Ms. Viggiani, Open Space Coordinator, to create a reasonable trail plan for the park. Mr. Hale stated his appreciation for a concept plan that illustrates possible site development and helps others visualize the developer's "long-term strategy." He recommended that the applicant construct substantial stream crossings. Answering his question regarding the type of materials proposed for use on the retaining walls, Mr. Zdrahal stated that the plan now proposes the use of "geogrid" materials similar to gabion walls. In response to Mr. Hale's question about the use of vegetation on the proposed materials, Mr. Zdrahal stated that the proposed material does not allow the area to be vegetated. Mr. Hale encouraged the applicant to consider other types of materials for slope stabilization. Mr. Hale observed that some of the proposed parking areas appear to be located very close to the edge of slopes. Mr. Ferraro thanked the applicant for being sensitive to environmental issues and for providing pedestrian accommodations throughout the site. He commented that the Board would require assurance that the roadway, retaining walls, and slopes would be maintained properly. Mr. Scavo explained that failure to maintain site improvements would be a violation of the approved site plan for which the owner could receive citations and be subject prescribed penalties. Mr. Taylor, real estate representative for the applicant, noted that the properties to be constructed were multi-million dollar buildings whose owner/occupants would ensure that the site remains in conformance with approvals. Board members and Mr. Pelagalli discussed various means of ensuring that site improvements are maintained and that they not become "a burden" for the town. In response to Mr. Ferraro's question concerning approvals from the Town of Halfmoon, Mr. Scavo explained that the Town of Halfmoon is reserving its right to conduct an independent review of proposed work within its boundaries. Mr. Ferraro explained that there are a number of technical issues to be addressed before a determination can be made on the subdivision application. He did note that such issues as building configurations, lot layout, green space, and on-site traffic circulation may be addressed during site-specific project reviews.

In response to a question from an audience member regarding the heights of the proposed buildings and uses, Mr. Zdrahal explained that the building heights must comply with code requirements: buildings will likely be one or two stories high. Uses will be limited to those permitted LI-1 uses such as warehouse and office space.

Board members appeared to find the proposed subdivision plan acceptable though there were a number of issues to be addressed in greater detail.

[2012-12] **Ushers Woods and Northway 10 Apartments** – Proposed revised residential and commercial PUD, Ushers Road – Revised conceptual review. SBL: 259.-2-60

Mr. Ferraro introduced this application and explained that Mr. Myers, Director of Building and Development, has determined that the revised site development plan for the parcels contained within the “Ushers Woods and Northway 10 Apartments” that calls for the construction of seventy-two (72) single-family residences, community center, and maintenance garage (rather than the thirty-one (31) duplex units previously proposed) still does not meet current zoning code requirements. Mr. Myers states in his comment memo to Mr. Scavo that the applicant proposes warehouse and “flexspace” uses for the commercial portion of the property and notes that neither of these uses are allowed in the B-1 or B-2 zone. Though he recognizes that the commercial portion of the property was previously zoned as a PUD, that PUD was apparently replaced by a change to the zoning adopted by the Town Board in 1991. Mr. Ferraro stated that, since Mr. Myers has determined that the proposed uses do not comply with current zoning regulations, Planning Board review at this time would not be reasonable or productive. The applicant was directed to seek a decision regarding applicable zoning from the Zoning Board of Appeals. Mr. Ferraro did, however, extend Mr. Dailey the courtesy of speaking at the meeting.

Mr. Dailey, legal representative for the applicant, contended that the interpretation provided by Mr. Myers is incorrect and that the Director of Building and Development has been “negatively influenced” by others. He reported that Mr. Myers has refused to meet with him and/or the applicant to discuss zoning issues. Though Mr. Dailey explained that the applicants for this project have been pursuing approval for development since 2005 and requested that someone lend a “sympathetic ear” to the applicant’s plight, Mr. Ferraro reiterated his comment that the Planning Board is unable to consider the application based upon Mr. Myers’ determination concerning zoning issues. Mr. Pelagalli supported Mr. Ferraro’s position, stating that, in his opinion, the Planning Board may not act contrary to the decision rendered by the Town’s Chief Zoning Officer: the applicant must seek redress from the Zoning Board of Appeals.

Mr. Dailey requested the opportunity to present this application on behalf of his client, explaining that the project plan has been revised since last reviewed by the Planning Board. While the plan remains generally as presented at the June 12, 2012 Planning Board meeting, the square footage of proposed development has increased from 443,800 SF to 485,800 SF, presumably as a result of the increased number of units to be constructed on the Boni parcel. While the original plan called for the construction of thirty-one (31) duplexes or sixty-two (62) units, the new plan proposes the construction of seventy-four (74) units on the Boni parcel.

Mr. Dailey distributed copies of Section 208-32 that lists the permitted uses for parcels located within B-1 and B-2 zoning districts, Section 208-33 that outlines regulations for property rehabilitation or development within a B-1 zone, and definitions of a *one-family dwelling* and *dwelling unit* as provided in Section 208-7 of the Town Code. He explained that by applying code requirements, the number of units that could be developed on his client’s 28.6 acre parcel would be seventy-four (74). It is anticipated that these units will be owned by a single entity and

be marketed for rent to “empty-nesters” or those working temporarily at facilities such as Global Foundries in Malta. Mr. Dailey then focused attention on the commercial portion of the site, explaining that it is the applicant’s position that the VanPatten PDD was illegally rescinded by the Town Board. He viewed its identification on the “Official Town Zoning Map” as proof that it was still recognized and he distributed copies of a 1991 legal notice announcing the public hearing conducted prior to the adoption of the zoning law amendment.

Mr. Scavo reported that Ms. Sheryl Reed, Fire Marshall, offered several comments regarding this application. She asked that the applicant provide information regarding the width of the proposed private roadway, the provisions for its general maintenance and snow removal, and the number of its ingress/egress locations proposed on Wooddale Drive. Ms. Reed commented that the boulevard-type entranceways were usually viewed unfavorably the Emergency Services Advisory Board.

Mr. Scavo read commented that the Planning Department did not conduct additional review of this application at this time because of the decision issued by Mr. Myers.

Mr. Bianchi, M J Engineering and Land Surveying, P. C. did not review the application at this time.

Mr. Montague, Environmental Specialist, reported that the ECC offered the following comments regarding this application. In keeping with the recommendations and goals of the Town Comprehensive Plan, the applicant *should* retain existing vegetation to the maximum extent practical and/or the use landscaping and grading to provide visual and auditory buffering between the project and adjacent roadways or other properties. Existing vegetation should be preserved in areas where such growth enhances erosion control. In accordance with the Town Comprehensive Plan, the ECC is concerned about the project altering existing topography resulting in sedimentation of streams, ponds, and wetlands as well as the potential adverse effects of noise pollution. The ECC is concerned that the density of the entire site could potentially adversely affect the water quality of the Colonie Channel Aquifer which is present within the site plan boundaries. It appears the LC zone wetland boundary is inaccurately delineated. The LC zone is shown over a “Federal Wetland”: the ECC believes that this wetland area is under NYS DEC jurisdiction. The applicant should verify the delineation. The ECC strongly discourages the private road bridge structures needed to cross protected wetlands. The parcels should be developed independently of one another to protect the natural habitat. The proximity of proposed improvements to critical environmental features on the site creates a scenario where the potential for negative environmental impacts are likely (i.e. proximity to protected wetlands and steep slopes). Seeps may be present at the bottom of the steep slopes and the environmental impacts of such features should be evaluated. Seeps are important discharge points for ground and subsurface flows. Vegetative compositions of the seeps, can provide important habitats for variety of wildlife species, including migratory passerines, game birds, and amphibians. The applicant should provide a survey showing 2’ contours rather than 10’ to allow an accuracy review of the proposed project in relation to steep slopes present on site.

Ms. Gretchen Ruhl, 168 Wooddale Drive, expressed concern regarding the ability of school buses to access the site via the private drive. In response to her comment regarding the

fact that a neighbor's driveway is situated over the proposed access point, Mr. Dailey explained that the "future stub street" was provided for access to Mr. Boni's property when the Country Knolls subdivision was approved: he sees no issue with its use as a link to the proposed development.

In response to a question posed by a member of the audience regarding previous development plans for this area, Mr. Koval explained that the multiple applicants involved in development of this area originally submitted a comprehensive plan of development in the form of a PDD. Since PDD applications are reviewed and approved by the Town Board, the Planning Board acted only in its capacity as an advisory board. Though the Planning Board offered a positive recommendation for the project, the Town Board has apparently chosen not to act on the application. Mr. Hale recalled authorizing the positive recommendation for the PDD application that proposed development of a mixed use community. Mr. Werner commented that, in his opinion, the original plan addressed the pressing need for housing for "empty-nesters" while providing an aesthetically pleasing "walkable community". Mr. Ophardt commented that it was the development proposed for the rear of the property that was of concern due to environmental constraints.

Ms. Ruhl stated that while neighbors recognize that the property will eventually be developed, she explained that they rely upon the Planning Board to ensure that issues such as the protection of natural resources, traffic safety, and density will be considered and their negative impacts mitigated as necessary. Reporting that recent rains had caused more erosion to the steep slopes on the property, she asked that the Board ensure that the site's slopes are stabilized.

In response to a question posed by a member of the audience regarding stormwater management issues and slope stabilization, Mr. Ferraro explained that current standards for the management of stormwater are much more stringent than in years past and that the applicant will be required to adhere to all current regulations. In conclusion, Mr. Ferraro stated that all issues involved in site development will be evaluated when an application deemed compliant with the existing zoning code is presented for consideration.

[2012-031] **Scripter, David** – Proposed (4) lot subdivision, 642 Bruno Road – Conceptual review. SBL: 271.-2-35.1

Mr. Ferraro introduced the application and stated that he knows the applicant personally since Mr. Scripter has worked on several remodeling projects at his home. Since he has no financial interest in the subdivision application, however, he believes that he can review the application objectively. Mr. Pelagalli concurred with his decision.

Mr. Drew Schauffert, legal representative for the applicant, explained that the applicant proposes the subdivision of 5.9 acre parcel located within the R1 zone into lots of 1.18 acres, 1.05 acres, 1.27 acres, and 2.3 acres, respectively. Lot #2 contains an existing residence which is served by an individual well and septic system. The parcel is located on the westerly side of Bruno Road approximately 1,700 feet north of its intersection with NYS Route 146. The proposed lots will be served by individual driveways, municipal water, and individual septic systems. Though some soil testing has taken place, additional test pit information will be

provided. A 50' non-disturbance buffer will be established along the creek – a tributary of the DwaasKill - that flows to the rear of the properties.

Mr. Scavo read the comments provided by Mr. Myers, Director of Building and Development. Mr. Myers stated that the existing septic system, both tank and field, for Lot #2 must be shown on the plan. Topographic information must be included on the plan. A Stormwater Pollution Prevention Plan must be submitted for review and approval. The consultant must provide information regarding the location of the closest sewer line. Sight distance at the proposed driveway locations must be evaluated.

Mr. Scavo read comments issued by the Planning Department. Due to the presence of steep slopes on the parcel, the applicant should provide 2' contour lines on the subdivision plan to provide for proper evaluation of the placement of proposed lot lines, residences, driveways, and utilities. Although the action appears to be an unlisted action, it is recommended that the applicant complete Part I of the SEQR Long Form which will allow the Planning Board to have pertinent information about features unique to the site. The applicant should evaluate stormwater runoff in existing and proposed conditions: runoff may have to be mitigated since an increase in impervious surfaces may result in changing drainage patterns that will negatively affect new homeowners.

Mr. Montague, Environmental Specialist, reported that the ECC offered the following comments regarding this application. The ECC requested that no vegetation be removed from the 50 foot buffer zone from the stream. The 50 foot buffer zone should be listed on each deed indicating that no disturbance should occur within this area.

Mr. Bianchi, M J Engineering and Land Surveying, P. C. reported that his firm reviewed the conceptual submission for the proposed four (4) lot subdivision located along Bruno Road. Documents received for review included the following: Survey Map showing proposed Subdivision of Lands of David Scriptor and Carolyn Scriptor, as prepared by Santo Associates, dated 06/07/2012; Town of Clifton Park Planning Board Application for Subdivision Review; Short Environmental Assessment Form; Agricultural Data Statement and Control Form. Based upon review of the documents, the firm provided the following comments. The following comments are related to SEQRA issues. Based upon review of Part 617 of NYS Environmental Conservation Law, the project appears to be an "Unlisted" action. If the Planning Board is to request Lead Agency status under SEQRA, the need to undergo a coordinated review is optional. Under a coordinated review, involved and/or interested agencies to be engaged may include, but are not necessarily limited to the following: Clifton Park Water Authority; NYS Office of Parks, Recreation and Historic Preservation; NYS Dept of Environmental Conservation. There should be communication with the NYS Office of Parks, Recreation and Historic Preservation regarding the existence or absence of cultural or historic resources on the site. There should be communication with the NYSDEC regarding the existence or absence of threatened and/or endangered species on the site.

Several comments related to the subdivision plan. The project lies within the Town's R-1 (Residential I) district. In accordance with Section 208-10 of the Town Zoning Code, the proposal for single family homes is a permitted use. In reviewing the proposed lot sizes and

locations of existing and/or proposed homes, it appears that all minimum bulk lot requirements as defined under Section 208-11 of Town Zoning are satisfied. The concept plan at a minimum shall include USGS contour lines at five-foot intervals pursuant to Section 179-8(B)(1)(a) of Town Subdivision Regulations. The total land disturbance anticipated for the development of the three new lots is unclear from the plan; therefore, it is suggested that a delineation of the maximum area of disturbance be shown on a per lot basis. In the event the net disturbance exceeds one acre the project will be subject to the NYSDEC Phase 2 Stormwater Regulations and General Permit GP-0-10-001. Due to the project's proximity to a tributary of the Dwaas Kill, if it is not subject to the NYSDEC Phase 2 Stormwater regulations, it is recommended that the "lot-specific" sediment and erosion control plans be developed that are furnished to the Building Department when building permits are applied for. It is suggested that the buffer running along the rear of each lot be placed in a deed restriction limiting and/or prohibiting certain activities within the buffer. Notation reflecting such deed restrictions should also be added to the subdivision plat. The project proposes to service each new lot with public water from the Clifton Park Water Authority: a sign-off from that agency will be required. The plans should identify the minimum size and materials of construction for each individual water service. The notes provided on the plat indicate that in-situ percolation tests and test pits for the proposed on-site septic systems have not been completed for Lots #1 and #4. Confirmatory testing should be advanced on those lots to identify the type of septic system that will be required. Proposed Lot #2 shows an existing septic tank located within 10-feet of the proposed property line. Appendix 75-A, Table 2 of the NYSDOH Rules and Regulations requires that septic tanks are no closer than 10 feet from a property line. The septic tank should be relocated or the lot line adjusted to meet the minimum boundary conditions set forth in Appendix 75-A. Proposed Lot #2 should note the location of the existing septic system to confirm that it has adequate separation distance to all applicable boundary conditions as required by Appendix 75-A. Proposed Lot #2 will continue to use the existing on-site well. Because no topographic information has been provided, it cannot be determined whether or not this well is 200 feet down gradient and in the direct path of surface water drainage to a well as required by Table 2 of Appendix 75-A. The plan should show the required and provided sight distance at each proposed driveway based upon the posted speed limit of Bruno Road to ensure that each driveway is located appropriately. Each of the new lots will require a permit from the Town Highway Superintendent for activities within the Town right-of-way. Notation regarding the need for such permits should be added to the subdivision plat. Prior to approval or the stamping of the final plan, appropriate 911 emergency response numbers must be placed on the plat.

Ms. Nancy Bellamy, 147 East Side Drive, reported that her sister resides in a home on Green Meadow Drive which adjoins the Scriptor property to the west. She reported that significant erosion is occurring along the tributary that traverses the property between the two properties and encouraged the Board to protect the integrity of the stream corridor.

Ms. Paulsen commented that additional details regarding the steep slopes on the property and, particularly, the location of all components of the septic system must be provided before it would be reasonable to comment on the number and configuration of the lots proposed. Though Mr. Shauffert suggested that an easement could be established to allow for maintenance and/or replacement of the existing septic system, both Mr. Ferraro and Mr. Koval commented that such a provision would not be appropriate. Mr. Ferraro expressed his concerns for protection of the

steep slopes located on the property and he asked that 2' contours be shown on the plan. Mr. Shauffert asked for clarification regarding the required topographic information requested, stating that Mr. Bianchi required 5' distances while Mr. Scavo required 2' contours. Mr. Scavo explained that while conceptual review requires the contours to be shown at 5' distances, preliminary submission requirements call for 2' contours. Mr. Bianchi noted that 2' contours would be required for the Stormwater Pollution Prevention Plan. Mr. Ferraro observed that "a couple" of the driveway locations are situated quite close to each other and he recommended that the applicant consider combining the curb cuts. It was noted that sight distance information may dictate driveway locations. In response to Mr. Dan Hartnett's comments regarding the need for an increase in the roadway shoulder width along Bruno Road, Mr. Scavo stated that it appears that there is sufficient roadway width to accommodate future improvements.

Board members appeared to agree that more detailed information was required before a thorough review of the application could be undertaken.

Mr. Werner moved, seconded by Mr. Ophardt, adjournment of the meeting at 9:55p.m. The motion was unanimously carried. The next meeting of the Planning Board will be held as scheduled on Wednesday, October 10, 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

State Environmental Quality Review Act
NEGATIVE DECLARATION
Notice of Determination of Non-Significance

Date: September 11, 2012

This notice is issued pursuant to part 617 of the implementing regulations pertaining to Article 8 of the Environmental Conservation Law (State Environmental Quality Review Act or "SEQRA").

The Town of Clifton Park Planning Board (the "Planning Board"), as lead agency, has determined that the proposed action described below will not have a significant adverse environmental impact and a Draft Environmental Impact Statement ("DEIS") will not be prepared. Reasons supporting this determination are explained below.

Name of Action: Wood Road South, Light Industrial Shovel Ready Site (the "Project")

SEQRA Status: Type I

Conditioned Negative Declaration: No

Location of Action: The Project is proposed on the south side of Wood Road, approximately 1,000 feet west of the NYS Route 9 intersection, Town of Clifton Park, Saratoga County, New York.

Description of Action:

The applicant, DCG Development Company ("DCG" or "the applicant"), proposes to clear and grade 15 acres of properties located south of Wood Road to expand a Light Industrial Shovel Ready Site. This proposed Project is located across from an existing light industrial development located on the north side of Wood Road. The property is zoned for this use and is within the Wood Road GEIS area.

The 48.84 acres are partially cleared and vacant and currently provide little economic benefit to the community. The Project will result in a variety of socio-economic benefits for the Town of Clifton Park and the surrounding area. The shovel ready site will be prepared for flex space light industrial use. When tenants are identified and buildings approved the site will provide new jobs and increased tax revenues for the Town, County, School District and State. No specific buildings are proposed at this time as that will be driven by tenant specifications. The maximum amount of development within this area of the GEIS is 400,000 square feet (approximately 42 acres developable land). This proposed Project, as well as existing and approved projects on adjoining parcels, are well within the approximately 207 acres that were identified as the appropriate amount of development in the GEIS.

Reasons Supporting This Determination

(See 617.7(a)-(c) for requirements of this determination)

After considering the criteria for determining significance as set forth in 6 NYCRR § 617.7(c), and after several public meetings and a public hearing, as well as review by the Town Planning Department and Town Engineer's office, reports and technical analysis submitted by applicant's experts and the deliberation and response of involved and interested agencies, the Town of Clifton Park Planning Board, as lead agency, has determined, for the reasons discussed below, that the proposed Project will not have a significant adverse impact on the environment and the issuance of a negative declaration under SEQRA is warranted.

Prior Environmental Review

On November 21, 1991, the Town of Clifton Park Planning Board adopted a Findings Statement for the Final Environmental Impact Statement ("FEIS") relating to the site plan application of the Northern Distributing Company and the Final Generic Environmental Impact Statement for the future development within the Wood Road Corridor ("Wood Road GEIS"). The Wood Road GEIS evaluated the potential significant environmental impacts and offsetting mitigation measures for the potential light industrial development as allowed by current zoning within the 530 acre Wood Road Corridor study area. The Wood Road GEIS evaluated the cumulative impacts of the potential development of the entire Wood Road Corridor, and included the Project site.

The Wood Road Corridor study area, which was the subject of the Wood Road GEIS, is located in the northeast corner of the Town of Clifton Park, Saratoga County. It is bounded on the south by the railroad right of way south of Ushers Road in the Northway Exit 10 vicinity, on the east by NYS Route 9, on the north by Clifton Park/Malta town line and on the west by the Adirondack Northway [Interstate 87]. At the time of the Wood Road GEIS, no other active development proposals were pending before the Town Planning Board for additional light industrial or business development within the Wood Road Corridor study area other than the application of the Northern Distributing Company. The Wood Road GEIS considered a ten year

build-out for analytic purposes, based on a reasonable scenario of future development within the Wood Road Corridor. The Wood Road Corridor has not been developed as predicted in the GEIS during the ten-year period, and in fact, only limited development has occurred. This limited development includes 142,000 square feet of approved and partially constructed light industrial flex space on the north side of Wood Road. One of the reasons for the limited development is that a very large portion of the land zoned light industrial in the Wood Road Corridor contains wetlands and is therefore not suitable for development to the degree originally anticipated.

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 and 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. As noted below, the applicant has provided information addressing the above criteria, and the record demonstrates that none of the above criteria will be adversely impacted by the Project and that the applicant has complied with the requirements of the Findings Statement.

Traffic, Access and Parking

In 2006 the applicant submitted a detailed Traffic Impact Study ("TIS") on a light industrial development project located on a 35 acre parcel on the north side of Wood Road which was prepared by Creighton Manning Engineering, LLP (CM) with the SEQRA Environmental Assessment Form ("EAF"). Based on that TIS, the flexible light industrial space built on the land parcel to the north of Wood Road was projected to generate approximately 97 total vehicle trips during A.M. peak hour (83 trips entering and 14 trips exiting) and 103 vehicle trips during the P.M. peak hour (16 trips entering and 87 trips exiting). CM's level of service analysis found that the NYS Route 9/Wood Road intersection would continue to operate at the pre-build Level of Service ("LOS") B or better during the morning and afternoon peak hours.

CM has reviewed the trip generating potential for the proposed site assuming the total square footage of building to be accommodated would be approximately 400,000 square feet. CM found that at full build-out the site with light industrial land uses has the potential to generate approximately 244 vehicle trips during the A.M. peak hour and 258 trips during the P.M. peak hour.

Moreover, the GEIS Findings Statement provides for the payment of a traffic mitigation fee or for directly undertaking traffic mitigation measures for the development of each project within the Wood Road Corridor at the time of site plan review to mitigate traffic growth in the Wood Road Corridor. Although, based on the above, the Project will not result in a significant adverse impact to traffic, the applicant will be required to pay traffic mitigation fees or to directly undertake traffic mitigation measures. It is noted that the Wood Road Corridor GEIS assessed the impacts associated with approximately 207 acres of developable industrial lands

with approximately 1,300 to 1,900 peak hour trips. The subject site with approximately 42 developable acres and less than 300 peak hour trips fits within the assessment conducted for the GEIS.

Access to the site for the clearing and grading project is proposed via the existing full access site driveway on Wood Road. The traffic volume to and from the site during the clearing and grading of the site is expected to be a temporary condition with low traffic volumes that will be serviced by the existing roadway network. Sufficient frontage exists on Ushers Road and other nearby roads to provide ample permanent access ways. Additional evaluation of the site access will be conducted during the site plan approval process for a specific building or buildings.

Sufficient space exists on site to accommodate future buildings, parking and access roads, as well as ancillary features such as stormwater management areas and the Karner Blue Butterfly and Frosted Elfin Habitat Management Plan.

Based on the foregoing, the Project will not have any significant adverse impact on traffic, access or parking.

Karner Blue Butterfly & Frosted Elfin Habitat Management Plan (the HMP)

A portion of the Project site was previously identified in the Wood Road GEIS as potential Karner blue butterfly (*Lycaeides melissa samuelis*) habitat due to the presence of Blue Lupine (*Lupinus perennis*), the host plant for that species.

The original habitat was delineated and surveyed in 1987 and encompassed an area approximately 0.57 acres in size. The HMP contains a plan showing the lupine plant habitat (survey located) and a buffer area that exceeds 50 feet around the habitat. Moreover, the HMP shows that the area to be protected is connected with another area of KBB and Frosted Elfin (*Callophrys irus*) habitat, similarly protected, and located adjacent to the cemetery on the north side of Wood Road. The applicant, to evaluate the potential habitat, retained two independent consultants to monitor the site for the presence or absence of Karner blue butterflies. The Environmental Design Partnership, LLP ("EDP") began surveying the site in 1997. Bagdon Environmental, the other consultant retained by the applicant, started surveying the site in 2000. From 2000–2006 EDP encountered a total of 270 Karner blue butterflies within the delineated blue lupine areas. In addition to Karner blue butterflies, EDP surveys have resulted in sightings of 711 Frosted elfins since 2000, including 42 during the 2012 season. Bagdon Environmental encountered two Karner blue butterflies on the site in 2001, one during the first brood and one during the second brood. A considerable amount of Blue Lupine remains within the originally delineated habitat. Additionally, the blue lupine areas are still being occupied by frosted elfins which cohabitate with the Karner blue butterfly and both are dependent on blue lupine as a larval host plant and adult nectar source.

The Findings Statement requires the applicant to submit a management plan to preserve areas identified in the Wood Road GEIS as potential Karner Blue habitat. The Findings Statement, at paragraph 41, provides that the management plan must contain the following:

"Develop a designated preserve area."

"A legal mechanism to ensure preserve lands are maintained in perpetuity."

"A plan to introduce Karner Blue Butterflies to the preserve area if the species is not present at the time the management plan is implemented,"

"Site-specific management techniques which will be used to ensure the long-term viability of the Karner Blue Butterfly habitat."

"A financial mechanism to implement the management plan for the foreseeable future."

This applicant has submitted the HMP, prepared by EDP, dated July 23, 2012, which complies with the requirements of the Findings Statement. The HMP was reviewed by Bagdon Environmental, which concluded "the management plan offers a mechanism to preserve and protect the existing Karner Blue butterfly habitat on site." The HMP addresses all of the above-criteria required in the Findings Statement.

With respect to the size of the preserve area, the initial area delineated in the Wood Road GEIS as potential Karner Blue habitat was approximately $0.57\pm$ acres in size. The DCG Management Plan will preserve the original habitat ($0.57\pm$ acres) plus an additional $1.29\pm$ acres of the surrounding area, making the preserve area a total of $1.86\pm$ acres (the "Preserve Area"). As noted in the HMP, the Preserve Area will be enclosed by a post and rail fence and posted with signs indicating the area is protected.

In developing the Preserve Area, the HMP considered the five criteria required by the Findings Statement. The Preserve Area maintains all Blue Lupine plants existing on the property and contains a number of additional nectar sources for the Karner blue butterfly. Additionally, the HMP provides that the buffer and potential habitat will be protected in perpetuity through a Declaration of Restrictive Covenants. The Preserve Area will be approximately 1.86 acres in size, which is over three times the size of the original area designated in the Wood Road GEIS. The Preserve Area will have substantial buffer to protect the habitat. Finally, because the HMP is located adjacent to Wood Road and because an existing Preserve Area is located to the north of Wood Road, and because the proposed Project will not alter the current configuration of the road or the habitat condition along the road, there will be no new conditions that will prevent butterflies from other sites from entering the Preserve Area. Additionally, the Preserve Area includes an area that allows for interaction between the butterfly habitats and this area will also be used to enhance the nectar species that are available to the butterflies. The Preserve Area will

be enhanced through the incorporation of a nectar plant seed mixture specified in the HMP. The seed mixture will consist of native herbaceous flowering plants that are known to be used by adult Karner blue butterflies during both first and second flight periods. The HMP describes this in greater detail.

The HMP provides for a legal mechanism for ensuring the preserve is maintained in perpetuity. The HMP includes a draft Declaration of Restrictive Covenants (Attachment 1 to the HMP). This instrument protects the habitat and buffer in perpetuity and will be filed, along with the plot of the Preserve Area, with the Saratoga County Register of Deeds upon approval of the Map by the Town of Clifton Park.

The HMP also addresses the reintroduction of Karner blue butterflies to the Preserve Area. As noted in the DCG Management Plan, the surveys conducted independently by both EDP and Bagdon Environmental demonstrate a very low number of Karner blue butterflies at the site over the past decade. By protecting the lupine plants and a buffer area, by a biannual mowing of the vegetation and by planting more nectaring species, the applicant will be preserving the KBB and Frosted Elfin Habitat. The management techniques being utilized by the applicant in the HMP will also result in the continued prosperity of the existing Blue Lupine plants, and thus providing additional habitat for Karner blue butterflies potentially utilizing nearby properties. All of the features of the HMP will also support the use of the site by the Frosted Elfins (see below).

As required by the Findings Statement, the HMP provides for the use of a site-specific management techniques including biannual mowing of grassed open canopy areas in and around the management area to be undertaken and funded by the applicant. The applicant has agreed to place the sum of \$1,000.00 in escrow with the Town to guarantee that the requirements of the HMP are fulfilled.

Additionally, Frosted elfins, a state threatened species, have been observed and documented within the Preserve Area by EDP during many surveys. Frosted elfins are known to occupy habitat types identical to that of the Karner blue butterfly. In fact, larvae of both species feed on different parts of the blue lupine plant. Therefore, by preserving and maintaining the habitat as set forth in the HMP the applicant will also be preserving the habitat for the Frosted elfin. This is pointed out in paragraph 40 of the FEIS where the recommendations of Dr. Dale Schweitzer are discussed. The last sentence of this paragraph states: "*Considering that both the frosted elfin and dusted skipper occur with the Karner blue, they would be adequately protected by any management practices directed at that species*".

Based on the compliance of the Findings Statement and the HMP, the Project will not have any significant adverse environmental impacts on the Karner Blue Butterfly.

Wetlands/Groundwater

The site contains approximately 2.30 acres of wetlands, of which, 2.18 acres are federally jurisdictional and 0.12 acres are regulated by the NYSDEC along with an additional 0.56 acre adjacent uplands. These areas are clearly set forth on the site plan and will not be disturbed by the Project.

The Project grading plan includes appropriate design, construction and management practices for portions of a site where the water table exists at a depth of less than 3 feet below grade.

Based on the foregoing, the Project will not have any significant adverse impacts to the quantity or quality of wetlands and groundwater.

Town of Clifton Park Water Recharge

The Project will not have a significant adverse impact on the water recharge for the water supply for the Town of Clifton Park based on the applicant's compliance with the New York State Phase II Stormwater Requirements, the amount of area being preserved as part of the Project and the eventual utilization of municipal sewer and water to serve any structures built on the site in the future.

The Project includes stormwater management facilities that are designed in compliance with the NYS Phase II Stormwater Requirements. The applicant has prepared and will continue to implement an Erosion Sediment Control Plan that will contain and manage surface water runoff to minimize any potential impacts during construction. An Erosion and Sediment Control Plan is part of the Stormwater Pollution Prevention Plan ("SWPPP") that was prepared for the Project to contain stormwater runoff associated with construction activities and to treat the stormwater and to address the volume of stormwater during site operation.

A Stormwater Management Design has been prepared which addresses potential runoff impacts during construction and post construction. Temporary sediment basins have been designed in accordance with the *New York State Standards and Specification for Erosion and Sediment Control* and Intermediate Stormwater Management has been designed in accordance with the *NYSDEC Stormwater Management Design Manual*. No new impervious areas are proposed as part of the project and all disturbed areas will be seeded with a grass mixture that will promote rapid stabilization of the disturbed areas. As no new impervious areas are proposed, stormwater will continue to infiltrate similar to the predevelopment conditions, recharging groundwater supplies, resulting in no significant hydrologic impacts.

The project proposes to disturb greater than five acres of land at one time and will require a waiver from the Town of Clifton Park MS4 Officer. The granting of this waiver will significantly shorten the anticipated construction timeline and reduce potential runoff impacts associated with construction activity. A waiver to disturb up to 15 acres of land at one time was granted on the adjacent shovel ready lands.

There is no potential impact on the water recharge for the water supply for the Town of Clifton Park from sanitary waste because any future buildings will connect to the Saratoga County Sewer District's sewer system. There will be no on-site disposal of sanitary or any other liquid waste. Additionally, there is no potential impact on the water recharge for the water supply for the Town of Clifton Park from water requirements of the proposed land use because the applicant has extending Clifton Park Water Authority service to the site. There will be no on-site wells for water supply associated with the proposed land use.

Based on the foregoing, the Project will not have any significant adverse impacts on the quantity or quality of the water recharge for the Town of Clifton Park.

Utility Services

The applicant contacted both the fire and police departments to ensure that they have adequate staff and equipment to meet the demands of the Project. The Police Department indicated that the department has sufficient staff and equipment to cover the Project. Similarly, the Fire Department stated that the Fire Department has sufficient staff and equipment to protect the new development. Any buildings eventually built will comply with local and State fire prevention codes including requirements relating to the installation of sprinkler and fire suppressant systems, fire extinguishers, fire resistant construction materials and/or use of firewalls. Furthermore, any future structures and their associated parking lots (all of which would be subject to site plan approval) will fully comply with ADA requirements.

Aesthetic Resources

The Site is currently zoned for light industrial use. The Project will only be visible from transportation corridors and adjoining properties. The Project will maintain a buffer from the Adirondack Northway. The Project is located across from existing light industrial buildings on the north side of Wood Road. Moreover, the Project plan shows a trail area to be preserved and made available to be used as part of the Zim Smith Trail. The Project is not visible from any parks or recreation areas.

Cultural Resources

The Applicant retained Hartgen Archeological Associates to conduct a Phase 1A/B study of the site which is archeologically sensitive based on the NYS OPRHP data base. All of the work has been completed and an End of Field letter report dated July 25, 2012 has been submitted by Hartgen indicating that no archeological or historic resources have been found as a result of the study. An OPRHP confirmatory sign off letter will be provided to the Town as soon as it is available.

Based on the foregoing, the Project will not have any significant adverse impact on cultural resources.

Community Character

The Project will not have any significant adverse impact on the community character in the area. As noted in the Wood Road GEIS, the development of the Wood Road Corridor is in accordance with the Light Industrial zoning applicable to the area and will have positive economic and fiscal impacts to the local economy and taxing jurisdiction. Most of the land within that study area is currently undeveloped and therefore yields little in the way of employment or revenues to taxing jurisdictions. As noted in the Wood Road GEIS, when the land is developed for Light Industrial uses, it will provide the economy with modest growth and employment for construction and permanent jobs related to the low-density service uses allowable in the district. The Findings Statement concluded that the allowable land uses and development will be compatible with the natural resources and public infrastructure of the area.

The Project is compliant with the Town Zoning Code, the Town's Comprehensive Plan and the Wood Road GEIS.

Based on the foregoing, the Project will not have any significant adverse impact on community character.

Exterior Lighting

When buildings are proposed a lighting plan and analysis will be provided to the Town that provides for safe lighting levels, with minimal impacts on neighboring properties. For example, any light fixtures proposed will be down directed to prevent glare or light spillage onto surrounding properties.

Based on the foregoing, the Project will not have an adverse impact on aesthetic resources.

Construction

The construction of the Project is not expected to result in any significant adverse environmental impacts. Although several short term and minor impacts are expected during construction, these will be mitigated whenever practicable by implementing best management practices ("BMPs"). For example, the use of construction vehicles and equipment may increase air emissions and noise temporarily on and around the Site. These temporary emissions are not expected to adversely affect air quality in the area and the efficient use and proper maintenance of both vehicles and equipment will mitigate air and noise impacts. In addition, fugitive dust may be created during construction activities. However, commonly employed construction practices (i.e., water suppressants, blanket screening, limiting activities to non-windy days, etc.) will be used, as necessary, to minimize such impacts, if any. As discussed in greater detail below, the applicant will implement BMPs to control storm water run-off during construction. It is highly unlikely that any of these construction impacts will be significant.

Furthermore, any construction waste will be collected and deposited in large garbage dumpsters or dump trucks on-site and removed on a regular basis for dumping at a regulated waste facility, thus helping to ensure that construction waste will not result in any significant adverse environmental impacts.

Open Space and Recreation

The Site has been partially cleared and is currently vacant. Since the Site is not currently serving as a designated open space or recreation area, there is no direct change in the net amount of acreage available for such uses. The Project is not anticipated to impact any other existing open spaces or recreational areas. An area has been reserved on-site for connection to the Zim Smith Trail as requested by Saratoga County Planning.

Electric Service

The Project will not have any significant adverse impact on electric services provided in the area. There is sufficient capacity to meet any future buildings demand for the services.

Solid Waste

The Project will generate a small amount of solid waste. The waste will be collected and disposed of at an existing, duly licensed solid waste facility.

For Further Information:

Contact Person: Mr. John Scavo, Town Planner

Address: Town of Clifton Park
One Town Hall Plaza
Clifton Park, New York 12065

Telephone Number: (518) 371-6054

Filing: As required by 6 NYCRR § 617.12 a copy of this determination of non-significance shall be filed with the following:

The applicant;

The Town of Clifton Park, Town Clerk;

Other agencies involved or interested in the action, if any;

The editor of the Environmental Notice Bulletin ("ENB");

The Supervisor's Office of the Town of Clifton Park;

The Town of Clifton Park Planning Board, as lead agency; and

Any person requesting a copy.