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PLANNING BOARD

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Joel Koval  
Eric Ophardt  
Kim Paulsen  
Tom Werner  
(*alternate*) Eric Prescott

**Planning Board Meeting**  
**August 13, 2013**

Those present at the August 13, 2013 Planning Board meeting were:

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

Those absent were: E. Prescott – Alternate Member

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.

**Minutes Approval:**

Mr. Koval moved, seconded by Mr. Werner, approval of the minutes of the meeting of July 9, 2013 as written. Ayes: Ophardt, Paulsen, Hale, Werner, Koval, Ferraro. Noes: None. Abstained: Andarawis.

**Public Hearings:**

[2007-057] **Lussier Drive** – Proposed (17) lot subdivision, 59 Boyack Road – Preliminary public hearing and possible determination. SBL: 284.-2-18.11

Mr. Ferraro explained the review and approval process to those present, stating that the Board was required to render a determination pursuant to SEQRA (State Environmental Quality Review Act) prior to conducting a public hearing on this application. He explained that

the Planning Board would assume Lead Agency status for the project and issue a negative declaration as a “formality” which neither granted nor implied approval of the subdivision application.

Mr. Scavo reported that Board members had each received a copy of The Notice of Determination of Non-Significance prepared pursuant to SEQRA requirements. A copy of the negative declaration is included in its entirety in these minutes since it identifies all of the possible negative impacts of the proposed development and mitigation measures where necessary, providing the rationale for the issuance of a negative SEQRA declaration.

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

Date: August 13, 2013

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:** Lussier Drive Cluster Subdivision – 59 Boyack Road, Tax Map ID#284.-2-18.11, located adjacent to the northerly boundary of Boyack Road in the vicinity of the Carriage Road intersection, east of the Fenimore Drive, and west of Longwood Drive.

**SEQRA Status:** Type I

**Conditioned Negative Declaration:** No

**Location of Action:** The project is proposed within Saratoga County, Town of Clifton Park, New York, 59 Boyack Road, Tax Map ID#284.-2-18.11, located adjacent to the northerly boundary of Boyack Road in the vicinity of the Carriage Road intersection, east of the Fenimore Drive, and west of Longwood Drive.

**Description of Action:** The applicant, 59 Boyack Road, LLC (“the applicant”), proposes to subdivide its property into seventeen (17) parcels.

The subdivision is proposed on a 17.67± acre parcel of land. The project is located within the R-1 Residential Zoning District. Development of the site, after subdivision, will consist of the construction of single family residential homes and utilize a cluster subdivision design. Seventeen (17) parcels will be developed on an individual basis with building permit review and approval prior to construction. To evaluate all potential adverse impacts as a result of

the project, a full build-out plan with supporting technical studies have been included within the project file and addressed in the SEQRA documentation.

**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 meetings, public input allowed at all meetings, written public concerns, public hearings, as well as review by the Town Planning Department, Town Highway Safety Committee, and Town Designated Engineer, reports and technical analysis submitted by applicant's experts, and the deliberation and response of involved 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.

Technical reports and analysis supporting this conclusion with correspondence contained within the project file included but are not limited to the following:

1. Full Environmental Assessment Form Parts I & II;
2. Engineering Report, prepared by Buckman & Whitbeck, P.C., dated February 4, 2009.
3. Stormwater Pollution Prevention Plan, prepared by Buckman & Whitbeck, P.C., issued April 24, 2013 and revised to July 18, 2013.
4. Engineering Evaluation Field Results for Proposed Infiltration Basins, prepared by Daniel G. Loucks, P.E., Geotechnical Engineering, dated September 23, 2008.
5. Letter Report & Specifications for Proposed Retaining Walls, prepared by Daniel G. Loucks, P.E., Geotechnical Engineering, dated January 29, 2009.
6. Letter stating "no record of rare state listed animals or plants, or significant natural communities", issued by NYS DEC – Natural Heritage Program, dated July 18, 2013.
7. Wetlands Jurisdictional Determination Letter, issued by the Army Corps of Engineers, dated November 20, 2008.
8. Sight Distance Traffic Analysis - Engineering Report, prepared by Buckman & Whitbeck, P.C., dated February 4, 2009.

#### Traffic, Access and Parking

The Town of Clifton Park Planning Board, with a recommendation from the Town's Highway Safety Committee has accepted the applicant's sight distance analysis for the proposed access onto Boyack Road. This sight distance is ultimately better than the sight distance that would have been provided if access was granted to Archer Drive which ultimately leads to the existing intersection of Boyack Road and Fenimore Drive. Required sight distances were based on standards set by the American Association of State Highway and Transportation Officials (AASHTO).

Based on the foregoing and information contained within the traffic assessment, and the following mitigation to be constructed during the project, it has been determined that the Project

will not have any significant adverse impact on traffic, or the surrounding transportation network and intersections.

#### Mitigation Measures

1. Three stop signs will be installed at the intersection of Lussier Drive and Boyack Road.
2. Two stop ahead warning signs will be installed.
3. Traffic control signs are to be in place before construction begins to ensure that the public is aware of the traffic pattern change will in advance of the project development.
4. Site clearing and grading will be done on the project land adjacent to Boyack Road to improve existing sight distance.

#### Endangered, Threatened and Rare Species Report

The applicant has submitted a letter from the New York State Department of Environmental Conservation (NYS DEC), dated July 18, 2013, to Buckman & Whitbeck, P.C. The letter notes that a review of the New York Natural Heritage Program Database was conducted. The result of the review was no records of rare or state listed animals or plants significant natural communities or other significant habitats, on or in the immediate vicinity of the project site were found.

Due to the previous disturbance, existing structures, and the general condition of the natural communities present on the site, it is highly unlikely that the property would support or harbor rare or sensitive species of flora and fauna, and/or significant ecological community types.

Based on the foregoing and information contained within the project file, the Project will not have any significant impact on endangered, threatened and/or rare species.

#### Wetlands/Water Recharge Area/Groundwater

The Project has utilized a cluster subdivision design option under the Town Code to eliminate impacts, and provide a protected buffer to designated wetland areas. Bagdon Environmental was retained by the Developer to survey the site for wetlands. It was determined that there are approximately 1.35 acres of wetlands designated as jurisdictional under the Army Corps of Engineers. The US Army Corps of Engineers (ACOE) reviewed the site and delineation report, and has determined that no permit is required. A copy of the ACOE letter dated November 20, 2008 is contained within the project files.

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

#### Utility Services

The project will be serviced by public water and sewer through the privately owned Crescent Waste Transportation Corporation. Ultimately the sewer flow will be accepted by the Saratoga County Sewer District for treatment.

The Clifton Park Water Authority has reported that there is more than adequate water volume and pressure available to service the proposed homes.

The Saratoga Co. Sewer District has not objected to date to ultimately accept the sewage created from the site. The applicant is required prior to construction to get a final sign off from both the Saratoga Co. Sewer District and Crescent Waste Transportation Corporation.

The Project will be serviced by emergency service providers, which include County Sheriff, NYS Police, Clifton Park/Halfmoon EMS and the Vischer Ferry Volunteer Fire District.

Based on the foregoing, the Project will not have any significant adverse impacts to utility services within the community.

#### Aesthetic Resources

The site is currently zoned for single family residential use. The Project will be visible from transportation corridors and adjoining properties. The project provides a vegetated buffer for lots adjacent to existing residential neighborhoods.

Based on the foregoing, the Project will not have any significant adverse impacts to aesthetic resources.

#### Cultural Resources

The applicant has provided documentation that they have gone to the NYSOPRHP website and review the online resource mapping tool located at: <http://pwa.parks.ny.gov/nr/> The applicant has provided documentation that the project site is not within the NYS OPRHP areas identified for known areas of archeological sensitivity or inclusion on the National Register of Historic Places. The applicant under SPDES General Permit GP-0-10-001 will get a signoff from New York's State Historic Preservation Office (SHPO) prior to permit coverage being issued.

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. The development of this parcel is in accordance with the cluster subdivision option under the applicable zoning for the parcel and is in conformance with the Town's Subdivision Code and Town's Comprehensive Plan. The project will have positive economic and fiscal impacts to the local economy and taxing jurisdictions.

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

### Exterior Lighting

Exterior lighting requirement per Town's subdivision regulations for residential development have been satisfied by the applicant and reflected on the final subdivision plan.

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

### Construction

The site construction 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 parcels. 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. 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.

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

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

### Open Space and Recreation

The site had been previously utilized for a single family residential dwelling. 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. A multi-use recreational pathway will be constructed to connect the new neighborhood with the existing neighborhood on Archer Drive. This connection was vetted out during the subdivision review process with input provided by the Trails Subcommittee of the Open Space, Trails & Riverfront Committee.

### Electric Service

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

All electrical service to within the subdivision is required to be serviced through underground transmission lines and conduit.

### Solid Waste

The disposal of solid waste will be at an existing solid waste facility.

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

Mr. Ferraro, Chairman, called the public hearing to order at 7:04p.m. The Secretary read the public notice as published in the Daily Gazette on August 5, 2013.

Mr. Ken Gifford, applicant and Licensed Landscape Architect, stated that since the Planning Board has reviewed this project many times previously, he would not make a formal presentation at this evening's meeting. He did note that, in order to address concerns raised by the Director of Planning, Town Engineer, and Director of Building and Development, the project has been reduced from eighteen (18) to seventeen (17) single-family residential building lots.

Mr. Scavo reported that comments and recommendations provided by the Trails Subcommittee of the Open Space, Trails, and Riverfront Committee and comments received from Mr. Myers, Director of Building and Development have been forwarded to all Board members.

Mr. Myers, Director of Building and Development, offered the following comments regarding this application in a memo dated July 31, 2013. Although the excavation and regrading of the parcel may now meet the intent of the Residential Code 403.17 in the areas of the proposed homes, there are still slopes of 25% or greater in places. These slopes will create severe runoff issues around the houses. He states that is questionable whether Lots #2, 5, 6, 13, 14, 15, 16, and 17 as currently graded are buildable. A drainage system to intercept the flow from the higher areas prior to its arrival at the houses is needed. He commented that "experience dictates the need for some type of extra measures to be taken to avoid future issues." The 15' flat area shown behind Lot #13 is not sufficient: positive control and direction for runoff must be shown. Mr. Myers noted that the developer continues to propose infiltration ponds in front of the new homes. Gravel access roads and fencing will make them less than attractive to home buyers. The ponds which will be viewed out the front windows of the homes are proposed to be turned over to the town. The residents will expect them to be maintained on a regular basis which is not a reality and will create a maintenance burden the town does not want. Pocket ponds have been removed from the allowable options in town law for exactly the reason cited on page 10 of the Stormwater Pollution Prevention Plan submitted with this application. Interfacing runoff with groundwater, especially directly adjacent to an existing wetland is a poor practice. Further conversations may be required since many potential reductions were not used. All foundation drains and roof drains should be directed to the storm system – not daylight. The applicant is asked to identify the location of the infiltration area for stormwater runoff as shown in DWG 13001-S10. He asked that the applicant provide information regarding the individual or other

entity responsible for on-going maintenance of the areas. He stated that most infiltration areas seem to border a street which would suggest that excess water would “free drain” onto the town roadway and perhaps cause issues in cold weather. Erosion control blankets are suggested for the steep slopes: Mr. Myers believes that they are not appropriate for 25% slopes. Retaining walls, unless holding back hazardous material, are not generally governed by the building code. 10’ high retaining walls to hold back significant up slope areas from new homes should meet the requirements of Section 1806 of the building code. Designs should be submitted for review by the Designated Engineer since they are included in the site plan and expected to be approved by the town. Mr. Myers recommended that there be discussion regarding safety precautions and fencing for a 10’ wall in a backyard done as part of site development and not by a homeowner. He noted that reinforced earth retaining walls require “100% inspection” during construction.

Mr. Scavo explained that Ms. Reed, Chief of the Bureau of Fire Prevention, asked that the location of existing and proposed new fire hydrants be shown on the subdivision plan.

Mr. Scavo offered comments prepared by the Planning Department. Prior to stamping of the final subdivision plan the applicant must provide for a cluster mailbox detail and design location on the plan and provide verification that it is to the satisfaction of the Clifton Park Postmaster. He stated that a draft “Notice of Determination of Non-Significance” has been prepared for the Planning Board’s consideration and adoption. Prior to stamping of the final plan and, in accordance with Section 179-5(E) of the Town Code, “the owner shall submit an estimate of construction costs for the purpose of establishing a Letter of Credit or Performance Bond at the time of final submission to cover the full cost of all required improvements. Required improvements are those public utilities and roads necessary for occupation of the subdivision. The amount of the Letter of Credit or Performance Bond shall be determined by a construction cost estimate prepared by the owner and approved by the town or its representative. The town’s authorized representative shall be the Director of Planning.” Split rail fencing with welded wire mesh around the stormwater management area should be required. Notation on the plan that vegetation will be allowed to grow naturally and no mowing shall occur at the stormwater retention areas unless maintenance is required to address stormwater runoff issues identified by the town’s Stormwater Management Officer or the Highway Superintendent. Signage with appropriate language should be shown on the final plan prior to stamping. The plan should identify locations and placements around the stormwater management areas in addition to the detail specifications for the signs. Individual lot grading plans with final grading as-builts will be required for Lots #13, 14, 15, 16, and 17. Third party certification from a licensed professional for construction inspections for the privately owned retaining walls will be required at the time of construction. Potential homeowners should be made aware that private lot drainage is the responsibility of the private homeowners and incremental changes over time to each individual residential lot should be avoided by the property owners. Mr. Scavo provided the following example: if a homeowner brings fill onto a lot to raise it two feet, there may be a negative impact to the drainage system.

Mr. Montague, Environmental Specialist, reported that the ECC issued the following comment after review of this subdivision application. Due to the significant soil disturbance proposed, the applicant should provide a planting plan that would enhance erosion control and protect down slope water receptors from sedimentation pre- and post- construction.

Mr. Bianchi reported that, after review of the application materials submitted by the applicant, M J Engineering and Land Surveying, P. C. offered the following comments in a letter dated August 9, 2013. Commenting on the proposed subdivision plan, Mr. Bianchi stated that Note 16 on drawing P30 (and any subsequent notes) are cut-off and illegible and must be revised. The length and NYSDOT designation for the proposed stop bars were not found: these elements shall be added to the proposed intersection. The additional compaction requirements associated with the fill sections of 5-feet within Lussier Drive could not be found on P-20 or P-30. The additional compaction requirements associated with these depths of fill should be added to the plans. The permanent pool for the P-5 practice appears to be only 2.4 feet deep (refer to Sheet SW30 of the plan set). Section 6.1.3 of the NYSSMDM states that the forebay shall be four to six feet deep: the applicant should revise the stormwater design to meet this requirement. As was agreed upon, fencing will be required around all stormwater management practices. A hydraulic analysis was not found that demonstrated erosive conditions would not be present within the Pocket Pond (P-5). Note 7 on Detail 9/C30 could not be found. This note should be added. The hydrological calculations provided for Infiltration Basin 1 continue to depict a greater outflow volume (0.520 ac-ft) than inflow volume (0.51). The model outputs need to be rectified.

The following comments related to the Stormwater Pollution Prevention Plan. Section 5.1.6 of the NYSSMDM specifies soil restoration measures exceeding those added on page 20 of the Stormwater Pollution Prevention Plan. Specifically, the Stormwater Pollution Prevention Plan should identify and direct the contractor to perform the soil restoration consistent with the site's soil characteristics (HSG). Table 5.3 of the NYSSMDM provides detailed requirements for soil restoration that should be incorporated into the plan.

Mr. Dan Hartnett, representative of the Trails Subcommittee of the Open Space, Trails, and Riverfront Committee, described the proposed trail link between the proposed subdivision and Fox Hollow as "awkward" and asked that the consultant provide a "more linear" trail connection. He also requested that the applicant install a crosswalk at the three-way STOP and construct a multi-use trail along Boyack Road from Lussier Drive to Carriage Road.

There being no further public comment on this application Mr. Ferraro moved, seconded by Ms. Paulsen, to close the public hearing at 7:14p.m. The motion was unanimously carried.

Mr. Hale supported the recommendations issued by the ECC for the installation of significant plantings that would enhance erosion control and the comments from the Trails Subcommittee to encourage installation of a more "linear" pathway connection between the Fox Hollow Subdivision and the Lussier Drive Subdivision. In response to Mr. Ophardt's question regarding ownership of the stormwater management and drainage areas, Mr. Scavo stated that they would be conveyed to the town. Though he supported trail development and installation of the crosswalk recommended by the Trails Subcommittee, Mr. Ferraro pointed out that there are significant safety concerns with such placement due to recorded traveling speeds along Boyack Road in the vicinity of the proposed three-way STOP which could create a potentially hazardous situation for pedestrians. Mr. Scavo acknowledged that traveling speeds along Boyack Road were of concern. Mr. Koval commented that the "large sweeping bend" near the proposed new

intersection also limited sight distance. Mr. Werner supported Mr. Scavo's recommendation that installation of a crosswalk at the three-way STOP intersection be deferred until its traffic-controlling effectiveness is evaluated after it becomes operational. Mr. Werner commented that although the warning signs to be installed before the STOP signs may be helpful in slowing traffic, education and enforcement may be necessary to encourage driver compliance with the posted speed limit. Mr. Hartnett commented that pedestrians and bicyclists currently use the roadway. Mr. Ophardt remarked that request of the Trails Subcommittee seem reasonable, though Mr. Koval believed that the request would place a significant financial burden on the applicant at this stage of the review. Mr. Gifford pointed out that he has addressed all of the concerns previously raised. Mr. Ferraro commented that while he respects the recommendations offered by the Trails Subcommittee, he is "sensitive to public safety issues." Mr. Hale stated that although "trails are often helpful in calming traffic," he believes that it would be prudent "to wait a bit" before installing the recommended improvements to assess how the traffic signal is functioning. Mr. Scavo explained that the applicant is required to pay \$14,450.00 in parkland fees to the town in lieu of dedicated parkland. Though there was discussion about whether or not such monies could be earmarked for trail construction, Mr. Pelagalli counseled that monetary appropriations are overseen by the Town Board. Though the Planning Board may recommend uses for parkland fees paid by developers, it is the Town Board that must prioritize projects and authorize funding for their development. In response to Mr. Ophardt's question regarding the demarcation of the designated conservation easements, Mr. Scavo stated that restrictive language will be included in individual property deeds and split-rail fencing with applicable signage will define the restricted areas. Mr. Koval asked that the fencing be placed in a manner that "makes the non-disturbance intent clear to homeowners." Mr. Ferraro expressed his concerns regarding the construction and maintenance of the proposed access roads around the infiltration basins considering the fact that they are located in front of residential properties. He asked that the developer consider the use of turf blocks or grass pavers rather than gravel for their construction. Mr. Gifford explained that the landscaping plan included with the submission package illustrates that the applicant proposes substantial landscaping and that grass pavers are used in some areas: at Mr. Ferraro's request, he agreed to extend the use of the pavers, integrating them into the landscaping design. Board members requested that language be added to the project approval and Notice of Decision regarding evaluation of the effectiveness of the three-way STOP after it becomes operational to determine whether or not installation of the crosswalk at the intersection and a path along the south side of Boyack Road between the crosswalk and Carriage Road can be safely accommodated. If determined to be warranted, it is recommended to the Town Board that the parkland fees assessed for the development of the subdivision be used to partially offset the cost of trail improvement.

Mr. Koval offered Resolution #10, seconded by Mr. Hale, to waive the final hearing for this application and to grant preliminary and final subdivision approval conditioned upon satisfaction of all comments provided by the Planning Department, Town Engineer, and all items listed in the final comment letter issued by the Planning Department. The approval is also specifically conditioned upon evaluation of the effectiveness of the three-way STOP after it becomes operational to determine whether or not installation of the crosswalk at the intersection and a path along the south side of Boyack Road between the crosswalk and Carriage Road can be safely accommodated. If determined to be warranted, it is recommended to the Town Board that the parkland fees assessed for the development of the subdivision be used to partially offset the

cost of trail improvement. Ayes: Ophardt, Paulsen, Andarawis, Hale, Werner, Koval, Ferraro. Noes: None.

[2013-010] **Vistas Phase 1 – Lot Revision** – Proposed (3) lot subdivision, 14 Vista Court – Preliminary public hearing and possible determination. SBL: 270.8-4-4

Mr. Ferraro explained the review and approval process to those present, stating that the Board was required to render a determination pursuant to SEQRA (State Environmental Quality Review Act) prior to conducting a public hearing on this application. He explained that the Planning Board would assume Lead Agency status for the project and issue a negative declaration as a “formality” which neither granted nor implied approval of the subdivision application.

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

Mr. Ferraro, Chairman, called the public hearing to order at 7:50p.m. The Secretary read the public notice as published in the Daily Gazette on August 5, 2013.

Mr. Gavin Vuillaume, consultant for the applicant, explained that this application remains generally as presented at the June 11, 2013 meeting. He explained that although the existing residence situated on the original 84,291 SF Lot #14 Vista Court was to be utilized as a “clubhouse” surrounded by open space, refurbishing of the existing home to a clubhouse was not feasible: the house has been razed. The current plan proposes the subdivision of the parcel into lots of 15,264 SF and 69,036 SF: the smaller lot will allow for the construction of a duplex unit to be assigned postal addresses of 14 Vista Court and 16 Vista Court; the larger lot will be preserved as open space. The speaker explained that a written response to comments issued by the Town Engineer prior to the June 11, 2013 Planning Board meeting has been submitted with the preliminary plan and he reported that all technical comments regarding site grading and utility connection details will be adequately addressed. The speaker noted that the amended subdivision will require an additional approval from NYSDOH.

Mr. Vuillaume stated that the proposed subdivision will provide two significant community benefits. The first is a reduction in costs for all Homeowner’s Association members; the second will be the enhancement of the aesthetics of the neighborhood by providing a “more complete or finished” streetscape. He submitted document that contained the signatures of many of the residents of The Vistas of Clifton Park who supported “The Vistas at Clifton Park, LLC’s application to the Town of Clifton Park Planning Board for the construction of two (2) additional townhome units in lieu of the open lawn area, as per the Homeowners Association Offering Plan dated April 6, 2012, referenced as ‘Future Development’ Homes.” In addition to this document, a copy of a document entitled “Homeowners’ Association Offering Plan for The Vistas Homeowners’ Association, Inc.” was submitted for Mr. Pelagalli’s review. On the title page of this document, the number of homes to be offered is 24, though reference is made to 2 “future development homes.” Section 12 of the document allows the Sponsor (The Vistas at Clifton Park, LLC) to reserve the right to construct two (2) additional homes in one (1) building as

“Future Development” with Lot #7; thereby increasing the total number of homes to twenty-six in thirteen (13) buildings.”

Mr. Vuillaume presented photographs of the area, explaining that an existing mature maple tree on the parcel labeled as Lot #7 (Revised) on the subdivision plan will be preserved. The applicant will construct a trail from Vista Court to a gathering area near the tree: benches and/or picnic tables will provide a gathering space for Vista residents.

Mr. Scavo reported that Mr. Myers, Director of Building and Development, offered the following comment on this application. The previous approval for secondary access will require further review by town staff. Although re-application to the Fire Code Appeals Board is not anticipated, full construction of the secondary access may be necessary if the proposed expansion of this subdivision to Tanner Road is not feasible. He explained that although he has allowed the emergency access road to be installed with just gravel at this time, should the proposal for continuation of this development to Tanner Road be denied, the access road must be constructed as originally approved. A discussion of the status of expansion should be included as part of the deliberations regarding this application. In an addendum to Mr. Myers’ original comment letter issued in an e-mail following receipt of comments prepared by the Town Engineer, Mr. Myers states that he agrees with Mr. Bianchi’s comments regarding site grading. He further comments that sump lines and foundation drains (even if they do not include sump pumps) should be shown on the plan and directed to the storm system in the street. He noted that there have been “a few instances of driveways and buildings not meeting the setbacks or extending over lot lines where new approvals or easements had to be granted.” He recommends “closer control” of the layout to ensure that this does not occur during the new construction.

Mr. Scavo explained that Ms. Reed, Chief of the Bureau of Fire Prevention, requested that the subdivision plan include the appropriate 911 postal numbers for the new lots.

Mr. Scavo reported that many of the comments offered by the Planning Department have been addressed. He supported preservation of the large maple tree and the addition of items such as benches and tables that would create an outdoor gathering space for property owners.

Mr. Montague, Environmental Specialist, reported that the ECC recommended that since a portion of the parcel is located along the border of the LC zone, the applicant install a split rail fence to indicate the border of the land conservation area.

Mr. Bianchi stated that after reviewing the materials presented for preliminary approval, M J Engineering and Land Surveying, P.C. offered the following comments. As noted in Comment 4 of the June 7, 2013 review, it was identified that the proposal was taking into account only the land associated with existing Lot #7 of 1.94 acres and not the area of original parcel(s) prior to creation of all other lots. Mr. Bianchi would defer to Town staff as to whether or not the original parcel area should be used in calculating lot density. As noted in Comment 7 of our June 7, 2013 review, it was noted that the Town previously granted relief from Section 86-6 of the Town Code allowing 24 residential units on a road with a single access since the project also as an emergency access. Town staff should determine whether or not additional relief from Section 86-6 of the Town Code is required for the additional lots being proposed. The proposed

lot grading suggests that runoff will be directed from the rear of each lot towards the adjacent lots. Section 86-7(A)(5) of the Town Code requires that lot grading shall be such that drainage is directed away from the homes and towards lot lines and ultimately to an approved drainage course: the grading plan needs to be modified to meet the minimum requirements of the noted provision of the Town Code. Should any basement sump pumps be deemed required under the criteria stated in Section 86-7(A)(6) of the Town Code, their end discharge locations must be noted on the plans. Subsequent submissions must include any required modifications to the Stormwater Pollution Prevention Plan for review.

Mr. Dan Hartnett, representative of the Trails Subcommittee of the Open Space, Trails, and Riverfront Committee, reiterated the Subcommittee's concerns that were expressed during the June 11, 2013 meeting, stating that the reduction of designated open space land to allow for the development of two additional residences "would set a dangerous precedent." The speaker also requested that the applicant be required to "install sidewalks end to end to connect all lots" and install a three-way crosswalk at the main entrance intersection instead of the proposed midblock crossing."

Mr. Scavo addressed Mr. Hartnett's concerns, stating that the open area provided in the original subdivision was not designated open space. Rather, it was land to be held in common by the Homeowners' Association which would control its development and maintenance. In response to Mr. Ferraro's question regarding the historic value of the residence that was removed from the property, Mr. Scavo stated that representatives of the Historic Preservation Commission had determined that the home was of no historic value. Mr. Koval expressed his appreciation for the Trails Subcommittee's comment, though he believed it to be irrelevant since the parcel in question was never to become designated parkland. In response to Mr. Ophardt's question regarding effect of the loss of a portion of the proposed open area, Mr. Vuillaume explained that potential – and current – homeowners were made aware before purchase that the lot could be developed with as a duplex unit. Mr. Pelagalli concurred that the offering plan made it clear that Lot #7 could become an additional building lot.

Ms. Angiolini, Sales Agent for the Vista Subdivision, explained that all prospective property owners were informed of the possibility that Lot # 7 could be developed as a building lot. She noted that the owners were "folks" who have purchased properties in The Vistas of Clifton Park who wanted to "limit their financial responsibility to the Homeowners' Association."

Mr. Ed Galka, 18 Vista Court, stated that he could verify Ms. Angiolini's statement regarding the developer's representation of the development of Lot #7. He found the application acceptable.

There being no public comment on this application Mr. Ferraro moved, seconded by Mr. Koval, to close the public hearing at 8:05p.m. The motion was unanimously carried.

In response to Mr. Ophardt's question regarding recreation amenities such as tennis courts formerly proposed for the subdivision, Mr. Vuillaume explained that initial contained sketches of such amenities as tennis courts to illustrate that there would be sufficient room for

the development of such services – not that they would be constructed by the developer. Although he was “passionate about providing recreational assets within residential areas,” Mr. Ophardt stated that he understood that the responsibility for approving and funding such things within The Vistas would become the responsibility of the Homeowners’ Association. Mr. Koval agreed that, in this instance, responsibility for the development of the open space area lay with the Homeowners’ Association. Mr. Ferraro expressed his appreciation for the applicant’s willingness to provide the trail link and items such as benches and/or picnic tables to provide a gathering space for residents as he supported “something visually appealing that would create some type of community identity.” Mr. Andarawis approved of the developer’s willingness to provide minimal amenities within the subdivision as, he too, supports open areas and recreation spaces within subdivisions.

Mr. Werner offered Resolution #11, seconded by Mr. Ophardt, to waive the final hearing for this application and to grant preliminary and final subdivision approval conditioned upon satisfaction of all items listed in the final comment letter issued by the Planning Department. Ayes: Ophardt, Paulsen, Andarawis, Hale, Werner, Koval, Ferraro. Noes: None.

[2013-012] **Shenendehowa Central School District** – Proposed (2) lot subdivision, NYS Route 146 – Conceptual review. SBL: 271.-3-40.11; 271.-3-39

Mr. Ferraro explained the review and approval process to those present, stating that the Board was required to render a determination pursuant to SEQRA (State Environmental Quality Review Act) prior to conducting a public hearing on this application. He explained that the Planning Board would assume Lead Agency status for the project and issue a negative declaration as a “formality” which neither granted nor implied approval of the subdivision application.

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

Mr. Ferraro, Chairman, called the public hearing to order at 8:15p.m. The Secretary read the public notice as published in the Daily Gazette on August 5, 2013.

Mr. Joe Dannible, consultant for the applicant, reported that although this application for subdivision approval remains generally as presented at the June 11, 2013 Planning Board meeting, the areas of the proposed lots have been modified slightly: Lot #1 which has been assigned postal address 499 Moe Road will contain 34.47 acres; the remaining lands, indicated as Lot #2, will contain 27.97 acres. The speaker reported that he forwarded a written response to the June 7, 2013 comment letter issued by M J Engineering and Land Surveying, P.C. with the preliminary submission. He explained that Lot #2 is contiguous to lands owned by the Shenendehowa School District which has frontage on Clifton Park Center Road and will be incorporated with these parcels. Mr. Dannible explained that, as requested, all metes and bounds of the existing and proposed lots and approximate locations of the stream corridor, wetlands, and Land Conservation zone have been depicted on the preliminary plat, noting that the latter features will be subject to an actual delineation by subsequent owner(s)/developer(s). In

accordance with Section 179-8(B)(1) of the Town Code, the preliminary plan also depicts a 2 ft. contour interval. As mentioned at the June 11<sup>th</sup> meeting, a “floating easement” through Lot #1 will be provided to allow for maintenance of a fiber-optic line that crosses the property and the transfer of equipment from the main campus area to the Arongen-Shatekon site. A 60-foot wide ingress/egress and utility easement, approximately 6,000 SF in area, just south of the Maxwell Drive – Southside Drive intersection will be granted to the owner of Lot #2.

Mr. Scavo reported that Mr. Myers, Director of Building and Development, offered the following comments regarding this application in a memo dated July 31, 2013. Although he notes that Shenendehowa may not be subject to the town’s land use regulations, new owners will be. If Lot #2 is to remain connected to the Arongen-Shatekon site, he believes that the requirement for connection to a public roadway would be satisfied.

Mr. Scavo explained that Ms. Reed, Chief of the Bureau of Fire Prevention, requested that the subdivision plan include the appropriate 911 postal numbers.

Mr. Scavo reported that all prior comments issued by the Planning Department have been satisfied. He reported that the Saratoga County Planning Board has issued a Memo of Understanding that states that the subdivision plan will have no county-wide impact.

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

Mr. Joel Bianchi, M J Engineering and Land Surveying P.C. reported that all comments issued in June 7, 2013 review letter have been addressed.

Mr. Christian Silvia, describing himself as a recent graduate of Hudson Valley Community College, stated that he was interested in pursuing a career in community planning. He asked that Board members consider the fact that there are “lots of paths” that meander through proposed Lot #1 that are often used by students on their way from school to jobs at the mall. He stated that he was “happy to see the area growing” and viewed Lot #1 as a “valuable centerpiece” to be used for development that would benefit the entire community.

There being no further public comment on this application Ferraro moved, seconded by Mr. Andarawis, to close the public hearing at 8:23p.m. The motion was unanimously carried.

Mr. Hale stated that although Lot #1 was a “sensitive site” that presented development challenges, he looked forward to reviewing future development plans.

Mr. Koval offered Resolution #12, seconded by Mr. Hale, to waive the final hearing for this application and to grant preliminary and final subdivision approval conditioned upon satisfaction of all items listed in the final comment letter issued by the Planning Department. Ayes: Ophardt, Paulsen, Andarawis, Hale, Werner, Koval, Ferraro. Noes: None.

**Old Business:**

[2011-011] **Synergy Technology Park** – Proposed (7) lot commercial subdivision, NYS Route 9 and Kinns Road – Final review and possible determination. SBL: 265.-1-15.3

Mr. Ivan Zdrahal, consultant for the applicant, presented this application for the Board's consideration, explaining that the project remains as presented at the February 12, 2013 Planning Board meeting when it received conditional preliminary approval. He explained that the Town of Halfmoon approved the application on April 8, 2013.

Mr. Scavo reported that Mr. Myers, Director of Building and Development, provided a single comment in a memo dated July 31, 2013. Though several issues, including items regarding the Stormwater Pollution Prevention Plan, remain to be addressed, these items may be finalized prior to the issuance of a Building Permit.

Mr. Scavo offered the following comments prepared by the Planning Department. The Planning Board completed the SEQRA process and granted preliminary subdivision approval for this application on February 12, 2013. Submission of the final plat was conditioned upon receipt of approval from the Town of Halfmoon Planning Board: this approval was recently granted. Prior to the stamping of the final subdivision plan, the MS4 Stormwater Pollution Prevention Plan Acceptance forms should be finalized and executed. The speaker noted that the applicant has provided a letter that listed all of the approvals and permits required and either the dates they were issued or their status. The letter also included a copy of the proposed by-laws of Synergy Technology Park Association, Inc.

Mr. Montague, Environmental Specialist, reported that the ECC found this application acceptable and offered no comment or recommendation.

Mr. Dan Hartnett, representative of the Trails Subcommittee of the Open Space, Trails, and Riverfront Committee, reiterated comments expressed at previous meetings, requesting that the Planning Board ensure that, as a condition of approval, that developers install the internal multi-use trail, internal nature trails, widened shoulders along Kinns Road, and the multi-use trail along Kinns Road at the time Synergy Technology Park Drive is constructed and other infrastructure components are installed.

Mr. Scavo spoke to Mr. Hartnett's concerns stating that the amenities will be required to be constructed concurrently with the main roadway and infrastructure. He noted that no Certificates of Occupancy will be issued until all are built in accordance with approved plans. Mr. Ophardt expressed his thanks to the applicant for working with the Planning Board to create a "great project." Mr. Ferraro also thanked the applicant for his cooperation in working with the Board to create a desirable subdivision.

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

[2013-017] **Menneto Powersports** – Proposed 9,000 SF addition to an existing retail building, 1757 NYS Route 9 – Revised conceptual site plan review. SBL: 272.1-2-5

Mr. Joe Dannible, consultant for the applicant, presented this site plan application that was reviewed by the Planning Board on June 25, 2013, explaining that the revised plan shows a reconfiguration of the proposed building expansion. Instead of being placed on an east-west direction directly behind the existing building, the addition will create an “L” shape. Paving behind the larger portion of the building will provide for emergency service access. Mr. Dannible reported that the Zoning Board of Appeals granted all necessary variances at its July 16, 2013 meeting. Although fifty-one (51) parking spaces are required, the business generally requires considerably less than that; therefore, forty-two (42) paved spaces and nine (9) “landbanked” spaces have been shown on the plan. The plan continues to include renovation of the façade and construction of an outdoor covered display area at the front of the proposed addition. Mr. Dannible explained that written responses to the comments provided by the Town Engineer were submitted to the Planning Department with the revised conceptual application and he referenced those of particular concern. Addressing the issue of the site’s possible proximity to archeologically sensitive areas, he reported that his firm has requested further information from the New York State Office of Parks, Recreation, and Historic Preservation concerning the site. He commented that because the site has been significantly disturbed in the past, it is unlikely that any additional involvement by that agency will be required. He noted that the revised plan now complies with the New York State Fire Code and explained that the architect has assured the applicant that the proposed building and associated uses will not require a sprinkler system. Information regarding the well capacity and adequacy of the existing septic system will be provided as requested. It is anticipated that the building will not exceed 30’ in height. Information regarding site grading, landscaping, erosion control, and stormwater management will be provided with the preliminary submission. In response to M J Engineering and Landscaping, P.C.’s comment concerning total land disturbance, Mr. Dannible explained that a conceptual grading plan has been prepared and submitted: the proposed grading plan indicates that the total soil disturbance area will be 38,000 SF. He noted that a significant area of pavement exists under the proposed building addition: the asphalt will be removed from the surface but the existing gravel subbase will remain in place. In accordance with the NYSDEC general permit, this type of construction activity is not considered soil disturbance.

Mr. Scavo stated that Mr. Myers, Director of Building and Development, reported that all required variances were granted by the Zoning Board of Appeals. He noted that although a full Stormwater Pollution Prevention Plan is not required, an Erosion and Sediment Control plan must be submitted for review and acceptance.

Mr. Scavo reported that Ms. Reed, Chief of the Bureau of Fire Prevention, has asked that all existing and proposed new hydrants be shown on the site plan.

Mr. Scavo provided comments prepared by the Planning Department. Due to the reconfiguration of the proposed layout, the application has been presented to the Planning Board for revised conceptual review. The required variances were granted by the Zoning Board of Appeals at its July 16, 2013 meeting and have been listed on the revised plan. He explained that the Planning Board may allow the existing septic use to continue provided an engineering report

determines that the system can accommodate flows from the proposed building expansion. At such time the septic fails or is unable to accommodate additional growth, the Planning Board may require connection to public sewer as a condition of approval. Mr. Scavo reiterated his previous request that the applicant consider the use of porous pavement treatment for the asphalt expansion area.

Mr. Montague, Environmental Specialist, reported that the ECC recommended that the applicant incorporate green infrastructure into their conceptual design.

Mr. Bianchi explained that, after review of the site plan and supporting documents provided by the applicant, M J Engineering and Land Surveying, P.C. provided the following comments. His first comment related to the Full Environmental Assessment Form that was submitted with the original application. Items remaining to be addressed relate specifically to cultural recourses (FEAF – Question A.6) and well capacity (FEAF – Question B.22). Upon receipt of supporting information for each, M J Engineering and Land Surveying, P.C. may issue additional comments. Additional comments relate to the site plan include the following. The plans and associated responses to comments note that the project disturbance will be less than one acre. As such, the project is not subject to the NYSDEC Phase II Stormwater Regulations and General Permit GP-0-10-001. The plans do show proposed stormwater management facilities. Subsequent submissions shall include a summary of the design of the facilities demonstrating that there is no noticeable increase in runoff from the site upon build-out to ensure there are no adverse impacts from the development. As noted in Comment 10 of the June 21, 2013 review letter, the site plan noted a minimal deficiency in parking based upon the Town's Zoning. The current plan meets the minimum, but proposes to bank up to 9 spaces. Given the discussions between the Planning Board and applicant at the June 25, 2013 meeting, it appears that the banking of the spaces would be appropriate and supported by the Planning Board. Notwithstanding, it is recommended that if the Planning Board is in agreement with the land banking, they should formally note it as part of the record. As noted in Comment 12 of the June 21, 2013 review letter, the prior plan did not appear to meet the requirements of Section 503.1.1 of the Fire Code of New York State (FCNYS) which requires a fire apparatus road that shall extend to within 150 feet (45 720 mm) of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility. The revised plan appears to now comply with the minimum requirements of Section 503.1.1 of the FCNYS. All remaining comments provided in the June 21, 2013 review of the concept plan have been addressed. Additional comments will be prepared when preliminary plans have been submitted for review.

Mr. Dan Hartnett, representative of the Trails Subcommittee of the Open Space, Trails, and Riverfront Committee, reiterated the request for the installation of a bike rack near the entranceway that was made at the June 25, 2013 meeting. Mr. Dannible stated that the applicant would be amenable to providing a bike rack as requested.

In response to Mr. Koval's question regarding the proposed "drive-thru" provided at the southern side of the proposed addition, Mr. Dannible explained that customers will be able to drive vehicles directly through the building. Mr. Ferraro asked if the applicant had considered the use of porous pavement as previously requested. Mr. Dannible explained that although the

applicant had considered the use porous pavement, it appears that its use would be cost prohibitive and that, because a number of tractor-trailer trucks visit the site on a regular basis, the pavers may not be sturdy enough for such use. Mr. Bianchi agreed that it may not be cost effective to use porous pavement on this site. Board members found the project plan generally acceptable.

[2007-040] **Levine Dental Office** – Proposed amendment to approved site plan, 983 NYS Route 146 – Preliminary review and possible determination. SBL: 271.6-1-42

Dr. Andrew Levine, applicant, presented this application that requests approval of an amendment to the site plan approved on October 23, 2007. The proposal calls for the installation of a new 6 ft. high cedar stockade fence to enclose a 7' wide 3'2" high rolling plastic dumpster along the westerly side of the parking lot located to the rear of the building.

Mr. Scavo reported that Mr. Myers, Director of Building and Development, offered no comment on this application.

Mr. Scavo explained that Section 208-115(21) of the Town Code states the following: All buildings, sidewalks and lighting, as well as the location of heating and air-conditioning units, **trash bins**, and any other outdoor storage or machinery, shall be shown on the plans.

Mr. Scavo explained that at the time of the original site plan approval the applicant did not request a dumpster and attempted to operate the business using standard trash cans which is why the project is back before the Planning Board. The application requires approval of a site plan amendment to allow for an enclosed dumpster with screening. He noted that the amendment is necessary to “accommodate a permitted use’s needs” within the B-1 zoning district.

Mr. Montague, Environmental Specialist, reported that the ECC requested the applicant to clarify whether or not the proposed dumpster will contain any regulated medical waste. Dr. Levine explained that medical waste is disposed of separately.

Ms. Virginia Condon, 3 Trice Drive, reported that this is third time the issue of locating a dumpster on this property has been considered by the Planning Board. During initial review of the project residents expressed their concerns regarding the attraction a trash receptacle would have for rodents as well as the blowing of debris from unsecured containers. She explained that, at the time of site plan approval, the applicant agreed that no dumpster would be necessary. When Dr. Levine prevailed upon the Board – after establishment of his business - to permit the installation of a dumpster pad, Ms. Condon reported that the Planning Board again denied the request. The speaker stated that the trash receptacle now placed on the property is an annoyance since pick-up with its accompanying noises occurs during the early morning hours. She contended that dumpsters “do not belong in or near a residential area.” Explaining that her informal investigation of other dental offices found that many of the offices that utilized dumpsters were located in medical complexes where they were shared by a number of offices. Most independent offices did not have large receptacles. She called upon Board members to deny Dr. Levine’s request.

Dr. Levine explained that his request resulted from new regulations and policies established by the trash collection company and he reported that pick-up usually occurs around 7:30a.m. He pointed out that his property is separated from Ms. Condon's by two rows of trees and fencing.

Ms. Stefanie Rawlings, 5 Trice Drive, explained that the plantings and fencing for Dr. Levine's property were required as a condition of site plan approval because of concerns raised by property owners residing on Trice Drive who had been bothered by noise and blowing trash from a day care center located next to the dental office.

Ms. Paulsen reported that the business she operates must also deal effectively with garbage disposal and that refuse companies have replaced receptacles that have become old or damaged. Mr. Ferraro explained that while he understood that the Board must consider the impacts of commercial properties on adjoining residential properties, there must be provision for trash removal for a business operating within a commercial zone. He added that it appears that the proposed location for the dumpster is the most practical and that it is reasonable to have Dr. Levine comply with the new requirements issued by the collection company.

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

Mr. Koval moved, seconded by Mr. Hale, to grant preliminary and final site plan approval to this amendment to an approved site plan that would permit the installation of a dumpster and enclosure along the westerly side of the existing parking lot at 983 Route 146. The motion was unanimously carried.

### **New Business:**

[2013-021] **743 Pierce Road** – Proposed 2,000 SF office/retail addition and 11,500 SF warehouse addition, 743 Pierce Road – Conceptual site plan review. SBL: 259.-2-49.2

Mr. Scott Lansing, consultant for the applicant, presented this application for the Board's consideration. The applicant proposes to construct a 13,550 SF addition to an existing building that was formerly occupied by Prestige Vending Services. The building is located on a 4.95 acre parcel on the easterly side of Pierce Road approximately 750' south of its intersection with Ushers Road. The property lies within the L1 zoning district. The project plan calls for the addition of 2,000 SF of office/retail space and an additional 11,550 SF of warehouse area. Expansion of the existing parking lot and restriping is also proposed. Although zoning regulations call for the installation of 69 parking spaces, the applicant intends to pave 56 spaces and "landbank" an additional 13. Mr. Lansing explained that the applicant, Mr. Angelo Mazzone, intends to store approximately 15 vans on the site: there will be no tractor-trailers using the site. Elevations of the building were presented for the Board's consideration. The speaker explained that it is the applicant's intent to "modernize" the building's façade since the office area will be used to host potential clients for his catering business. Addressing the issues raised by the Town Engineer, Mr. Lansing stated that many of the comments can be easily

satisfied. He spoke to the issue of parking in the front yard, however, stating that the proposed parking expansion in the front yard appeared to be the most reasonable design.

Mr. Scavo reported that Mr. Myers, Director of Building and Development, offered the following comments on this application in a memo dated July 31, 2013. Parking at this building is currently non-conforming since it is located in the front yard: parking is not allowed in front of a building in the LI zone. An area variance for the parking location will be required since proposed parking is within 50' of the roadway. The proposed building expansion will put the building in violation of the Fire Code Section 503.1.1 which requires all portions of the building be within 150' of an access road or – in this case – parking lot. A variance from NYS is necessary or sprinklers will be required for the entire building.

Mr. Scavo noted that comments prepared by Ms. Reed, Chief of the Bureau of Fire Prevention have been forwarded to Board members. She asks that the applicant specify the location of all existing and proposed new hydrants on the site plan. She repeats Mr. Myers' comment regarding Fire Code Section 503.1.1.

Mr. Mazzone, applicant, who was in attendance at the meeting, reported that sprinklers will be installed in the existing portion of the building as well as the new additions.

Mr. Scavo offered several comments prepared by the Planning Department. He reported that the Planning Board approved a two lot subdivision at this location in 2012: the subdivision was never finalized and that application has been withdrawn. The consultant/applicant must provide the anticipated number of additional truck trips generated by the expansion and specify the types of trucks and/or service vehicles accessing the site. The anticipated hours of operation should be provided. An erosion and sediment control plan should be provided with a future preliminary plan submittal. Mr. Scavo pointed out that it may be beneficial to install stone check dams along the existing road drainage ditch. Small check dam structures are designed to slow the speed of concentrated stormwater flows, control erosion, and allow suspended sediment to settle out. In response to his question regarding the proposed building height, Mr. Lansing reported that the building will be 28'3" high.

Mr. Montague, Environmental Specialist, reported that, after review of the conceptual application, the ECC found the plan acceptable and offered no comment on the application.

Mr. Bianchi reported that M J Engineering and Land Surveying, P.C. reviewed the information and site plan provided with this application and provided a number of comments. It is unclear from the submitted plans the total area of land disturbance expected for the building expansion. Should the project result in more than one acre of disturbance, including the original building construction if it has occurred in the last five years, it will be subject to the NYSDEC Phase II Stormwater Regulations and General Permit GP-0-10-001. If the project is found to be subject to the NYSDEC Phase II Stormwater Regulations, then a fully conforming Stormwater Pollution Prevention Plan addressing water quality and quantity controls shall be submitted as part of subsequent plan submissions. The project proposes to provide potable water to the building expansion from the Clifton Park Water Authority (CPWA) via the existing service lateral to the property. The applicant shall provide the Town documentation indicating the

CPWA's ability and willingness to provide additional potable water to the project. Any approvals offered by the Planning Board should be conditioned on receipt of CPWA's approval. The project proposes to provide sanitary sewer service to the building expansion from the Town of Clifton Park Sewer District via the existing service lateral to the property. Since the Town's sewer district ultimately discharges to the Saratoga County Sewer District No. 1 (SCSD) it is believed that the applicant would be required to request additional reserve capacity from the SCSD. If this is the case, the applicant shall provide the Town documentation indicating the SCSD's ability and willingness to provide additional sewer capacity to the project. Any approvals offered by the Planning Board should be conditioned on receipt of SCSD's approval. Given the extent of the expansion proposed, it is requested that the peak vehicle trips be calculated and provided.

Mr. Bianchi offered comments related to SEQRA. 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 are not necessarily limited to, the following: Saratoga County Sewer District: additional reserve sewer capacity; Clifton Park Water Authority: taking of additional potable water; Saratoga County Planning: 239m referral due to the parcel being within 500 feet of Interstate 87; NYS Dept of Environmental Conservation – if the project is subject to the NYSDEC Phase II Stormwater Regulations then permit coverage under stormwater SPDES and identification of threatened and endangered species; NYS Office of Parks, Recreation and Historic Preservation – if the project is subject to the NYSDEC Phase II Stormwater Regulations then identification of cultural or historic resources. Additional involved/interested agencies may be defined as the project proceeds through the Town's regulatory review.

Mr. Bianchi then discussed comments related specifically to the site plan. The project lies within the Town's L1 (Light Industrial) district. In reviewing of Section 208-64(D) and (I) of the Town Zoning Code, it appears that the proposed expansion of the office and warehouse are permitted principal uses within the L-1 zoning district. It appears that the concept plan submitted meets the bulk lot requirements as outlined in Section 208-65 of the Code with the exception of the proposed additional parking in front yard. Since there is existing parking in the front yard, there may be an area variance in place, however, the continued placement of parking in the front yard may require additional relief from Section 208-65(E)(1). For concept site plan submission, Section 208-114(B) of the Town Code requires topographic information at no more than 10 foot contour intervals. The plan, as submitted, does not provide the required topographic information. If the town is considering this a preliminary submission, additional mapping requirements are needed as outlined in Section 208-115. The project proposes to land bank 13 of the required 69 spaces. If the Planning Board supports land banking of the 13 spaces, appropriate notation shall be provided on subsequent plan submissions. The plan provides for one accessible space for 69 total spaces: ADA Standards for Accessible Design 4.1.2(5) requires a minimum of three spaces when the total number of spaces falls between 51 and 75. The plan needs to be updated to include the minimum number of accessible spaces. The bulk lot table notes that the building height will not exceed 35 feet which is the maximum allowable by zoning. The expected height must be provided so that a review of the fire access to the building may be completed. If the

building is greater than 30 feet in height, an aerial fire apparatus access road will be required meeting the requirements of Appendix D, Section D105 of the Fire Code of New York State (FCNYS). Section 503.1.1 of the FCNYS requires a fire apparatus road that shall extend to within 150 feet of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility. With the proposed building expansion, it appears as if the north facing portions of the building are not provided with the appropriate access. There must be a determination as to whether or not the proposed building construction and use will warrant automatic sprinklers as prescribed in the Building Code of New York State. This information is needed to determine whether or not an on-site hydrant is required to satisfy the requirements of Section 508.8 of the FCNYS. Subsequent submissions shall include information as outlined in Section 208-115 of the Code specific to lighting, site grading, landscaping, erosion control, and stormwater management to fully assess the design and its compliance to the applicable standards. Elevations and materials of construction for the proposed building expansion should be submitted to the Planning Board for review.

Mr. Dan Hartnett, representative of the Trails Subcommittee of the Open Space, Trails, and Riverfront Committee, asked that the applicant install a bike rack on the site. He also asked that the rack's location, installation details, and specifications be shown on the plan. The applicant should provide a 15' easement for installation of a future trail along the property's frontage. The speaker explained that the Trails Master Plan Update calls for a 10' wide multi-use trail along Pierce Road.

Mr. Scavo stated his support for the 15' easement since utility poles along the westerly side of Pierce Road would likely pose difficulties for trail development.

In response to Mr. Werner's question regarding estimated trip generation and peak hours of operation, Mr. Mazzone reported that although trip generations are based upon the number and type of events the business is scheduled to cater, most vehicles leave the site between 11a.m. and 2p.m. on weekends, returning in the late evening hours. Mr. Ferraro questioned the amount of parking necessary to accommodate the business, asking if additional spaces could be "landbanked." Mr. Hale agreed that parking spaces should not be paved if they are not needed. Mr. Mazzone offered to consider providing employee parking to the rear of the site, thereby limiting the number of spaces needed in the front. The applicant agreed to consider other alternate parking designs that may reduce the number of spots located in the front yard. Mr. Andarawis recommended less parking in the front yard area. In general, Board members appeared to find the conceptual site plan acceptable.

[2013-022] **Lands of Khan** – Proposed (9) lot subdivision, Waite Road – Conceptual review. SBL: 270.-1-44

Mr. Gavin Vuillaume, consultant for the applicant, presented this application that calls for the subdivision of 30.44 acres of land which is located within the CR (Conservation Residential) zoning district on the westerly side of Waite Road approximately 1,300 feet from its intersection with NYS Route 146. Mr. Vuillaume reported that calculations for determining the number of lots that could be developed resulted in nine (9). Therefore, the plan proposes the

creation of nine (9) single-family residential lots, ranging in size from .75 acres to 7.7 acres, served by approximately 600 linear feet of new public roadway and extensions of the Clifton Park Water Authority and public sewer systems. The speaker explained that heavy soils in the area may make the installation of individual on-site septic systems as currently proposed unfeasible. Six of the lots will be accessed via individual driveways from the proposed new road: the remaining lots will be served by a combined drive from the rear of the cul-de-sac. A small area of wetland disturbance will be necessary to install the combined drive that would access the rear lots. The applicant intends to permanently preserve 15.22 acres of open space.

Mr. Scavo reported that Mr. Myers, Director of Building and Development, provided several comments regarding this application in a memo dated July 31, 2013. He noted that CR (Conservation Residential) zoning required three (3) acres per unit rather than the “three units per acre” indicated within the density calculation narrative. He explained that, if the density calculation were computed correctly, it would be 25.59 divided by 3 - equaling 8.44 units – or 8 lots rather than 9. The site statistics table incorrectly states that the minimum lot size with municipal water is 30,000 SF per lot. Mr. Myers recommended that subdivision approval be conditioned upon connection of all lots to the municipal sewer system since the service is available on property within 300’ of the property line. He notes that although the site plan is “very vague,” it appears that there are steep slope issues to be addressed. He observed that the applicant proposes “open space property” to be conveyed to the town and commented that much of this designated property is unusable wetland that would be of “no real value to the town.” Mr. Myers concluded his remarks by stating that “much more detail is required in order to fully comment on the proposal.”

Mr. Scavo reported that he has spoken with the design consultant regarding the possibility of connecting the proposed subdivision to public sewer since he believes that such a connection would allow for a “better quality site lay-out” and the reduction of lot sizes to 10,000 SF. He stated his preference for a design plan that would limit the back portion of the property to one lot, thus reducing the length of the private driveway.

Mr. Montague, Environmental Specialist, reported that the ECC issued the following comments after review of the application. The ECC notes that the project may result in intrusion into federally jurisdictional wetlands: the Town of Clifton Park should be provided with copies of all related correspondence. Due to the environmentally sensitive areas that exist on the property, the ECC expressed concern regarding the on-site disposal of sanitary wastes and recommends that the applicant hook-up to the public sewer system. The ECC noted that the buildable space on Lot #2 is relatively small and can be favorably reconfigured by shifting the road.

Mr. Bianchi reported that M J Engineering and Land Surveying, P.C, offered numerous comments after reviewing the conceptual plan. The subdivision as proposed meets the criteria of being classified as a realty subdivision. Furthermore, it is proposed to utilize on-lot septic systems for sewage disposal. Therefore, the project will require NYSDOH Realty Subdivision approval as well as approval of the proposed on-lot septic systems. Any approvals offered by the Planning Board should be conditioned on receipt of NYSDOH’s review and approval of the subdivision and on-lot septic systems. It is unclear from the submitted plans the total area of

land disturbance expected at full project build-out; however, it is likely that it will be greater than one acre. Should the project result in more than an acre of disturbance, it will be subject to the NYSDEC Phase II Stormwater Regulations and General Permit GP-0-10-001. The total area of disturbance expected will dictate the type of Stormwater Pollution Prevention Plan that must be provided. The project proposes to service each new lot with public water from the Clifton Park Water Authority via extending a new public water main throughout the project. The applicant shall provide the Town documentation indicating the Authority's ability and willingness to provide potable water to the project. Any approvals offered by the Planning Board should be conditioned on receipt of CPWA's approval. 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 project proposes impacts to regulated wetlands and, based upon the size of the anticipated impacts, an individual permit may be required. A formal wetland delineation will be required with a jurisdictional determination received from the USACOE.

Additional comments related to the information provided pursuant to State Environmental Quality Review. Based upon a review of the proposal, it is considered a realty subdivision under Environmental Conservation Law (ECL) Part 74. In accordance with 10 NYCRR Part 97 in 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. Assuming the Planning Board is going to seek Lead Agency status for this Type I action, involved/interested agencies to be engaged under the required coordinated review may include, but are not necessarily limited to the following: Clifton Park Water Authority – public water supply plan approval; NYS Dept of Health – realty subdivision approval and on-lot septic system approval; NYS Dept of Environmental Conservation – permit coverage under stormwater SPDES, identification of threatened and endangered species, potentially taking of additional water for public; NYS Office of Parks, Recreation and Historic Preservation – identification of cultural or historic resources.

Mr. Bianchi explained that two comments related specifically to the Full Environmental Assessment Form which was submitted with the application. Under Section A.6 the response indicates the project is not contiguous to, or contain a building, site or district listed on the State or National Registers of Historic Places. This typically also covers cultural resources at the State level. The applicant is asked to provide documentation as to how this determination was made. Under Section B.25, the consultant is asked to add the Clifton Park Water Authority for the extension of public water mains.

Mr. Bianchi explained that a number of comments related to the proposed subdivision plan. The project is located within the Town's Conservation Residential (CR) Zoning District. The proposal for single family homes is a permitted principal use within the CR District as noted in Section 208-16(D)(1)(b) of the Town's Zoning. A review of Section 208-16(E)(2)(b) of the Town's Zoning Code suggests that the density calculation provided on the plan of 8.53 lots (25.59 acres of unconstrained land divided by 3), rounded to 9 lots was done incorrectly. Using the example provided in the Town's Zoning would yield a density of 8.44 lots (25.59 acres of unconstrained land multiplied by 0.33). Following the requirements of 208-16(E)(1) of the

Town's Zoning for determining base density, the maximum number of lots that would be permitted is 8, not 9, as stated in the plans submitted. Section 208-16(E)(4) of the Zoning Code requires that any parcel within the CR zone shall comply with a conservation design layout. It does not appear that the plan submitted has been completed with the benefit of the four steps outlined in Section 208-16(E)(13) of the Code and therefore, it cannot be determined whether the proposed lot configuration complies with those listed in Section 208-16(E)(5) through (10) nor whether the area identified as unconstrained is accurate. Lots #7, 8 and, potentially, Lot #9 are proposed as keyhole lots. As stated in Section 208-86(A) of the Code, keyhole lots may be permitted only in rare instances when required due to unusual conditions of the area. The Planning Board needs to review the proposed concept plan to see if the use of keyhole lots in this particular instance meets the stated zoning criteria. The project proposes permanent open space, the size of which meets the minimum requirements of Section 208-16(E)(2)(b) of the Town Code. The Planning Board must determine the form of ownership that will fulfill the purposes of the CR zoning district as outlined in Section 208-16(G). The project proposes a shared driveway that will service two or more lots. If this arrangement is considered acceptable by the Planning Board, draft maintenance agreements should be prepared and reviewed by the Board's legal counsel as to form and content to ensure long term maintenance obligations are defined. The proposed private driveway measures greater than 500 feet in length. As such, Section 511.2.2 of the Fire Code of New York State (FCNYS) requires that driveways in excess of 500 feet to be provided with a turnaround suitable for fire access. Additionally, due to the length of the driveway, the town's responding emergency services may consider increasing the minimum road width for the driveway to provide improved access. Subsequent plans must show driveway configurations meeting the minimum requirements of the FCNYS as well as those requested by the town's emergency responders. The plan notes the existence of wetlands within the project boundaries that are planned for disturbance. Future plans shall include who delineated the wetlands and when they were delineated. The project proposes the use of on-lot septic systems for sewage disposal. Public sewers are located near the Meadow View complex. There may be a need to consider the viability of extending public sewers to the project. If the connection to the public sewers is determined as not being viable, subsequent plans shall show the location of the septic systems for each lot. In-situ percolation tests shall be provided to demonstrate the type of systems required for each lot. All lot grading shall be such that drainage is directed away from the homes and towards lot lines and ultimately to an approved drainage course as required by Section 86-7(A)(5) of the Town Code. In order to demonstrate conformance to the stated regulations, an overall project grading plan must be developed for review. Subsequent plan submissions shall include construction details that describe erosion and sediment control measures, water services, septic system components, and shared driveway construction. Prior to approval or filing of the subdivision plat with the Saratoga County Clerk, the appropriate 911 emergency response numbers must be obtained for and assigned to each lot created and placed on the filed plat.

Mr. Dan Hartnett, representative of the Trails Subcommittee of the Open Space, Trails, and Riverfront Committee, recommended that the developer install a trail over the proposed sewer line from Meadow View at Clifton Park Senior Apartments to the subdivision access or provide enough right-of-way for "widened shoulders to be installed along the front of the property." Mr. Vuillaume explained that construction of a trail link was not viable since the sewer extension would be made along the westerly side of Waite Road.

Mr. Koval commented that there is an extremely high water table in the area proposed for development: he encouraged the applicant to pursue connection to the existing public sewer located to the north of the site. He noted that since many of the homes in the area are situated at a distance from the roadway with long driveways, clustering toward the front of this site would be “out of character” with adjoining properties. Larger lots would be more consistent with existing development along Waite Road. Mr. Hale remarked that it appeared that a cluster design that located residences to the rear of the property appeared more reasonable since the significant upland areas were located there. He commented that such a design may also allow for stormwater to be handled more easily. He recommended that the Board consider requiring the applicant to provide for future interconnection to adjoining properties. Mr. Ferraro pointed out that the number of lots to be developed would be dependent upon the amount of designated wetland found on the site as well as accurate calculations of density. Mr. Andarawis stated that he was “not a fan” of dividing open space areas between lots: he would prefer that permanent open space be consolidated on a single parcel. Though Board members did not comment favorably or unfavorably on the application, it appeared that they would like the applicant to provide alternate design plans for consideration.

[2013-024] **Lapp Road – Subdivision of the Lands of Jerry Zheng** - Proposed (5) lot subdivision, 246 Lapp Road – Conceptual review. SBL: 278.-1-31

Ms. Rebecca Caldon, consultant for the applicant, presented this application that calls for the subdivision of 5.16 acres of land on the westerly side of Lapp Road north of its intersection with Maurice Drive. The parcel lies within the R1 zoning district. Proposed lots will range in size from 40,466 SF to 45,749 SF: the largest lot will contain an existing single-family residence. The lots will be served by extension of existing water service lines along Lapp Road and individual septic systems. Access will be provided by two shared driveways from Lapp Road and one keyhole lot.

Mr. Scavo reported that Mr. Myers, Director of Building and Development, provided the following comments regarding this application in a memo dated July 31, 2013. A clear map without contours for existing and proposed site conditions must be provided. He noted that the proposed lots require 40’ of frontage on a public street: Lots #4 and 5 have only 30 feet of frontage. Pursuant to Section 208-86 of the Town Code, keyhole lots must be approved by the Planning Board. In his opinion there are “no unusual conditions” that would warrant the approval of such lot configurations. Noting that this is the only portion of Lapp Road without public sewer service, he recommended that the system be extended to service this subdivision. Mr. Myers pointed out that setbacks on all sides of keyhole lots must be 50’ – not 50’, 25’, and 10’ as proposed. Section 176-26C of the Town Code requires that lots be large enough to contain the minimum required acreage: for lots requiring septic systems the minimum bulk requirement is 40,000 SF without including the area of the driveway access strip: lots #4 and 5 will not have the minimum required acreage. If the applicant were to extend sewer service to the parcel, minimum lot sizes could be reduced to 20,000 SF. Mr. Myers provided additional comments in an e-mail prepared on August 6, 2013. He explained that although the application mentions the construction of residences with “in-law” apartments, the code does not provide for such development: “a building is either a two-family residence or it is not.” He commented that

the “subdivision obviously needs to be re-worked” and he “highly recommended that the subdivision connect to existing public sewers.”

Mr. Scavo offered comments prepared by the Planning Department. The applicant must provide an analysis of the benefits of keyhole lots over a conventional subdivision layout. The request for an in-law apartment would require approval through the Special Use Permit process. Mr. Scavo commented that although he was not opposed to in-law apartments, the projects entertained by the Planning Board to date have been based upon individual necessity and not proposed at during conceptual subdivision review. The bulk and use standards of the district should be shown in a clearly presented site statistics table.

Mr. Montague, Environmental Specialist, reported that the ECC issued the following comments after consideration of the application. Commission members expressed concern regarding the on-site disposal of sanitary wastes and recommended connection to the public sewer system. The ECC recommended that this project be carried out in keeping with the goals of tree preservation as stated in the Town Comprehensive Plan to the greatest extent practicable. The limits of federally jurisdictional wetlands *shall* be identified on the plot plan.

Mr. Bianchi reported that review of the application by M J Engineering and Land Surveying, P.C. resulted in the following comments and recommendations. The subdivision as proposed meets the criteria of being classified as a realty subdivision. Furthermore, it is proposed to utilize on-lot septic systems for sewage disposal. Therefore, the project will require NYSDOH Realty Subdivision approval as well as approval of the proposed on-lot septic systems. Any approvals offered by the Planning Board should be conditioned on receipt of NYSDOH’s review and approval of the subdivision and on-lot septic systems. Although the total area of land disturbance expected at full project build-out is unclear from the plans, it is suspected that it will be greater than one acre. Should the project result in more than one acre of disturbance, it will be subject to the NYSDEC Phase II Stormwater Regulations and General Permit GP-0-10-001: a Stormwater Pollution Prevention Plan will be required. The project proposes to service each new lot with public water from the Clifton Park Water Authority (CPWA) via extending new individual services to each lot. The applicant shall provide the Town documentation indicating the CPWA’s ability and willingness to provide potable water to the project. Any approvals offered by the Planning Board should be conditioned on receipt of CPWA’s approval.

Additional comments related to the State Environmental Quality Review. Based upon a review of the proposal, it is considered a realty subdivision under Environmental Conservation Law (ECL) Part 74. In accordance with 10 NYCRR Part 97 in 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. Assuming the Planning Board is going to seek Lead Agency status for this Type I action, involved/interested agencies to be engaged under the required coordinated review may include, but are not necessarily limited to the following: Clifton Park Water Authority – public water supply plan approval; NYS Dept of Health – realty subdivision approval and on-lot septic system approval; NYS Dept of Environmental Conservation – permit coverage under stormwater SPDES if more than one acre of land is planned for disturbance at full build-out, potentially taking of additional water and identification of threatened if determined to be subject to the NYSDEC Phase 2 Stormwater Regulations and endangered species; NYS Office of Parks, Recreation and Historic Preservation – identification

of cultural or historic resources if determined to be subject to the NYSDEC Phase 2 Stormwater Regulations. Additional involved/interested agencies may be defined as the project proceeds through the Town's regulatory review.

Mr. Bianchi offered comments on the Full Environmental Assessment Form that was included with the conceptual submission. Under Section A.1 the present land use is noted as rural. Given that the current lot has a single family home and is surrounded by developed subdivisions, it is believed a response of "residential" is appropriate. Under Section A.6 the response indicates the project is not contiguous to, or contain a building, site or district listed on the State or National Registers of Historic Places. This typically also covers cultural resources at the State level. The applicant is asked to provide documentation as to how this determination was made. Under Section A.11, the response indicates that no threatened or endangered species exist within the project limits. Documentation as to how this determination was made should be provided. Under Section B.1.b, the initial and ultimate areas of disturbance are different, suggesting that the project will be developed in phases: the discrepancy in the amount of disturbance should be clarified. Under Section B.1.g it indicates 2 vehicle trips per hour. In reviewing the ITE Manual (2010 Version), land use 210 – Single Family Detached Homes, calls for 1.01 PM Peak Trips per dwelling unit. The stated vehicle trips appear to be underestimated for a five lot subdivision. Under Section B.7.c, the project completion is the same approximate date as the start of the project as noted in B.7.b: the applicant is asked to review and correct project completion date as necessary. Under Section B.16.c, the Clifton Park Landfill is listed. It should be noted that the landfill service only as a transfer station and does not accept bulk waste from contract haulers: this response may need to be revised to indicate a regional facility. Under Section B.21 the question is regarding energy use. The response of "4 new single family homes, some have in-law apartments" appears to not address the question. Under Section B.25 add the NYSDEC if there is a need to seek coverage under General Permit GP-0-10-001, NYSDOH for realty subdivision approval and the Clifton Park Water Authority for public water. Under Section C.11, the question is regarding demand on community services and whether or not there is sufficient capacity. The response of "4 new single family homes, some have in-law apartments" appears to not address the question.

The Town Engineer offered additional comments on the subdivision plan. The project is located within the Town's Residential I (R-1) zoning district. The proposal for single family homes is a permitted principal use within this district as noted in Section 208-10(B)(2) of the Town's Zoning Code. Based upon a review of the proposed lot configurations, the following is noted. Lots #1, 4 and 5 are proposed as keyhole lots. As stated in Section 208-86(A) of the Code, keyhole lots may be permitted only in rare instances when required due to unusual conditions of the area. The Planning Board must review the proposed concept plan to see if the use of keyhole lots in this particular instance meets the stated zoning criteria. Section 208-86(B) requires that for keyhole lots, that all setbacks including front, side and rear shall be 50-feet for the main building/structure. The concept plan does not show the appropriate setbacks for the three proposed keyhole lots. Section 208-98 requires lots along Lapp Road to be no closer than 100-feet from the center line of the street: the front setbacks shown of proposed Lots #2 and 3 needs to be modified to meet the minimum requirements stated since they front on Lapp Road. Section 208-101 of the Zoning Code requires that no dwelling shall be erected on a lot which does not abut on at least one street for a distance of not less than 40 feet. Proposed Lots #4 and 5 show only a 30 feet of frontage and proposed Lot #1 appears to have no frontage. Section 179-

26(A) of the Town's Subdivision Regulations requires that the owner shall offer to the Town, Class A, B, money in lieu of land or a combination of the three. The plan submitted suggests no land will be offered as part of the project: the Town will need to review the proposal for what appears to be an offer of payment in lieu of for public land to ensure it is acceptable. The project proposes two shared driveways each servicing two or more lots. If this arrangement is considered acceptable by the Planning Board, draft maintenance agreements should be prepared and reviewed by the Board's legal counsel as to form and content to ensure long term maintenance obligations are defined. The northern most driveway may not have sufficient sight distance due to the existing vertical curve in Lapp Road to the north. There must be a determination of what the required verses provided site distance is for both proposed driveways pursuant to ASHTOO requirements based upon the posted speed limit of Lapp Road. Each of the two proposed private driveways measures greater than 500 feet in length. As such, Section 511.2.2 of the Fire Code of New York State (FCNYS) requires that driveways in excess of 500 feet to be provided with a turnaround suitable for fire access. Subsequent plans must show driveway configurations meeting the minimum requirements of the FCNYS. The plan notes the existence of wetlands within the project boundaries that are not planned for disturbance. Future plans shall include who delineated the wetlands and when they were delineated. The project proposes the use of on-lot septic systems for sewage disposal. Subsequent plans shall show the location of these facilities for each lot. In-situ percolation tests shall be provided to demonstrate the type of systems required for each lot. All lot grading shall be such that drainage is directed away from the homes and towards lot lines and ultimately to an approved drainage course as required by Section 86-7(A)(5) of the Town Code. In order to demonstrate conformance to the stated regulations, an overall project grading plan must be developed for review. Should any basement sump pumps be deemed required under the criteria stated in Section 86-7(A)(6) of the Town Code, their end discharge locations need to be noted on the plans. Subsequent plan submissions shall include construction details that describe erosion and sediment control measures, water services, septic system components, and shared driveway construction. Prior to approval or filing of the subdivision plat with the Saratoga County Clerk, the appropriate 911 emergency response numbers must be obtained for and assigned to each lot created and placed on the filed plat.

Mr. Dan Hartnett, representative of the Trails Subcommittee of the Open Space, Trails, and Riverfront Committee, recommended that the applicant provide a 20' right-of-way along Lapp Road across the entire property frontage to preserve the tree canopy "that makes Lapp Road a unique road in southern Clifton Park." He also recommended that the subdivision plan be modified to retain the existing single driveway, allowing all the homes to "face onto the existing center green," resembling a more traditional subdivision. Mr. Hartnett also commented that he would not support the development of duplexes on the site since they would not harmonize with the existing character of the neighborhood.

Mr. Ophardt expressed his concern for adequate sight distance at the northern most driveway, stating that visibility is limited in that area. Mr. Koval stated that since no duplexes are permitted within the zone, no "in-law" apartments would be accommodated. Mr. Ferraro commented that he "was not in favor" of the design presented. Overall it appeared that Board members would prefer a project plan that included extension of public sewer service to the site and the presentation of a more code-compliant plan.

**Discussion Items:**

[2013-023] **Abele – NYS Route 9 and Old Route 146** – Proposed grading and clearing for potential future development, 1714 NYS Route 9 – Conceptual review. SBL: 272.9-1-21.1

Mr. Vuillaume, consultant for the applicant, presented this application, explaining that, although the original application included a conceptual site plan, a follow-up e-mail to Mr. Scavo asked that the site plan “be disregarded from the application at this time as [the applicant] is not prepared to present the proposed land uses to the Town at this time.” He asked that Board members consider only the clearing and grading portion of the plan that was being presented to Board members in anticipation of the adoption of Town Center Zoning. The plan calls for the removal of several buildings and the clearing and grading of a 2.5 acre portion of a 5.3 acre parcel generally situated between US Route 9, Fire Road, and Northside Drive. The speaker presented photographs of existing buildings that were located either on the project site or in close proximity to the proposed development. Most of the properties, though showing some signs of historic importance, appeared to be in poor condition. Mr. Vuillaume explained that removal of some of the buildings would be necessary to achieve access to the site at three locations: Fire Road, Route 9, and Northside Drive.

Mr. Vuillaume explained that the applicant would like to clear the parcel of the brush and weeds that have overgrown it, making evaluation of the “viewshed” into the site and assessment of the parcel’s true value impossible.

Mr. Scavo reported that Mr. Myers, Director of Building and Development, offered several comments regarding this application, though he commented that most of the comments appear to be irrelevant at this time since the applicant has requested that the concept site plan included with the application be disregarded. Mr. Myers did comment that several buildings are believed to have significant historic value and may not be allowed to be removed. He also stated that if this proposal is considered as a soil disturbing activity only, Section 208-114 would apply.

Mr. Scavo stated that he had fundamental issues with the uses proposed since they were not permitted by the current zoning code. He did comment that shovel-ready site development proposals are generally based upon build-out scenarios that are based upon uses permitted by the Code.

Mr. Hale commented that development of a “new urban center” on the parcel would be desirable. Mr. Andarawis, the Board’s liaison with the Historic Preservation Commission, advised the applicant to determine which buildings are situated on the parcel and which are not in order to determine those which may be historically significant. He noted that the Commission is always anxious to work with applicants to adapt and repurpose valuable landmarks. Mr. Ferraro supported the “new urbanism” concept though he cautioned the applicant that “denuding” of the site would not be acceptable since it is a an area recognized as “the main visual corner of the Town.” Although Mr. Bianchi pointed out that preparation of a “shovel ready” site involves SEQRA and other regulatory reviews and, often, preparation of a Stormwater Pollution Prevention Plan, Mr. Abele argued that “marketability of the site is determined by the condition of the site.” He believes that some clearing and site cleanup is

necessary to attract potential developers. Mr. Ferraro stated that he realizes that current B-4 zoning does not allow for uses desirable for the creation of a “town center.” Mr. Koval commented that although he finds the site’s current condition to be “undesirable,” appropriate setbacks and aesthetic guidelines have not yet been adopted by the Town Board. Mr. Andarawis and Mr. Hale supported “selective clearing” that would “cleanup” the site. There was some discussion of the application of SEQRA review to the proposal. Both Mr. Scavo and Mr. Bianchi pointed out that the environmental review process must be conducted based upon current zoning; revisions could then be made to the determinations as new zoning regulations are adopted and implemented.

Mr. Koval moved, seconded by Mr. Werner adjournment of the meeting at 11:15p.m. The motion was unanimously carried. There is only one meeting during the month of August. Since primary elections have been scheduled for September 10, 2013 on the date of the originally scheduled Planning Board meeting, the next meeting of the Board has been rescheduled to WEDNESDAY, September 11, 2013.

Respectfully submitted,

Janis L. Dean,  
Secretary

cc: Planning Board Members, Planning Department, Supervisor, Assessor, Zoning Board, Department of Building and Development, Town Clerk, Town Board Members, Highway Superintendent, Lou Renzi, Town Attorney, Tom McCarthy, Town Attorney, Paul Pelagalli, Town Attorney, ECC, Clifton Park Water Authority

**NOTICE OF DECISION**

**Resolution #10 of 2013**

**Preliminary and Final Subdivision Approval**

At a meeting of the Planning Board of the Town of Clifton Park, Saratoga County, New York, held at the Town Office Building, One Town Hall Plaza, on August 13, 2013, there were:

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

Absent: E. Prescott – Alternate Member

Mr. Koval offered Resolution #10 of 2013, and Mr. Hale seconded, and

Whereas, an application has been made to this Board by 59 Boyack Road, LLC. for approval of a subdivision entitled Lussier Drive Cluster Subdivision consisting of (17) lots;

Whereas, pursuant to Section 276 of the Town Law, a public hearing was advertised and was held on August 13, 2013;

Whereas, the Planning Board was established as Lead Agency for this application, an unlisted action, and a negative declaration was issued pursuant to SEQRA on August 13, 2013;

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

Now, therefore, be it resolved that the final hearing for this application is waived and that the subdivision plat entitled Lussier Drive Cluster Subdivision consisting of (17) lots is granted preliminary and final approval conditioned upon satisfaction of the comments offered by the Planning Board, Planning Department, Town Engineer, and all comments listed in the final comment letter prepared by the Planning Department. The approval is also specifically conditioned upon evaluation of the effectiveness of the three-way STOP after it becomes operational to determine whether or not installation of the crosswalk at the intersection and a path along the south side of Boyack Road between the crosswalk and Carriage Road can be safely accommodated. If determined to be warranted, it is recommended to the Town Board that the parkland fees assessed for the development of the subdivision be used to partially offset the cost of trail improvement.

Resolution #10 of 2013 passed 8/13/2013

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

Noes: None

Rocco Ferraro,

Chairman

**NOTICE OF DECISION**

**Resolution #11 of 2013**

**Preliminary and Final Subdivision Approval**

At a meeting of the Planning Board of the Town of Clifton Park, Saratoga County, New York, held at the Town Office Building, One Town Hall Plaza, on August 13, 2013, there were:

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

Absent: E. Prescott – Alternate Member

Mr. Werner offered Resolution #11 of 2013, and Mr. Ophardt seconded, and

Whereas, an application has been made to this Board by The Vistas at Clifton Park, LLC. for approval of a subdivision entitled 14 Vista Court at The Vistas at Clifton Park consisting of (3) lots;

Whereas, pursuant to Section 276 of the Town Law, a public hearing was advertised and was held on August 13, 2013;

Whereas, the Planning Board was established as Lead Agency for this application, an unlisted action, and a negative declaration was issued pursuant to SEQRA on August 13, 2013;

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

Now, therefore, be it resolved that the final hearing for this application is waived and that the subdivision plat entitled 14 Vista Court at The Vistas at Clifton Park consisting of (2) lots is granted preliminary and final approval conditioned upon satisfaction of all items listed in the final comment letter issued by the Planning Department.

Resolution #11 of 2013 passed 8/13/2013

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

Noes: None

Rocco Ferraro,

Chairman

**NOTICE OF DECISION**

**Resolution #12 of 2013**

**Preliminary and Final Subdivision Approval**

At a meeting of the Planning Board of the Town of Clifton Park, Saratoga County, New York, held at the Town Office Building, One Town Hall Plaza, on August 13, 2013, there were:

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

Absent: E. Prescott – Alternate Member

Mr. Koval offered Resolution #12 of 2013, and Mr. Hale seconded, and

Whereas, an application has been made to this Board by the Shenendehowa Central School District for approval of a subdivision entitled Subdivision of the Lands of Central School District No. 2, Towns of Clifton Park, Halfmoon, Malta, Waterford, Ballston and Stillwater, Saratoga County, New York consisting of (2) lots;

Whereas, pursuant to Section 276 of the Town Law, a public hearing was advertised and was held on August 13, 2013;

Whereas, the Planning Board was established as Lead Agency for this application, an unlisted action, and a negative declaration was issued pursuant to SEQRA on August 13, 2013;

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

Now, therefore, be it resolved that the final hearing for this application is waived and that the subdivision plat entitled Subdivision of the Lands of Central School District No. 2, Towns of Clifton Park, Halfmoon, Malta, Waterford, Ballston and Stillwater, Saratoga County, New York consisting of (2) lots is granted preliminary and final approval conditioned upon satisfaction of the comments listed in the final comment letter prepared by the Planning Department.

Resolution #12 of 2013 passed 8/13/2013

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

Noes: None

Rocco Ferraro,

Chairman

**NOTICE OF DECISION**

**Resolution #13 of 2013**

**Final Subdivision Approval**

At a meeting of the Planning Board of the Town of Clifton Park, Saratoga County, New York, held at the Town Office Building, One Town Hall Plaza, on August 13, 2013, there were:

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

Absent: E. Prescott – Alternate Member

Mr. Andarawis offered Resolution #13 of 2013, and Mr. Ophardt seconded, and

Whereas, an application has been made to this Board by Robert VanPatten for approval of a subdivision entitled Synergy Technology Park consisting of (7) lots;

Whereas, pursuant to Section 276 of the Town Law, a public hearing was advertised and was held on February 12, 2013;

Whereas, the Planning Board was established as Lead Agency for this application, a Type I action, and a negative declaration was issued pursuant to SEQRA on February 12, 2013;

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

Now, therefore, be it resolved that the subdivision plat entitled Synergy Technology Park consisting of (7) lots is granted final approval conditioned upon satisfaction of all comments listed in the final comment letter prepared by the Planning Department.

Resolution #13 of 2013 passed 8/13/2013

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

Noes: None

Rocco Ferraro,

Chairman