

**Town of Clifton Park
One Town Hall Plaza
Clifton Park, New York 12065
(518) 371-6054 FAX (518)371-1136**

PLANNING BOARD

ROCCO FERRARO
Chairman

PAUL PELAGALLI
Attorney

JANIS DEAN
Secretary



MEMBERS

Emad Andarawis

Michael Hale

Joel Koval

Eric Ophardt

Kim Paulsen

Tom Werner

(alternate) Eric Prescott

Planning Board Meeting
October 10, 2012

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

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

Those absent were: K. Paulsen, T. Werner

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 Mr. Prescott will be sitting as a full voting member in the absence of Ms. Paulsen and Mr. Werner.

Mr. Ferraro announced that at last evening's meeting, the Town Board appointed Mr. Andarawis as the liaison from the Planning Board to the Historic Preservation Commission. Mr. Ferraro expressed his appreciation to Mr. Andarawis for his willingness to serve in this capacity and his confidence that the Planning Board will be well represented.

Minutes Approval:

Mr. Ophardt moved, seconded by Mr. Andarawis, approval of the minutes of September 25, 2012 as written. The motion was unanimously carried.

Public Hearings:

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

Old Business:

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

New Business:

[2012-030] **Crescent Woods** – Proposed (76) lot cluster subdivision, 1567 Crescent Road – Conceptual review. SBL: 283.-2-8

Mr. Kevin Dailey, legal representative for the applicant, presented this application for the Board's consideration. He introduced Mr. Michael Scott, trustee for the Ella Fisher Trust, who was in attendance at the meeting. The 41.26 acre parcel to be developed lies within the R1 zone on the northerly side of Crescent Road, approximately .5 miles west of Northway Exit 8. Pursuant to Section 179-32 – 39 of the Town Code, the applicant proposes the creation of a "cluster" subdivision that would contain seventy-six (76) lots. The narrative submitted with the application notes that the goal of the project plan is to provide housing options for the changing and aging population in the southern part of Clifton Park. It is anticipated that the development will appeal to "empty nesters" as well as single professionals seeking to locate in the Exit 8 area. The applicant intends to create a Homeowner's Association with mandatory membership to provide for outside ownership of the open spaces and maintenance in the private residential areas, including driveways, sidewalks, and yard areas. Ownership of the roadways and trails will be conveyed to the town. Mr. Dailey distributed copies of Article X of the Town Code that outlines the requirements for Open Space Subdivisions to Board members. Utilizing the criteria provided in the code for determining the number of lots to be developed in the subdivision, the applicant has calculated that seventy-six (76) would be the total number of developable lots. There are no classified NYSDEC wetlands located on the site or other environmentally or scenically significant areas on the site. Though the subdivision will be physically separated from the surrounding neighborhoods, it will be interconnected with them through utilities, pathways, and trails. Several trails have been included in the design, allowing access to adjacent subdivisions and park lands. A no-cut buffer of 60 feet will be provided around the entire property boundary. The proposed roadway has been designed with two-foot wing curves and reduced radii on the single cul-de-sac. Open space is shown as nearly 50% of the total acreage. Access will be provided via a new roadway from Crescent Road, though the existing "streetscape" will be maintained. Wetland corridors will be preserved and trail links will connect the subdivision to Pico and Haystack Roads, the Village Green Park, and, if possible,

other existing designated parklands. A five-acre open space parcel will be established for the existing homestead and its surrounding lands.

Mr. Scavo read the comments provided by Mr. Myers, Director of Building and Development in a memo dated September 26, 2012. Mr. Myers notes that the proposed secondary access onto Pico Road is through town property. He encourages the applicant/consultant to provide a third access point through town-owned land on either Patriot Circle or Village Lane: connection(s) at these locations would likely eliminate one or more lots and require town board approval. Mr. Myers explains that more than one entrance to the parcel will be required since no more than eighteen (18) lots may be located on a cul-de-sac. Wetland crossing permits from all necessary agencies will be required. Though no Stormwater Pollution Prevention Plan has been submitted, the concept plan suggests the use of stormwater ponds which do not meet current NYSDEC regulations. Mr. Myers comments that open space appears to be proposed for the existing "homestead area" and he asks the applicant to clarify whether or not the existing improvements will be removed. The amount of wetlands must be clarified. The width of the proposed roadway must be indicated on the plan.

Mr. Scavo stated that Ms. Reed, Fire Marshall, provided the following comments in a memo dated October 9, 2012. The applicant must provide two ingress/egress points for access to the subdivision for emergency service vehicles. The proposed plan shows that the maximum number of lots – eighteen (18) – situated on a cul-de-sac is exceeded. The applicant should clarify whether or not the proposed access point onto Pico Road will be a two-way street. The plan should also specify the width of the proposed carriageway.

Mr. Scavo reported that comments from the Trails Subcommittee of the Open Space, Trails, and Riverfront Committee, Jen Viggiani, Open Space Coordinator, and the public have been forwarded to all Board members. He then read comments issued by the Planning Department. The project is a realty subdivision and as such is a Type I action in accordance with SEQR: the applicant must complete and submit Part 1 of the SEQR Long Form. The Planning Board may wish to assume Lead Agency status. Wetland jurisdictional determination letters will be required from the ACOE and NYSDEC. Based on a review of the adjacent residential subdivision, it appears that the land on Pico Road proposed for a road connection was dedicated parkland and cannot be utilized for a public roadway connection. The plan incorrectly states the required frontage is 100'. The 100' is required width at the front building line not at the lot frontage which is defined as *the length of the property line separating a lot from the street right-of-way line, measured along the street right-of-way line. For the purposes of determining yard requirements on corner lots, all sides of a lot adjacent to rights-of-way meeting Town road width requirements shall be considered frontage.* The notation on the plan should be amended from Frontage to "Front Building Line". The applicant must describe in more detail the qualitative and quantitative characteristics of the protected areas proposed through the cluster subdivision such as dedicated parkland, Conservation Easement to HOA, restrictive deed covenant. Contours per Chapter 179 of the Town Code must be shown on the plan.

Mr. Ferraro explained that the following comments were submitted by Mr. Paul Bylenok, representative of the Stony Creek Park District No. 1. Mr. Bylenok reported that the park district committee is not in favor of a roadway connection onto Aspenwood that would involve the taking of parkland. The committee approves of the significant amount of “non-wetland open space parkland” that has been included in the project and is pleased with the proposed trail connections to Aspenwood and Village Green Park. Mr. Bylenok commented that “it would be a goal of the park district to connect all developments within the district with a trail network: a trail at the northeasterly corner of the property should be included to connect with parkland in Countryman Estates North.” Such a connection would allow the residents of Crescent Woods access to Hayes Nature Park without traveling on a major highway.

Mr. Montague, Environmental Specialist, reported that the ECC offered the following comments regarding this application. It appears that the wetland delineations outlined on the conventional and cluster layout site plans submitted by the applicant are not identical. The density of the cluster development appears to exceed the capacity of the surrounding environment and could result in serious stormwater issues.

Mr. Dailey addressed the issues raised by the ECC, stating that there are no NYSDEC jurisdictional wetlands located on the site and that the cluster subdivision plan represents the accurate depiction of delineated wetland areas. At this time it is anticipated that there will be approximately .12 acres of wetland disturbance.

Mr. Bianchi, M J Engineering and Land Surveying, P. C. explained that his firm reviewed the following documents included with the conceptual submission for the above referenced subdivision: plans entitled, “Crescent Woods” as prepared by Infinigy Engineering, last revised August 1, 2012; application for Subdivision Review; project narrative; Agricultural Data Statement and Control Form; Short Environmental Assessment Form. Based upon review of these above documents, the following comments were issued.

The first comments related to SEQRA. Since the project generally includes 76 lots intended for single family homes on approximately 41 acres with a minimum lot size of 10,000 SF, it is considered a realty subdivision under Environmental Conservation Law (ECL) Part 74. In accordance with 10 NYCRR Part 97 of the NYSDOH regulation implementing SEQRA (Article 8 of the ECL), Section 97.14(b)(2)(ii) requires that a realty subdivision be classified as a Type I action. The application included a Short Environmental Assessment Form (SEAF). Since this application meets the criteria of a Type I action, a Full Environmental Assessment Form (FEAF) must be submitted to assist the Lead Agency in their evaluation of the project and its potential impacts. Additional comments on the project as it relates to SEQRA impacts will be issued when the FEAF has been submitted for review. Assuming the Clifton Park Planning Board is to request Lead Agency status under SEQRA, a coordinated review is required for Type I actions. Under a coordinated review, involved/interested agencies to be engaged may include, but is not necessarily limited to the following:

- Town of Clifton Park Town Board – access over town property for connection to public right-of-ways at Pico Road;

- Clifton Park Water Authority – public water supply plan approval;
- NYS Dept of Health – realty subdivision approval and public water supply plan approval;
- Saratoga County Planning – 239m referral;
- Saratoga County Sewer District No. 1 – public sewer plan approval;
- Saratoga County Dept of Public Works – access approval onto Crescent Road (Co Route 92);
- NYS Dept of Environmental Conservation – public sewer plan approval, permit coverage under stormwater SPDES, identification of threatened and endangered species, potential joint permit for impacts to regulated wetlands and watercourses and potentially taking of additional water for public use;
- NYS Office of Parks, Recreation and Historic Preservation – identification of cultural or historic resources;
- United States Army Corps of Engineers – impacts to regulated wetlands / watercourses.

Mr. Bianchi stated that several comments related to the conceptual subdivision plan. The project is located entirely within the Town's Residential I (R-1) zoning district. It is proposed to advance a cluster subdivision on the parcel which would include 76 lots intended for single family homes. In accordance with Section 208-10 of the Town Zoning Code, both single family homes (reference Section 208-10(B)(2)) and residential cluster development (reference Section 208-10(B)(5)) are defined as permitted uses within the zone. The concept plan as submitted requires a general utility layout as outlined in Section 179-8(A)(1) of the Town Subdivision Regulations. The proposed cluster subdivision concept is subject to Section 179-37 of the Town's Subdivision Regulations. The conventional subdivision plan provided on Sheet C2 needs to be reviewed by the Town to determine what the maximum lot yield would be under the cluster plan. Review of the conventional plan resulted in the following comments. It is suggested that each lot shown on the conventional layout include the appropriate setbacks for the purpose of evaluating the available building envelop on each lot. For lots on the proposed cul-de-sacs, there should be identification that the minimum lot width at the front lot line is being satisfied to verify that each lot conforms to the R-1 Zoning. Lots #3, #44, #53, and #54 may have limited ability for development due to the presence of regulated wetlands and may need to be further evaluated by the Town with respect to their "buildability" under a conventional layout. Lots #31 through #37 are shown with double frontage: town officials must evaluate the layout to determine if this arrangement would be permitted. The cluster subdivision plan shows a proposed 60-foot no-disturbance buffer along the entire perimeter of the project that abuts adjacent parcels. There are some lots that are at the minimum lot size under cluster zoning (50% of minimum allowed conventional zoning) that, when coupled with yard set-backs and the proposed buffer, appears to leave minimal usable area on the lot. This condition occurs on Lots #13, #14, #20-22 and #70-73. The Town should review these proposed lot configurations to determine if they are appropriate or need to be modified. The project would result in disturbances in excess of one acre and, therefore, is subject to the NYSDEC Phase 2 Stormwater Regulations and General Permit GP-0-10-001. As the project proceeds through the regulatory review process, a fully conforming Stormwater Pollution Prevention Plan (SWPPP) will be

required that addresses stormwater quality, quantity, and green infrastructure elements. This plan must be submitted as part of a preliminary plat submission to the Town. Given the nature of wetlands identified on the parcel and the positioning of the proposed stormwater basins in close proximity to the wetlands, there is a likelihood of groundwater being at a shallow depth: this condition may limit the type of stormwater practices that can be used. The town generally does not permit the use of practices that require the use of groundwater as part of its design (i.e. P-5). As the project progresses through the regulatory review process, appropriate field testing will be required to determine the type of practice that will be required. In the event a P-5 practice is selected, appropriate justification as to why all others are not feasible will be required before the P-5 will be permitted. The project proposed two points of access: one from Crescent Road (County Route 92) and a second from Pico Road. The Crescent Road (County Route 92) will require review and approval from the Saratoga County Department of Public Works. The Pico Road access is proposed over town property that is designated as parkland and would require approval from the Clifton Park Town Board. There may be limitations and/or prohibition to use this parcel to gain access to Pico Road. It is suggested that there be a confirmation that this proposed access is permitted considering potential limitations that may exist on the town's property. Considering the size of the development, the Planning Board may consider requesting that a traffic impact study be completed that examines peak hour vehicle trips generated from the full build out of the project and the associated impacts on the level(s) of service of the surrounding road network. It may be appropriate to pay specific attention to any impacts that may be encountered during school hours due to the project's proximity to the Okte Elementary School. Further, the analysis should consider the proximity of the proposed access onto County Route 92 to ensure that appropriate sight distance is provided for vehicles entering and exiting the development. The project proposes to service each new lot with public water from the Clifton Park Water Authority (CPWA) via extension of a new public water main throughout the project. It is recommended that the town be furnished with documentation that the Authority is willing and capable of providing potable water to the project. The extension of public water mains to the project is subject to CPWA, NYSDOH plan approval, and, potentially, the NYSDEC for the taking of additional water. Reports prepared that define the proposed on-site distribution system as well as examine the need for any off-site improvements to the existing water distribution system should be furnished to the Town as well as other authorities having jurisdiction when they become available. The project proposed to service each new lot with public sanitary sewer by way of connection to the Saratoga County Sewer District No. 1 sewer system. It is recommended that the Town be furnished with documentation that the sewer district is willing and capable of servicing this project. The extension of public sanitary sewers to the project is subject to the review and approval by the Saratoga County Sewer District No. 1 (SCSD) as well as the NYSDEC. Reports prepared that define the on-site collection system as well as examine the need for any off-site improvements to the existing sewer collection system should be furnished to the town as well as other authorities having jurisdiction when they become available. The project appears to propose impacts to regulated wetlands. The applicant must obtain a jurisdictional determination from the USACOE confirming the boundaries of all regulated wetlands within the project limits. Further, the type of permit would have to be determined based upon the extent and nature of both temporary and permanent disturbances of regulated wetlands and watercourses. As a result of proposed impacts to regulated waters and being subject to the Stormwater General Permit GP-0-10-001, the applicant will need to seek

consultation from the NYS Office of Parks, Recreation and Historic Preservation and the NYSDEC regarding the absence or existence of cultural or historic resources and threatened and endangered species, respectively, within the project boundaries. It is recommended that any areas of concern relating to these features be identified with appropriate mitigation measures outlined prior to the town's contemplation of a SEQRA action.

In response to Mr. Hale's question regarding the installation of sidewalks or trails, Mr. Dailey reported that the applicant will provide "a well-developed trail system with continuous linkage to the surrounding traditional developments" and the Village Green Park area. Mr. Ferraro noted that the 2010 census report indicated that the aging population in towns such as Clifton Park was increasing; he views the development of interconnected trail systems for their use as an important part of maintaining a healthy and active community. He observed that it may be necessary to incorporate trail segments along the roadway to provide a continuous, uninterrupted network. Mr. Ophardt stated his concern for the trail segment proposed to end at the Crescent Road curb cut, explaining that it will be important to provide a means of connection between the northerly trail and the network to be installed along the southerly side of Crescent Road. Mr. Koval called on the applicant to provide lot details on the conventional plan since these will be useful in determining the viability of the proposed lots and, ultimately, the number of lots that may be "clustered". In response to Mr. Ferraro's question regarding the hydrology of the site and the ability of the land to handle stormwater, Mr. Dailey stated that a stormwater management plan will be prepared in accordance with all current regulations. Mr. Dailey explained that the proposed five-acre "homestead" area will be retained by the current owner: deed restrictions and covenants will ensure that no further development will be permitted on that parcel. In response to Mr. Ophardt's question regarding the points of access to the parcel, Mr. Dailey stated that the main entrance will be from Crescent Road. At this time, the applicant proposes the establishment of a 12' wide paved and gated emergency access from Pico Road.

Since it was apparent that there were many in attendance from the surrounding neighborhoods who wished to speak, Mr. Ferraro opened the meeting to public comment.

Ms. Harriet Williams, 56 Pico Road, stated that she resides directly across from the parkland area where the applicant proposes to install an emergency access. Explaining that the dedicated parcel is only 114' wide, she expressed her concern that the proposed bike path now to be constructed to standards able to support an emergency service vehicles would eventually become an unrestricted roadway. Ms. Williams also informed the Board that there is a significant stream that traverses the parcel. Mr. Ferraro explained that since the parcel is, indeed, dedicated parkland, a trail connection would be permitted: a roadway would not. The alienation of parkland process is not one that the town wishes to encourage or pursue. He commented that all environmental impacts would be considered during Planning Board review.

Mr. Eric Hamilton, 67 Pico Road, explained that he and his wife have reviewed the conceptual subdivision plans presented by the applicant. In their written comments, Mr. and Mrs. Hamilton state that the plans as proposed show a roadway connection to Pico Road between Lots #65 and #67 Pico Road on land owned by the Town of Clifton Park that is less than a third acre in size and designated as parkland when the Crescent Estates Aspenwood PUD was

approved in the early 1970s. The parcel is included in Stony Creek Park District No. 1. The letter also notes that the small parcel is also part of a drainage way and a wildlife corridor. While the Hamiltons commend the applicant for preserving the existing “homestead” area, they question whether the parcel should be classified as “open space” since public access will likely be limited or prohibited. The writers suggest that the existing driveway be shown on the plan or relocated. Referencing an article in the *Daily Gazette*, the Hamiltons questioned whether the proposed marketing approach was reasonable. Commenting at the meeting, Mr. Hamilton stated that he serves as a volunteer fireman. In that capacity he has seen that boulevard-type entranceways are sometimes utilized to provide a second means of access to subdivisions.

Mr. Dan Hartnett, representative of the Trails Subcommittee of the Open Space, Trails, and Riverfront Committee, recommended that the applicant provide trail connections to all adjoining subdivisions. He asked that the Board consider the importance of providing adequate buffering between the trail locations and adjoining residences, explaining that in several instances homeowners have requested the relocation of trail segments. He also recommended that the trails be maintained by the proposed homeowners’ association and that the proposed entranceway onto Crescent Road be aligned with Carrington Court. Mr. Dailey expressed his willingness to work cooperatively with the committee to develop a reasonable and complete network of trails throughout the Crescent Woods subdivision. Mr. Ferraro commented on Mr. Hartnett’s request for buffering, stating that trail locations are carefully considered during the planning review: if it is determined that the most reasonable location for a trail will lie in close proximity to a residence, it will not be relocated.

Ms. Phyllis Haas, 77 Pico Road, reported that her property adjoins an area of the Fisher property that is usually quite wet: she is concerned that water flowing from the site will result in excessive water flowing to her property. She explained that since she utilizes a “point” on her property to provide water for watering her lawn and plants and she fears that there will be impacts to that water supply which she relies on. She asked the Board to name those who would be responsible for negative impacts to her property. Mr. Ferraro explained that topography and drainage are issues that will be considered during planning board review of the project and he pointed out that new stormwater management regulations require stormwater to be adequately managed on site. Ms. Haas asked that the Board consider traffic impacts that may be created by the project since there are currently long delays along Crescent Road at peak travel times.

Ms. Gail Long, 71 Pico Road, questioned the discrepancies in the mapping of the proposed subdivision, explaining that the conventional plan showed the wetland area that she believes lies behind her property while that area has been omitted from the cluster plan. She asked that the parkland located on Pico Road be labeled as such.

Ms. Tammy Street, 22 Pico Road, asked that no vehicle access be provided through the Aspenwood neighborhood.

Ms. Mary Anne McAlister, 69 Pico Road, stated her concern regarding the ability of the school district to handle additional students. Mr. Ferraro responded by explaining that, though the school district may be impacted by substantial growth within the Town of Halfmoon, the

school district population has stabilized over the past few years: the district should be easily able to incorporate the additional students who will reside in Crescent Woods into existing classrooms.

Mr. Hartnett commented that those living along the Crescent Road corridor have been assured that traffic signals would be synchronized to permit a smoother traffic flow. It is his contention that, although promised on several occasions, this has never been done. He asked that the town work with Saratoga County representatives to retime the lights.

Mr. David Peebles, Aspenwood resident, asked that Board members consider the impacts of the proposed development on his [and his neighbor's] quality of life, stating that the realtor who sold him his property assured him that the land adjoining his property would be "forever wild". He expects that the development of Crescent Woods will result in depreciation of his property. He asked that the 60' no-cut buffer between the existing and proposed properties be widened to ensure more privacy for existing residents. Both Mr. Koval and Mr. Ferraro explained that there is no "forever wild" designation for properties within the town. Mr. Koval observed that many of those owning properties within the Aspenwood development have cleared their properties to the boundary lines. Mr. Ferraro pointed out that property owners may develop their properties in accordance with zoning regulations.

Though Mr. Pelagalli explained that this was not a public hearing, Mr. Ferraro stated that the Board encourages public input and that Board members take the identified concerns "to heart": they are entrusted to minimize potential impacts of development while respecting the applicant's property development rights. The Planning Board "does its best to address the concerns of the property owners, the town, and the applicant."

Mr. Rich Puig, 11 Mystic Lane, suggested that two entranceways be provided on Crescent Road to solve the problem of providing two access points to the development. Mr. Dailey explained, however, that the emergency services representatives require two access points, generally separated from one another, to ensure the ability of vehicles to get to a crisis site should one entranceway become blocked or impassable.

In response to a question from the audience regarding the protection of the existing stream along Pico Road, Mr. Ferraro stated that the Board is committed to respecting the integrity of both parklands and the stream corridors.

Board members directed the applicant to provide more detailed plans that would allow for more accurate calculation of the number of conventional lots that could be developed on the site and provide a basis for the accurate number of "clustered" lots.

[2012-032] **Rotundi, Benito and Barbara** – Proposed (2) lot subdivision, 347 Ushers Road – Conceptual review. SBL: 259.-3-8

Mr. Duane Rabideau, consultant for the applicant, presented this application that calls for the subdivision of a 2.82 acre parcel of land located within the R1 zoning district on the northerly

side of Ushers Road approximately 800 feet west of the intersection of Wooddale Drive and Ushers Road. The applicant requests approval to subdivide the parcel into lots of 1.56 acres and 1.26 acres, respectively. The larger lot contains an existing single-family residence with an inground pool that is served by public water and an individual septic system. The new “keyhole” lot will be accessed by a new driveway onto Ushers Road and will be served by extension of an existing public water line and an individual septic system designed by a Professional Engineer. All setback requirements have been met.

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

Mr. Scavo provided comments issued by the Planning Department. The applicant should connect the proposed home to public sewer and the existing residence should be required to connect to public sewer in the future if the septic system fails. Pursuant to Section § 208-86 of the Town code regarding keyhole lots, such lots “may be permitted by the Planning Board only in Residential Districts R-1 and R-3 and only in rare instances when required due to unusual conditions of the area. Keyhole lots shall not be created for any use other than a single-family dwelling.” Appropriate signage must be provided as indicated in the following note which will be placed on the final plat of any subdivision containing a keyhole lot:

The street number of a dwelling situated on a keyhole lot shall be permanently and conspicuously displayed on a sign, with lettering no less than 3 inches nor greater than 8 inches in height, and placed no more than 25 feet from the road pavement. The sign shall be displayed for both directions of travel and be reflective. Identification markers must also be placed at any location where a common drive splits.

Mr. Ophardt referenced the statement from the code that states that keyhole lots are “permitted by the Planning Board...only in rare instances when required due to unusual conditions of the area,” asking “what unusual conditions” were associated with this application. Mr. Rabideau explained that in this instance the keyhole lot configuration was the only one “that would work.” Mr. Ferraro noted that approval of keyhole lots was granted at the Board’s discretion. Mr. Koval observed that the aerial map of the area showed that several other keyhole lots were located in close proximity to the one proposed.

Mr. Montague, Environmental Specialist, reported that the ECC offered no comment on the conceptual subdivision plan submitted for this application.

Mr. Bianchi reported that M J Engineering and Land Surveying, P. C. reviewed the following conceptual submission documents submitted for this subdivision application: subdivision plan prepared by Gilbert VanGuilder, Land Surveyor; application for subdivision review; Short Environmental Assessment Form. The firm issued the following comments. The first comment concerned SEQRA documentation. Based upon review of Part 617 of NYS Environmental Conservation Law, the project appears to be an “Unlisted” action. Assuming 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/interested agencies to be engaged may include, but is not necessarily limited to the following:

- Clifton Park Water Authority – public water supply connection;
- NYS Office of Parks, Recreation and Historic Preservation – identification of cultural or historic resources;
- NYS Dept of Environmental Conservation – identification of threatened and endangered species.

Additional comments were related to the subdivision plan. The project lies within the Town's R-1 (Residential I) zoning district. In accordance with Section 208-10 of the Town Zoning Code, the proposal for a single family home is a permitted use. Further, in reviewing Section 208-86 (A) of the Code, keyhole lots are permitted upon review by the Planning Board. In reviewing the proposed lot size and location of the existing and/or proposed home, it appears that all minimum bulk lot requirements as defined under Sections 208-10 and 208-86 are satisfied. The Planning Board must still review and approve the proposed keyhole lot pursuant to the criteria outlined in Section 208-86(A). 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. Section 208-86(E) allows the Planning Board to identify if there is a need for landscape buffers to ensure privacy for adjacent lots. With the proposal to have the septic system on the proposed lot to be within 10-feet of the common lot line with the existing lot to the north and south, the Planning Board may consider some type of screening if sufficient existing vegetation will not remain after lot development. Section 208-86(F) requires that a specific notation be provided on the plat for keyhole lots: this notation must be provided on the final plat. The proposed driveway is in excess of 300-feet and is proposed to be a minimum of 16-feet in width meeting the minimum standards set forth in Section 208-86(D) of the code. The Town Code Enforcement Officer and emergency services representative should determine the adequacy of the driveway and its compliance with Section 511 of the 2010 Fire Code of NYS (FCNYS). A typical driveway must be designed to support the imposed load of a vehicle as dictated by the town. It is recommended that the following be added to the plans: the minimum unobstructed height for the driveway shall be 13-feet pursuant to Section 511.2.1 of the (FCNYS) or as required by the Town.

Mr. Bianchi made the following additional comments. The total land disturbance anticipated for the development of the new lot is not indicated on the plan. It is recommended that a delineation of the maximum area of disturbance be shown. In the event the net disturbance exceeds one acre, the project will be subject to the NYSDEC Phase 2 Stormwater Regulations, General Permit GP-0-10-001 and a site specific Stormwater Pollution Prevention Plan that addresses construction phase site disturbances. In the event the project is subject to the General Permit, GP-0-10-001, the following coordination will be required with other state agencies:

- Parts I.D.6 and III.A.8 of the General Permit requires that the SWPPP include documentation supporting the determination of permit eligibility with regards to historic places and archeological resources.
- Part I.D. 4 of the of the General Permit requires that the SWPPP include documentation supporting the determination of permit eligibility with regards to listed or proposed to be listed endangered or threatened species or critical habitat.

The project proposes to serve the lot with public water from the Clifton Park Water Authority (CPWA). There must be confirmation from that Authority of their ability and willingness to service the project. Any approvals offered by the Planning Board should be conditioned on receipt of that agency's review and approval and the plan should identify the minimum size and materials of construction for the individual water service. The plat provides a suggested location of the on-site septic system, though no field testing data has been furnished. The Planning Board may consider requesting this information to determine the type and size of the proposed system that will be used. The proposed lot shows an approximate location for the septic system within 20 feet of the proposed home. Appendix 75-A, Table 2 of the NYSDOH Rules and Regulations requires that absorption fields are to be a minimum of 20 feet from a home. The proposed location of the septic system and/or home need to be relocated to meet the minimum boundary conditions set forth in Appendix 75-A. 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 final stamping by the Planning Department, the appropriate 911 emergency response number for the new lot must be shown on the plan.

Mr. Rabideau addressed three of the issues of concern identified by M J Engineering and Land Surveying, P.C.. Citing the confusion regarding current driveway specifications, Mr. Rabideau explained that a note would be added to the plan stating that the driveway will be installed in accordance with Sections 508 and 511 of the New York State Fire Code. Referencing the recommendations regarding stormwater management, Mr. Rabideau explained that the property owner is "downsizing" and that site disturbance would likely be less than one acre. He described the parcel as generally containing "secondary hardwoods." Mr. Koval commented that buffering along the northerly property line may be required; Mr. Hale concurred.

Ms. Pam Marshall, 5 Fairlawn Court, expressed her concern regarding the removal of a substantial number of trees to provide for installation of the driveway and she recommended buffering to the west.

Ms. Marshall's comment prompted Mr. Ferraro to state that he was "not a fan" of flag lots. Observing that the existing residence was well-removed from the roadway and, seemingly, "centered" in the existing parcel, he was concerned that the proposed residence would negatively impact that residence as well as adjoining properties. The length of the proposed driveway, removal of existing mature trees and vegetation, and the need for the installation of an individual septic system were specific issues of concern. Mr. Ophardt stated that he "despised" flag lots and disliked this application particularly since the new lot would visually impact "existing conditions" and require the significant clear-cutting of trees. Mr. Rabideau stated that the consultant would work to reduce the negative impacts of the subdivision by limiting the number of trees to be removed. Mr. Ferraro stated that he was also concerned with the proposed driveway location in relation to the Ashley Drive – Ushers Road intersection. Mr. Ophardt agreed that this was a reasonable concern since Ushers Road is an extremely busy roadway. Mr. Rabideau suggested that it may be possible to provide a common driveway to serve the existing home and the proposed residence, thereby maintaining the existing "streetscape". Mr.

Andarawis found that installation of a combined driveway would be more acceptable than the additional driveway as proposed and asked if such a change would address the “unusual conditions” of Section 208-86 of the Code that would permit approval of the keyhole lot configuration. Mr. Hale observed that the width of the existing lot may provide sufficient screening to minimize visual impacts of the proposed residence from adjoining properties and he noted that the proposed lot size appeared compatible with existing parcels. Mr. Ferraro’s concern regarding the use of individual septic systems led to a discussion of existing public sanitary facilities in the area and resulted in the determination that existing lines were not near enough to allow for connection. In response to Mr. Prescott’s question regarding the main objections to approvals for keyhole lots, Mr. Ferraro explained that he is concerned with the “overall negative impacts” to existing lots, the change in the character of the neighborhood, and the “fairness issues” related to the expectations adjoining property owners have for the use of the parcels that surround them. Mr. Hale commented that the “stacking” of houses is often unattractive and “awkward from a planning perspective.” Mr. Ophardt agreed and recalled past discussions focusing on reasons to discourage or eliminate keyhole lots: he suggested that this may be an appropriate time for denial. Mr. Koval, however, supported the use of keyhole lots in areas where, with adequate space and buffering, they may be developed with little impact to others. Mr. Ophardt, viewing the aerial map on display, counted six properties that would be impacted by approval of this application. Mr. Koval countered that installation of a combined driveway would substantially minimize its negative impact on others. Mr. Ferraro stated that he continued to find the “stacking” of houses undesirable. Board members appeared to be divided on the keyhole lot issue and offered Mr. Rabideau little direction for revising the application, though it is possible that additional buffering and the installation of a combined driveway may make the plan more palatable.

Mr. Koval moved, seconded by Mr. Prescott, adjournment of the meeting at 9:05p.m. The motion was unanimously carried. The next meeting of the Planning Board will be held as scheduled on October 23, 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