

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

PLANNING BOARD

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

Planning Board
January 27, 2015

Those present at the January 27, 2015 Planning Board meeting were:

Planning Board: J. Koval – Vice Chairman, E. Ophardt, K. Paulsen, E. Prescott, T. Werner,
A. Neubauer – Alternate Member

Those absent included: R. Ferraro, E. Andarawis

Those also present were: J. Scavo, Director of Planning
J. Bianchi, M J Engineering and Land Surveying, P.C.
P. Pelagalli, Counsel
M. Springli, Secretary

It was noted that Mr. Koval would be acting as Chairman tonight in Mr. Ferraro's absence. Mr. Koval called the meeting to order at: 7:03pm. All in attendance stood for the Pledge of Allegiance. Mr. Koval announced that Mr. Neubauer would vote in place of Mr. Andarawis for this meeting.

I. Minutes Approval

Mr. Werner moved to approve the planning board minutes of January 13, 2015 as written. The motion was seconded by Mrs. Paulsen. The motion was unanimously carried.

II. Public Hearing

[2015-004] Town of Clifton Park groSolar

Proposed subdivision at town landfill property to allow installation of a solar farm, 217 Vischer Ferry Rd, Zoned: R-3, Status: Preliminary public hearing with possible subdivision determination. SBL: 283.-1-65

Mr. Koval stated that Lead Agency status of the Town Board has been established pursuant to SEQR. The vice chairman opened the public hearing at 7:04pm. Mrs. Springli read the notice as it was published in The Daily Gazette on 1/19/2015.

Mr. John Scavo as a representative of the Town presented the application for a 2-lot subdivision on the town landfill. The Planning Director noted that the project was funded through a NYSERDA grant which was awarded to allow the installation of solar panels above the capped landfill. The speaker also remarked that power for the town will be generated at this installation and it was anticipated that any excess power will be sold back to the grid. Mr. Scavo added that National Grid requires a net meter in order to credit the Town and only one meter is allowed per parcel. Therefore, it was noted that the town is required to subdivide the parcel but that the town will retain ownership of the parcel.

Public comment:

Mr. Jim Ruhl, Wooddale Drive, asked for clarification about the intent of the town to retain control of the wildflower coverage upon the landfill as per the recent initiative by residents. Mr. Scavo indicated locations where wildflowers should still be able to grow.

Anthony LaFleche, 21 Wheeler Dr. resident asked for a description of the solar panels.

Mr. Jack Honor, a representative from groSolar stated that it would cover approximately 6 acres with 4,000+/- solar panels and he added that power is directly sent to the "grid" for immediate use by consumers. It was also noted that a gravel access drive would be installed and that the entire solar project will be fenced by a 7' chain-link fence around the 6 acre installation.

Mrs. Paulsen offered a motion to close the public hearing at 7:14pm. It was seconded by Mr. Ophardt and unanimously approved.

Planning Board Comments

Mrs. Paulsen asked to be shown where the new access drive would be located. Mr. Honor indicated that the driveway would be along the left side of the solar farm parcel.

Mr. Werner asked if birds would be a problem and the response was that they not a problem at other locations.

Mr. Neubauer asked for the location of the inverters and two options were offered; they could be either rear mounted or pad mounted inverters.

Mr. Werner asked about the expected lifespan of the project. The representative said there was a 25 year warranty on the panels and that the electronics were proposed to be replaced at 15 years.

Other discussion ensued regarding technical aspects and aesthetics of the installation.

Mr. Scavo, Planning Director, reported that the following groups and/or staff have had the opportunity to review the plans as submitted and any of their written comments have been forwarded to Planning Board members for their consideration:

- Sheryl Reed, Bureau of Fire Prevention
- Steve Myers, Building and Development
- Environmental Conservation Commission
- Dan Hartnett, Trails Subcommittee of the Open Space, Trails, and Riverfront Committee
- Rick Kukuk, Highway
- Don Austin, Clifton Park Water Authority

ECC Recommendations: from memo dated 1/20/2015

1. Does the subdivision of the parcel have any impacts on the existing permits that are in place in regard with the landfill or the future permitting process?
2. The ECC would like clarification regarding the proposed subdivision parcel boundaries and the apparent division of the landfill cap. The ECC is concerned that an environmental impact to the landfill on one parcel may have a negative effect on the other parcel.
3. The ECC is concerned that this proposed parcel will be land-locked.

S. Myers Comments:

- Currently zoned R-3.
- Appears the installation of a solar farm is an allowed use in the R-3 zone as defined by "Public Utility Structure"
- More comments to follow when detailed installation plans submitted.

J. Scavo Review:

- The Town Board has already declared itself lead agency for the SEQRA process and issued a negative declaration for the unlisted action on December 8, 2014.
- The subdivision is a requirement of National Grid which will only allow for a net meter to be the only meter installed on a single parcel.
- Net metering will lower the Town's electricity bill by reducing the amount of electricity the Town will have to buy from National Grid. Net metering will allow the Town to receive credits for electricity the solar panels on the capped landfill will generate but do not use.

Mr. Prescott offered Resolution #1 of 2015, seconded by Mr. Ophardt, to waive the final hearing for this application, to grant preliminary and final subdivision approval conditioned upon the satisfaction of all items listed in the final comment letter prepared by the Planning Department. Ayes: Paulsen, Ophardt, Neubauer, Prescott, Werner, Koval. Noes: None

III. Old Business

2014-049 Wood Road Landscape Business

Proposed construction of a 3,000sf landscape shop and office with parking, Wood Rd, Zoned: L 2, Status: Preliminary site plan review with possible determination.

SBL: 259.-2-73.12

Mr. Terry Hubbard, Peak Environmental reviewed the project which was last seen at a meeting on:
Technical issues addressed included:

- revisions to the handicapped parking sign
- adding orange construction fencing during building
- various permits as needed to be obtained
- responses to some of the TDE questions

Mr. Scavo, Planning Director, Mr. Scavo, Planning Director, reported that the previously mentioned groups and/or staff have had the opportunity to review the plans as submitted and any of their written comments have been forwarded to Planning Board members for their consideration and then the director read the following:

ECC Recommendations:

1. ECC recommends that the applicant shall not use existing wetlands for stormwater treatment or storage.
2. In general the Short Form EAF does not reflect the information provided by the NYSDEC EAF Mapper Report. For example, the project is in an archeological sensitive area and endangered species may be in the area. The ECC recommends that corrections be made to the Short EAF that takes into consideration data that is contained in the NYSDEC EAF Mapper Report.
3. According to the EAF Mapper this site has been deemed an environmental remediation site and the applicant shall provide on how the issue will be addressed prior to project approval.
4. The plans shall also have the ECC Standard Notes.
5. Due to the location of this project relative to the aquifer/recharge area, no underground storage tanks shall be constructed on this property; during construction, any temporary above-ground storage tanks shall have secondary containment of no less than 110% of the tank volume to prevent releases to the aquifer/recharge area; during construction, contractors shall have a spill contingency plan which addresses prevention, reporting, and cleanup of releases of petroleum and/or hazardous materials.

S. Myers Comments:

- Remainder of EAF needs to be completed by Planning.
- Appears to be an allowed use in the Light Industrial 2 (LI-2) zone.
- Entrance does not appear to cross a wetland but does pass through the NYSDEC buffer zone. A permit from DEC may be required.

- Although the developed area may not be over the one acre threshold, a full SWPPP should be required due to the amount of earthwork expected and the proximity of the project to wetlands.
- It appears there is no pre-treatment of runoff which is channeled directly to a wetland. Pre-development appears to be sheet flow. This change is not allowed. Discharging directly to a wetland is not allowed and it is believed a permit from DEC will be required for flow in the buffer and wetland area.

J. Scavo Review:

- A Phase I Cultural Resource Survey, Dated December 2014 prepared for Peak Environmental, Inc. by Andrew Black has been submitted for the project file.
- The prior documented evidence speaks no other uses that prior agricultural lands with secondary forest growth for the project site.
- The wooded lot appears to be not conducive to the blue Karner butterfly habitat.
- Please note the Handicapped parking stall detail shown on Sheet 2 of the drawing should include “No Parking Anytime Sign” (MUTCD R7-1) will have to be mounted in front of the handicapped access isle.
- The handicapped parking sign detail should be modified to show the bottom of the mounted signs are to be placed at least 60 inches above the parking surface or no greater than 84 inches.
- Since the site is showing .98 acres of disturbance, to ensure that the limits remain under one acre the disturbance should be clearly delineated with orange construction fencing as clearing occurs.
- A 100’ wetland buffer is shown wetland areas 1 & 2. As such, the assumption is made that the wetlands are regulated by NYS DEC. Therefore, prior to final stamping of the plans the applicant will have to receive approval from NYS DEC for the proposed disturbance activity within the 100’ buffer area (access driveway). It is important to note for the Planning Board’s information that a driveway crossing is a permitted use within the Land Conservation (LC) Overlay Zone.
- Per my prior comment offered on November 21, 2014
- Pursuant to the Findings Statement for the FGEIS for the Wood Road Corridor, the following issues should be addressed as plans progress:
- Per Finding No. 34, traffic mitigation fees are required to address cumulative impacts of the proposed development. The applicant’s consultant should submit an analysis of the projected trip generation using ITE Trip Generation Manual, 9th edition, so that the respective mitigation fee can be assessed. This information should be provided by the applicant as a minimum as a condition of final approval.
- Upon site plan approval a mitigation fee is due for the original review of the DGEIS in the amount of \$74.28 per acre.
- Per Finding No 79, the Light Industrial zoning district was amended to allow only uses such as warehousing, fabrication and similar low intensity land uses. The proposed use appears to be consistent with the permitted zoning and with prior approvals for landscaping businesses within the Light Industrial zoning district.

M.J. Engineering and Land Surveying Review - issued a Comment Letter on: 1/23/2015 and Mr. Bianchi noted that most raised issues have been addressed by the applicant during his presentation.

State Environmental Quality Review

- No additional comments.

Short Environmental Assessment Form

- No additional comments.

Site Plans

- The project shows work within the NYSDEC 100-foot adjacent area and will require permitting from the NYSDEC. It is recommended that the Town be provided a copy of any permit approvals associated with work within the adjacent area prior to issuance of a building permit.
- The grading plan does not accurately portray the proposed contours along the access road as illustrated on the driveway section detail provided and should be corrected.
- The typical pavement section suggests that asphalt pavement may or may not be installed. The accessible parking space, accessible aisle and accessible route to the building's accessible entrance must include finished surfaces that comply with the ADA 2010 regulations. Therefore, the parking areas will need to be paved in the area of accessible parking space and aisle to provide a smooth accessible path.
- The handicapped parking space detail needs to be updated to include a "No Parking" sign in the accessible aisle and shall note the appropriate mounting high pursuant to the ADA 2010 standards.
- With the proposed uses, please indicate on the plans how stored materials will be isolated such that they will not be transported via runoff into the adjacent NYSDEC wetlands. Best management practices need to be employed to the greatest extent practicable.
- The plans note less than 1-acre of disturbance as part of the project. Therefore, the project is not subject to the NYSDEC Stormwater Regulations and General Permit GP-0-10-001. Notwithstanding, the applicant needs to understand that minimal future disturbances will be permitted without prior review by the Town.

Stormwater Management Report

- No technical comments, however, please indicate who the stamping professional is/was preparing the report.

Public Comments (Not a public hearing)

Dan Hartnett, 32 Southbury Road, and Trails Subcommittee asked for a 15' right-of-way for a future trail and that a bike rack be installed on site. The consultant noted that the steep slopes and extensive wetlands could be problematic for developing a trail.

Mitigation fees per the Wood Road GEIS were discussed and would be addressed in the director's final comment letter.

The consultant stated that he would discuss with the applicant whether they would be willing to allow a 15' right-of-way across the road frontage. Mr. Ruhl, resident and member of the County Trail System stressed the need for that right-of-way for connection to the Zim Smith Trail. Mr. Werner asked if either side of Wood Road could be used for the trail in the future. Mr. Hartnett stated that other projects on this Western side have already agreed to either give land or construct a trail and that this property is the missing link in the area.

Planning Board Comments

Mr. Werner asked about prior use on the property and it was noted that it was a vacant property.

Mr. Koval asked if the Planning Board felt that it was ready for a preliminary approval with the applicant needing to address some outstanding issues such as easements, drive permits, and/or traffic counts prior to final approval. The planning board appeared to be in general agreement.

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

Mr. Werner offered a motion, seconded by Mr. Neubauer to grant preliminary site plan approval for this application, conditioned upon an appearance before the Planning Board to address outstanding issues including but not limited to easements, drive permits and traffic counts. The motion was unanimously carried.

IV. New Business

2015-003 Neil, Andrew

Proposed 4 lot subdivision, (1) existing single family residence and (3) 2-family residences with public water and septic. 58 Bradt Rd, Zoned: CR, Status: Conceptual subdivision review and possible special use permit.

SBL: 263.-1-39

Mr. Harold Berger represented the owners of 58 Bradt Road, Mr. Andrew Neil and Mr. Doug Neil for a proposal to subdivide the lot into (4) building lots in a Conservation Residential zone. The consultant explained that there is one existing home on the property and the concept plan shows an additional three 2-family residences with public water and septic systems adding that one-half of the area would be conserved and undeveloped. Mr. Berger stated that the applicant would pursue the duplexes through a special use permit if the planning board gave positive feedback to the concept.

Mr. Scavo, Planning Director, noted that interested groups and/or staff have had the opportunity to review the plans as submitted and any of their written comments have been forwarded to Planning Board members for their consideration and he read the following:

ECC Recommendations:

1. The ECC notes that an aquifer recharge area is present within the project limits. The Applicant must design a stormwater management and sanitary system that protects the aquifer resource.
2. The parcel (subdivision) is located in an area which may be impacted by aviation activity. Impacts may include noise or vibration. A study describing this impact in detail is available for inspection in the offices of Schenectady Airport. In addition there is railroad activity in the vicinity that may cause noise and or vibration.
3. The applicant shall provide information on the planned ownership of the conservation easement. The boundary of the conservation easement and the property lines need clarification on the plans.

S. Myers Comments:

- County mapping shows parcel as 13.4 acres vs 12.98 noted on plans.
- Parcel is zoned Conservation Residential (CR).
- EAF is not signed or complete.
- Duplexes proposed will require SUP approval.
- Is rear of existing property to be part of last home parcel or existing house parcel via road, unclear?
- Poor percolation test times, may need fill systems.
- Is road to be private or public?
- All new homes appear to be keyhole lots which require 50' setbacks from all property lines.
- Septics must be proven to support two dwelling each.

- 12.87 acres unconstrained results in three units not four, do not round up.
- Required conservation area may not be 50% as required once 50' setbacks are applied.

J. Scavo Review:

- Per Town Code, keyhole lots are allowed at the discretion of the Planning Board in rare instances.
- Add a note to the subdivision plan which states:
 - Existing public roadway drainage shall not be altered by the proposed subdivision. Property owner should be aware of the existing roadway drainage onto the land within the proposed subdivision which is at a lower elevation than the adjacent town right-of-way.
- A note should be added to the plan that states, “The proposed shared driveway shall conform to sections 503 & 511 of the Fire Code of New York State.”
- Add a note to the plan that states, “The proposed driveway will not be dedicated to the Town of Clifton Park now or in the future, also any future maintenance or capital investment requirements of the driveway and the culverts are the sole responsibility of each private land owners.
- It is preferred by the Planning Department that the permanently protected open space remain in private ownership by deed restriction as a portion of Lot #4.
- In accordance with §208-86(B) of the Town Code, “Space and bulk standards for keyhole lots shall be the same as delineated in § 208-11 for the district in which they are located, except that all setbacks, whether front, side or back yards, shall be a minimum of 50 feet for the main building/structure.”
- The applicant should be aware that each proposed duplex structure will not be allowed to be subdivided since a common leach field is proposed. The applicant may want to consider providing to separate laterals and septic tanks to the common leach fields.
- It is anticipated that the area identified on Lot #4 as a “Stormwater Management Area - Infiltration Basin” will be a graded depression that will have grass cover. The Town does not accept easements for maintenance on private properties or access over private properties for such facilities. As a result, a private stormwater maintenance agreement should be included as an exhibit to the Deed for lot #4. Reference to the stormwater agreement should be mentioned on the subdivision plan notes that the specific stormwater management responsibilities are the sole responsibility for the property owner of Lot #4 and this information is to be included in a deed covenant that requires operation and maintenance of the practice in accordance with the operation and maintenance plan.
- The minimum culvert size under each driveway shall be a minimum of 12” in diameter and sized for a 10 year storm event. Each culvert shall be the property owner’s responsibility to own and maintain.
- Since the proposed subdivision will utilize a private driveway a street lamp at the intersection of Bradt Road is not required at the intersection.
- Per §208-86(F) of the Town code:
 - Appropriate signage must be provided as indicated in the following note which will be placed on the final plat of any subdivision containing a keyhole lot:

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

- Show placement of the foundation drains and where they daylight to grade.

M.J. Engineering and Land Surveying Review - Comment Letter on 1/27/2015

State Environmental Quality Review

- Based upon our review of Part 617 of NYS Environmental Conservation Law, the project appears to be an "Unlisted" action. If the Planning Board is to request Lead Agency status under SEQRA, the need to undergo a coordinated review is optional. Under a coordinated review, involved / interested agencies to be engaged may include, but is not necessarily limited to the following: Saratoga County Sewer District No. 1 – sanitary sewer reserve capacity request, New York State Dept of Health – potential extension of public water main (refer to Comment 13), New York State Dept of Environmental Conservation – permit coverage under stormwater SPDES and identification of threatened and endangered species.
- Additional interested and involved agencies may be identified over the course of the Town's review of the application.

Short Environmental Assessment Form

- Under Part 1, Item 2, there may be a need to add the NYSDOH due to the potential need to extend a public water main to service the project (see also Comment 13).
- The SEQRA form needs to be signed and dated by the party completing it.

General Comments

- The project proposes to service each new lot with public water from the Rexford Water District from an existing water main located along Bradt Road. The applicant shall provide the Planning Board documentation of the District's ability and willingness to service the project with potable water.
- The project appears to result in disturbances in excess of 1-acre and therefore is subject to the NYSDEC Phase 2 Stormwater Regulations and General Permit GP-0-10-001. Since the project proposal includes two family, (or multi-family) attached dwellings, (refer to Appendix B, Table 2 of GP-0-10-001) a fully conforming Stormwater Pollution Prevention Plan (SWPPP) will be required that addresses stormwater quality, quantity and green infrastructure elements and must be submitted as part of subsequent plan submissions to the Town.

Subdivision Plans

- The project is located within the Town's Conservation Residential (CR) Zone. In reviewing Section 208-16(D)(3)(3)[8], the proposal for single family attached homes is a permitted under a special use permit.
- The existing parcel is identified as being 12.98 acres in size. As such, the development of the lot must follow the provisions outlined in Section 208-16(E)(2)(b) of the Town's Zoning, which is applicable to development on 10 or more acres. Under Section 208-16(E)(2)(b) of the Town's Zoning, the maximum density permitted for this project would be 4 dwelling units. The proposal calls for 6 new units and 1 existing residence, for a total of 7. It would appear that a variance would be necessary or the incentive zoning option may be pursued as described in Section 208-16 (H) of the Town Zoning. We would defer to the Town's chief zoning officer on this matter.
- The project proposes keyhole lots. Pursuant to Section 208-86 (A) of the Town Zoning, keyhole lots may be permitted by the Planning Board only in Residential Districts R-1 and R-3 and only in rare instances when required due to unusual conditions of the area. Since the parcel is within the CR District, the proposal for keyhole lots may not be permitted. We would defer to the Town's chief zoning officer on this matter.
- If it is determined that keyhole lots are permitted within the CR District, the current lot configurations need to be adjusted as they do not meet the minimum requirements of Section 208-86(B) of the Town Zoning, which requires a minimum of 50-foot setbacks from all parcel lines to the main building/structure.
- The current lot configuration places adjacent structures in close proximity to one another. There needs to be buffering provided between these lots to ensure privacy as outlined in Section 208-86- (E) of the Town Zoning.
- The project proposes conservation area of 6.6 acres. The applicant needs to indicate the form of ownership, whether it be retained as private (common or uncommon), semi-public under a land conservancy or public to the Town. Further, a protective covenant should be furnished to the Town and filed with the County Clerk's Office to ensure this area will remain undeveloped in perpetuity.
- The project shows a single stormwater management system. There needs to be indication as to who will own and be responsible for long term maintenance and operation of this system.
- Further detail is required regarding the extension of public water to each lot. It should be noted that no more than one lot can be serviced by an individual service lateral. The plans suggest the extension of a water main. If this is the case, the water main must be conveyed to the Town and/or a transportation corporation must be formed.
- If a single water main is proposed for conveyance to the Town, it needs to be contained in an easement conveyed to the Town.
- The project proposes a shared driveway. The applicant should furnish the Planning Board counsel with a draft driveway maintenance agreement. Should the subdivision be approved, it is suggested that the applicant furnish the Town proof of filing of the easement and agreement with the County Clerk's office prior to issuance of a building permit for either lot.
- Prior to filing of the subdivision plat, the applicant must obtain the 911 emergency response numbers from the Town and shall be shown on the filed plat.

Planning Board Comments

Mr. Koval asked for clarification about what density would be allowed. The vice chairman stated that he felt that it was critical before determining the layout of the entire site to know how many lots and dwelling units could be built.

Mr. Hartnett asked if the railroad was an active line and it was determined that it was. Mr. Hartnett also asked for expanding the right-of-way along the road for a future trail.

Mr. Ophardt asked why the applicant proposed duplexes rather than single family residences. Mr. Frank Carnevale, the builder, explained that the intent was to build the units, retain ownership and rent the units out. Mr. Neubauer asked if a variance would be required for the layout because of the 50' setback requirement for all borders of a keyhole lot. Mr. Scavo stated that the zoning board of appeals would like to know that the planning board was in favor of the keyhole lots before they consider the variances. It was also noted that any road would have to be a public road, built to town highway standards in order to be considered frontage and eliminate the keyhole lot and 50' setback requirements.

Discussion of the character of the area ensued. It was noted that there are single family residences on keyhole lots but no duplexes in the area. Mr. Berger noted that the owners would prepare all necessary maintenance agreements for the stormwater, and other infrastructure and intend to keep them in private ownership and maintenance. The planning director and town designated engineer indicated that it did not appear to be overly burdensome for the owner(s) to assume responsibility for such.

It appeared that the planning board generally felt it was necessary to have the determination of the Chief Zoning Officer as to whether or not duplexes would be allowed, whether through a special use permit or not, as well as the calculation of the allowable base density before having any further discussion regarding creation of keyhole lots and subdivision.

Discussion Items - None

Mr. Prescott offered, seconded by Mr. Ophardt to close the planning board meeting at 8:23 pm. The motion was unanimously carried.

Respectfully submitted,

Margaret Springli