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PLANNING BOARD

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MEMBERS

Emad Andarawis

Joel Koval

Eric Ophardt

Kim Paulsen

Eric Prescott

Tom Werner

(alternate) Andy Neubauer

Planning Board Minutes
March 24, 2015

Those present at the March 24, 2015 Planning Board Meeting were:

Planning Board: R. Ferraro, Chairman, E. Andarawis, J. Koval, E. Prescott, E. Ophardt, K. Paulsen, A. Neubauer – alternate member

Those absent were: T. Werner

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

Mr. Ferraro called the meeting to order at 7:06pm. All in attendance stood for the pledge of allegiance. The chairman noted that Mr. Neubauer would be a voting member for the meeting in the absence of Mr. Werner.

I. Minutes Approval

Mr. Koval moved, seconded by Mr. Ophardt, to approve the minutes of the meeting on March 10, 2014 as written. Ayes: Andarawis, Paulsen, Ophardt, Koval, Hale, Ferraro. Noes: None. Abstain: Prescott

II. Public Hearings

2015-054 Caruso Home Builders

Proposed 2-lot subdivision in CR zone. Rescheduled from 2/24/2015, 701 Riverview Rd, Zoned: CR, Status: Preliminary public hearing with possible subdivision determination. SBL: 276.-1-44

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

For the record, Mr. Pelagalli stated that the legal proceedings mandate that a SEQR determination must be made prior to the board hearing based on information that is discovered about a project. The negative declaration is only based upon what information has been provided to date and that the applicant has made sufficient progress to proceed to a public hearing. The chairman added that it does not imply that a project has been or will necessarily be approved.

Mr. Ferraro opened the public hearing at: 7:08 pm. The secretary read the legal notice as it was published in The Daily Gazette on March 18, 2015.

Mr. Scavo, Planning Director, explained that the Zoning Board of Appeals had granted variances to the applicant at their appearance on January 6, 2014 [sic] *A search of records showed that variances were granted January 6, 2015.* Mr. Scavo noted that the most significant variance was relative to Section 208-16(E)(2)(a) which requires minimum lot buildout of 1 home per 3 acres of density.

Luigi Palleschi, ABD Engineers and Surveyors represented the applicant, Caruso Home Builders for this project which was described as a 1.68 acre parcel zoned Conservation Residential. Mr. Palleschi stated that the applicant was requesting a (2) lot subdivision for single family residences and that both homes will be serviced by public water and sewer, which the Zoning Board took into consideration when they reviewed the applicant. The consultant stated that zoning variances were granted on January 6 and both lots will provide the 50% open space as required by the CR zone.

Staff comments

Mr. Scavo noted that for all the projects this evening the Trails Subcommittee did submit recommendations which were forwarded to the planning board members.

ECC comments:

Recommendations:

- Per Section 208-16(F) of the Town Code (Conservation Residential Zones), proof of preservation in perpetuity of permanent open space via deed for these privately owned sites shall be supplied to the Town of Clifton Park Planning Board and filed prior to the final plat approval of a site plan or subdivision plat.
- In keeping with the provisions of the CR Zone and rural nature of the project area, the Applicant *should* retain existing vegetation to the maximum extent practical within the delineated private open space.

SMyers comments 3/5/2015:

- All variances approved with the condition that both properties be connected to public water and sewer.
- Driveways infringe upon proposed open space.

- Sewer and water for #701 should follow driveway to street as #703 does to limit the need for additional clearing.

JScavo comments:

- Add a note to the subdivision plan which notes:
 “S208-16(F)(6) of the Town code states - A perpetual conservation easement and/or other rights to property which have the minimum effect of restricting development of the open space land and allowing use only for agriculture, forestry, active or passive recreation, watershed protection, wildlife habitat or other open space use and prohibiting residential, industrial and/or commercial use of such open space land, pursuant to § 247 of the General Municipal Law, shall be granted to the Town of Clifton Park, or to a qualified, not-for-profit land conservation organization or land trust as may be acceptable to the organization, municipality and to the Planning Board.”
- §208-16(F)(1) of the Town Code states, “Perpetuity. For all required, dedicated permanent open space, the open space restrictions must be in perpetuity and shall be so noted on any plat or plan submitted for approval to the Town.” Therefore, the notation on the subdivision plan which states Open Space for each lot should be modified to state, “Permanent Open Space”.
- §208-16(F)(2) of the Town Code States, “A deed restriction or a permanent conservation easement must be placed on the parcel and/or lot(s) with permanent open space.” Prior to any stamping of a final subdivision plan a copy of the proposed deed descriptions for each lot containing permanent conservation easement language should be given to the Town Planning Board Attorney for his review and approval.
- It should be noted that while an area variance was granted through a 4 to 3 by the Zoning Board of Appeals for the density requirement with the CR Zone and the Planning Board is bound by that decision this project by no means negates the application of the CR Zone density requirements for other parcels within the Town of Clifton Park zone Conservation Residential. The area variance for this project will carry with the land but does not set a precedent for future projects.

Joel Bianchi, MJ Engineering issued a memo with the following comments based on the prior submittal (the updated plan did not show the driveways within the defined open space):

State Environmental Quality Review

- No additional comments.

Short Environmental Assessment Form

- No additional comments.

Subdivision Plan

- The subdivision plat does not note the planting of new trees pursuant to Section 86-10 of the Town Code. With a substantial amount of trees being retained, the need to furnish additional tree plantings may not be necessary. Should be Board require trees, provide notation, identifying the species and caliper size for review.

- The current plan shows the proposed driveways for each of the new lots within the defined open space. The construction of the driveways may preclude portions of the lots to be considered as open space and may need to be revised accordingly. This may impact overall development as the minimum open space and minimum usable open space may be impacted.

Public comment

James Ruhl, 168 Wooddale Drive, a Clifton Park resident and member of Friends of Clifton Park Open Space, read a written statement opposing the subdivision. The comments were added to the file. The resident's concerns were based on the following:

- 5 variances were waived by ZBA
- Precedent setting in Conservation Residential zone
- Family member exemption at discretion of planning board not zoning board
- Applicant purchased property in 2014, zoning implemented in 2005

Mr. Ferraro stated for the record, that the County Planning Board did issue a statement of no significant countywide impact.

Isabel Prescott, 660 Riverview Road, a Clifton Park resident, stated that she had the following concerns:

- Unfair that no one had to be notified about the zoning board hearing unless the variance was a change of use.
- the property is adjacent to her farm
- the Western part of town should stay as rural as possible
- creating this 2 lot subdivision could set a precedent

Bill Koebbeman, 861 Riverview, a resident of Clifton Park stated he was in opposition of the proposal due to the following:

- pleased when the Western Clifton Park CR zoning was enacted and felt this project did not fit Western Clifton Park intention
- strong provisions to protect the natural areas of Western Clifton Park
- concerned about the precedent being set

Dan Hartnett, 32 Southbury, Trails subcommittee stated the request for a 15' right of way would be in keeping with the Trails Master Plan for a future trail or utilities realignment.

There being no further comment, Mr. Ferraro stated that any other comments could be forwarded to the planning department and would be forwarded to planning board members for their consideration. Mr. Ferraro moved, seconded by Mr. Andarawis, to close the public hearing at 7:32 pm. All in favor; none opposed. The motion was unanimously carried.

Planning Board

Mr. Pelagalli responded to questions whether allowing this subdivision to be approved would allow a future applicant to point at this project as a basis to get the same variances for a different property. Mr. Pelagalli stated that if the Zoning Board of Appeals examined any special circumstances which might have affected their decision, then only an applicant with identical

circumstances could use this as precedent. The attorney also noted that the Zoning Board ruling was made on January 6, 2015 and that 30 days had passed since it was filed with the Town Clerk, so the ruling will not be overturned.

Mr. Koebbeman stated that it was his understanding that the planning board had the prerogative to grant subdivision even though the application was not an owner prior to changing of the zoning and wondered if that would open up precedence for others who might have purchased or will purchase property in the CR zone after 2005.

Mr. Pelagalli then stated that the Planning Board is bound by the variances and must consider them, but the ZBA does not mandate that the Planning Board must grant subdivision approval.

Mr. Scavo stated that according to the zoning board minutes, the applicant was granted relief for 3 different options:

- 1 time exemption for a family member
- 3 acre density
- 10 acre lots don't require 50% open space

Mr. Andarawis stated that he struggled with calling it Open Space on these small lots and questioned how useful it was toward preserving Clifton Park Open Space given that it is fragmented, intruded by driveways, and he remarked that 0.4 acres does not appear to help the concept of Open Space.

Mr. Koval said that he agreed with Mr. Andarawis' comments and he felt that the intent of the zoning in regard to open space was not being met.

Next, Mr. Ferraro discussed conservation resource analysis and design layout and stated that he felt that the application did not appear to meet the intent of the CR zone. Mr. Neubauer asked why utilities were located as they were and it was explained that utilities could not be built under a driveway and that this was designed to accommodate that limitation.

Mr. Palleschi, read the definition of open space from Town Code

“Sec 208-7 OPEN SPACE

An area that is intended to provide light and air and is designed for either environmental, scenic or recreational purposes. Open space may include but is not limited to lawns, decorative planting, walkways, active and passive recreation areas, playgrounds, fountains, swimming pools, wooded areas and watercourses. Open space shall not be deemed to include driveways, parking lots or other surfaces designed or intended for vehicular travel.”

Then the consultant added that the applicant would grant a trail easement along Riverview Road. Next, Mr. Palleschi described the proposed homes relative to surroundings, adding that the property had been granted approval for up to two lots being connected to water and sewer. The speaker stated that that was the main reason why the zoning board had granted its approval conditioned upon the applicant providing connections to public water and sewer.

Mr. Ophardt then asked if infringement on the Open Space was enforceable and Mr. Scavo explained that it could be enforced by someone who had standing like an adjacent neighbor or the Town in the case of a subdivision. Mr. Scavo stated that the removal of brush, dead or diseased trees would be allowed but not clear cutting and that is why a draft deed would need to be presented prior to stamping of a subdivision. Mr. Ophardt asked if it would be fair to ask for some signs like in an LC zone. Mr. Scavo said there were differences between the two zones. Mr. Pelagalli clarified that only the owner of the adjacent lot created by the subdivision would have standing in a case involving the violation to the Open Space restrictions. Mr. Pelagalli also noted that he felt that this project, if approved, could set precedence if water and sewer were the basis for allowing the variances. The attorney added that as soon as water and sewer were available in western Clifton Park, that he felt it might open up the possibility of many landowners seeking to create smaller lots if they agree to connect to public water and sewer. Further discussion ensued about the value of the open space proposed.

Ms. Paulsen questioned whether it was a buildable lot even though it was substandard (below the 3 acre requirement) and Mr. Pellagalli read from the code that as a pre-existing lot with less than 3 acres but larger than 20,000 acres, they would be allowed one dwelling unit on the lot . Mr. Ferraro remarked that this application did not appear to fit the intent of the CR zoning and wondered if they would be required to respect the Open Space requirement even without the subdivision. Mr. Pelagalli stated that they would still be bound per Town Code to keep 50% undeveloped.

Mr. Ferraro asked if someone was willing to offer a resolution to grant preliminary subdivision approval to this project. No member was willing to at the time. Mr. Pelagalli and Mr. Scavo explained that the board was required to make a decision one way or the other within 62 days of closing the public hearing or the project would be approved by default.

Mr. Andarawis offered Resolution #2 of 2015, seconded by Mr. Prescott, to grant preliminary subdivision approval as per plans submitted by the applicant. Ayes: None. Noes: E. Andarawis, K.Paulsen,E. Ophardt, A. Neubauer, E. Prescott, J. Koval, R. Ferraro. The application was unanimously denied.

Mr. Pelagalli asked that the following sections 208-16B (3) &(4) be noted as reasons to not vote in favor of the subdivision as proposed. The Planning Board Attorney also referred to 208 - 13(a)(2), notwithstanding the variances granted by the Zoning Board of Appeals.

2015-003 Neil, Andrew

Proposed (4) lot subdivision 1 existing and 3 new single family residences, 58 Bradt Rd, Zoned: CR

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. Ayes: all, none opposed. The motion was unanimously carried.

The secretary read the public hearing notice as it was published in the Daily Gazette on March 18, 2015.

Harold Berger, professional engineer, represented Andrew Neil for this revised concept plan which proposed (3) new single family lots at 58 Bradt Rd in the CR zone. Mr. Berger explained that there is an existing single family home, and three new dwelling lots were proposed and that the rearmost lot will have a 6+ acre Open Space. The consultant stated that septic systems and public water will be used on the site and a common driveway will access the three new homes. The plan no longer includes any duplexes as had been presented at the first meeting and would have required special use permits. Mr. Berger also noted that the applicant felt that incorporating all the open space in to the one parcel which is adjacent to the railroad line fit the intent of the conservation residential zone.

Mr. Scavo read comments

JScavo

- A letter dated March 13, 2015 from NYS DEC to the applicant has been received by the Planning Department which notes, “no records of rare or state-listed animals or plants, or significant nature communities are present the project site or its immediate vicinity.”
- 500’ notification letters were sent to adjacent property owners noting that an application for a subdivision has been filed and is available for review within the Town’s Planning Department. A neighbor across the street on Bradt Road expressed concerns to the Planning Department that the project driveway may cause headlights to shine directly into their home and asked the applicant could show how the proposed driveway aligned with the homes and driveways directly across Bradt Road.
- 911 addresses will have to be added to the final plan prior to stamping.
- Please locate and delineate on the plan the “approximate location of the existing septic field” for Lot #1
- §208-16(F1) of the Town Code states, “Perpetuity. For all required, dedicated permanent open space, the open space restrictions must be in perpetuity and shall be so noted on any plat or plan submitted for approval to the Town.” Therefore, Sheet C-3 should clearly delineate and label the area to be designated, “Permanent Open Space” on lot #4.
- Add a note to the subdivision plan which notes:
 - S208-16(F)(6) of the Town code states - A perpetual conservation easement and/or other rights to property which have the minimum effect of restricting development of the open space land and allowing use only for agriculture, forestry, active or passive recreation, watershed protection, wildlife habitat or other open space use and prohibiting residential, industrial and/or commercial use of such open space land, pursuant to § 247 of the General Municipal Law, shall be granted to the Town of Clifton Park, or to a qualified, not-for-profit land conservation organization or land trust as may be acceptable to the organization, municipality and to the Planning Board.

- §208-16(F)(2) of the Town Code States, “A deed restriction or a permanent conservation easement must be placed on the parcel and/or lot(s) with permanent open space.” Prior to any stamping of a final subdivision plan a copy of the proposed deed descriptions for each lot containing permanent conservation easement language should be given to the Town Planning Board Attorney for his review and approval.

ECC

- Per Section 208-16(F) of the Town Code (Conservation Residential Zones), proof of preservation in perpetuity of permanent open space via deed for these privately owned sites shall be supplied to the Town of Clifton Park Planning Board and filed prior to the final plat approval of a site plan or subdivision plat.
- In keeping with the recommendations and goals of the Town Comprehensive Plan, the Applicant *should* retain existing vegetation to the maximum extent practical and/or the use landscaping and grading to provide visual and auditory buffering between the project and adjacent roadways or other properties.
- The parcel (subdivision) is located in an area which may be impacted by aviation and railroad activity. Impacts may include noise or vibration. A study describing aviation impact in detail is available for inspection in the offices of Schenectady County Airport.
- The limits of any wetlands present on the property *shall* be identified on the plot plan.

Stormwater

- Provide calculations and detail of proposed level spreader.
- Concern with the two 90 degree bends at the end of the defined swale by the emergency turn around. Applicant shall detail area as to prevent a blow out of the emergency turnaround area.
- The applicant shall note that the check dam spacing as per the detail provided will result in numerous check dams alongside the proposed driveway more than what is shown graphically on the plans. With the steepness of the slopes promotes a scouring potential in the swale bottom, permanent velocity reduction measures should be considered.
- Placement of the silt fences should be along a line of equal elevation (parallel to contour lines).
- Erosion and Sediment Control Plans to address all items per the NYSDEC SPDES GP-0-15-002 Part III B1 a. – 1.

Other suggested comments:

- Provide confirmation that there are no wetlands on the property.
- What will the grade be at the emergency turnaround?

SReed

- Driveway requirements must meet section Fire Code of New York State.
- Provide postal verification.

SMyers

- Plans show driveway as both 20' wide and 16' wide. Driveway shall be 20' wide minimum, all the way to the houses.

- Driveway is at the maximum allowable grade of 10%. Maintenance of the driveway will be critical to ensure proper fire protection.
- All driveways shall be capable of supporting vehicles up to 75,000 lbs. This shall be certified by an engineer.
- Due to the length of the shared driveway at least one hydrant should be located along the driveway.
- Although correct that a full SWPPP will not be required, the poor soil and steep slopes will require a significant level of detail to ensure there are no post construction issues. The poor absorption and steep slope will require specific details to ensure water does not impact adjoining properties.
- All the plan notes on page C-I state there will be a SWPPP. States there is a "Stormwater System" on each property. I find no evidence of this system. There needs to be details of the practices proposed.
- Soil conditions will also effect septic design.

JBianchi issued a comment letter on 3/20/2015. Those in **bold** were emphasized at the meeting:

State Environmental Quality Review

1. 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:
 - a. Clifton Park Water Authority – water service connection
 - b. New York State Dept of Environmental Conservation –permit coverage under stormwater SPDES and identification of threatened and endangered species.
 - c. New York State Office of Parks, Recreation and Historic Preservation – cultural and historic resources.
 - d. Additional interested and involved agencies may be identified over the course of the Town's review of the application.

Short Environmental Assessment Form

2. **Provide an updated SEQRA form representative of the current proposal**, if not already done.

Subdivision Plan

3. The project is located within the Town's Conservation Residential (CR) Zone. In reviewing Section 208-16(D)(1)(b0[1], the **proposal for single family homes is a permitted principal use**.
4. 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 revised plat appears to conform to the density provisions of the Town Zoning**.

5. 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.**
6. The current lot configuration places adjacent structures in close proximity to one another. The submitted plans appear to preserve some of the existing vegetation to provide screening, however it may not be substantial as it appears that a majority to remain is brush and younger trees. **Additional buffering may be warranted to ensure privacy as outlined in Section 208-86-(E) of the Town Zoning.**
7. The project proposes a conservation area of 6.6 acres with the intentions for this area being deed restricted. If the applicant's proposal is deemed acceptable, the Planning Board may consider requesting that their legal counsel review the deed as to form and content. Further, the Town may consider being adding to the deed restriction to provide enforcement capabilities.
8. The plans show proposed sump pump laterals. Those shown for Lot 2 and 3 appear to result in a potential discharge to an adjacent lot. **Revise sump pump lateral locations, demonstrating conformance to Section 86-7(A)(6) of the Town Code.**
9. The proposed shared drive appears to be in excess of 500-feet. The applicant needs to ensure that the minimum requirements of Section 511.2 of the Fire Code of New York State are being addressed. This includes minimum width, clear height, turn arounds, and structural design.
- 10. Provide the location of the existing leach field for Lot 1.**
- 11. Provide indication whether the parcel has been reviewed for regulated wetlands.**
Provide the source information for reference on the plans.
12. The connection to the existing municipal water main will require crossing of Bradt Road. **The applicant needs to coordinate with the Town Highway Department on the acceptable method of crossing Bradt Road.** This work will require permitting from the Town Highway Department and notation should be provided on the plans indicating this.
13. There needs further revisions of the placement of silt fences with an attempt to parallel existing / proposed contours rather than at the edge of the disturbance.
14. Provide a general individual lot sediment and erosion control plan within the plan set as the provided plan is for the entire project and may not represent singular lot construction.

Stormwater Pollution Prevention Plan

15. No Comments.

Public

Dan Hartnett, 32 Southbury Road, Trails Subcommittee asked that additional right of way be granted for potential widening of shoulders and/or utility realignment.

Matt Palitsch, 63 Bradt Road asked about the location of the driveway cut on the new homes and it was indicated on the plan.

There being no further comment, Mr. Ferraro stated that any other comments could be forwarded to the planning department and would be forwarded to planning board members for their consideration. Mr. Ferraro moved, seconded by Mr. Andarawis, to close the public hearing at 8:27 pm. All in favor; none opposed. The motion was unanimously carried.

Planning Board discussion

Mr. Koval asked if a variance would be required on lot 1 if the existing home would be outside the current building envelope per the code.

Mr. Scavo stated that as the CR zone was formerly R3, the chief zoning officer has determined that the allowability of keyhole lots was at the discretion of the planning board and it could be considered carried forward to the CR zone.

Mr. Berger showed the location of the proposed driveway relative to the residences at 63 and 61 Bradt Road. Mr. and Mrs. Pallitsch explained they were more concerned that cars coming up the hill would be aimed uphill toward their house which is elevated above the grade of the newer home. Mr. Berger explained that the grade could be flattened out a bit more at the end as it approaches Bradt Road. Mr. Ophardt questioned the grade at the end of the driveway and asked whether that was acceptable to the Fire and safety officer.

Mr. Ferraro then asked what unusual characteristics would persuade the planning board to grant keyhole lots. Mr. Ferraro stated that he felt that just because it was a deep lot did not mean that the applicant had to subdivide it at all.

Mr. Berger replied that the limits of the parcel demand this configuration. Mr. Koval noted that there were many keyhole lots in the area and that the same thing could be achieved by building a public road and subdividing and it wouldn't look much different than the proposal. Mr. Berger also discussed the impact of the soils and the location of the septic fields on the land and added that the open space on lot 4 would be permanently restricted and kept in private ownership. Mr. Scavo stated that the railroad, poor soils and absence of sewer were potential reasons why keyholes would be reasonable here.

Mr. Koval stated that in the future this open space has the potential to become part of something larger given the contiguous properties which are undeveloped.

Discussion ensued about the layout per keyhole lots and landscaped buffering.

Based on comments received and outstanding technical issues regarding stormwater and open space designation, planning board members expressed that they felt it was not ready to grant final approval but that they were willing to consider preliminary approval for the Neil subdivision. Mr. Scavo explained that as long as no substantial changes are made to the layout of the plan and the applicant addresses the outstanding issues reflected in staff comments, the project would be reviewed for final approval at the next submission.

Mr. Ophardt offered Resolution #3 of 2015, seconded by Mr. Koval to grant preliminary approval conditioned upon the following:

- ensuring that the Permanent Open Space is preserved in perpetuity per the deed
- outstanding issues from comments received by staff to date

Ayes: E. Andarwasis, K. Paulsen, E. Ophardt, A. Neubauer, E. Prescott, J. Koval. Noes: R. Ferraro.

III. OLD BUSINESS

2015-009 Berndt, Craig C.O.A.

Mr. Craig Berndt, 32 Vischer Ferry Road, the applicant for this project, summarized a comment letter he received regarding the meeting of 3/10/2015 when the Planning Board reviewed the appropriateness of his application to install solar panels on the roof of his home. Mr. Berndt stated that he understood that the planning board discussed whether allowing the solar system to be installed on the house would potentially conflict with the existing tax easement he currently received for the historic property. Mr. Berndt explained that he felt there were no other good options for the solar installation on his property. Mr. Berndt stated that the existing home did not have a historic roof, and the interior of the home had modern amenities. The homeowner stated that he was told that any part of the house not made of historic materials would not be subject to historic regulation, specifically including the roof. Mr. Berndt stated that he felt the reason for concern had to do with the view of the property from the public right-of-way and he described that the only visibility would be filtered through trees, except for a very short distance directly in front of his property. The homeowner also stated that there would be no change in the pitch of the roof, the portico and columns, and no change in the character of the building.

Mr. Ferraro asked if having the solar panels would give the owner energy credits. The chairman also asked how it would impact his taxes. Mr. Berndt stated that they are two mutually exclusive benefits that he believed he was eligible for. Mr. Berndt explained that he currently used forced hot air and propane and that they could generate at least 80% of his energy and perhaps more than he used.

Mr. Koval stated that the board reviewed the plan based on the recommendation of the Historic Preservation commission and added that that if the back of the house was the southern exposure, then he would not have a problem with it. Mr. Koval noted that he did not feel that it would be desirable if it was visible from the road.

Mr. Berndt stated that he felt that if the material of the roof were an issue, he should not have been granted the historic easement with the current asphalt shingles. Mr. Berndt added that he

felt that the black solar panels on a black asphalt roof would not change the appearance of the property significantly.

Mr. Andarawis explained that the easement was not intended to restore to all historic materials. But that the panels would change the nature of the building and how it fits in the historic district in which it is located.

Mr. Berndt replied that he felt the profile of the roof would not change.

Discussion ensued about the two choices that the applicant would have. Mr. Scavo stated that it would be the Town Board's decision whether or not to rescind the easement.

Mr. Berndt stated that the house will not be maintained as a historic property if that tax break is rescinded.

The minutes from the 3/10 planning board meeting were reviewed relative to their decision, and it was verified that the board had decided to table any motion until the homeowner was given the opportunity to attend another meeting.

The board decided to table the discussion until the applicant has had a chance to meet with the Historic Preservation Commission on 4/16. Mr. Berndt was advised that he could proceed at his own risk by obtaining a building permit, but that he should know that the home might lose the Town Board's support of the historic easement.

2013-011 Brooks Grooms Road (Heritage Pointe)

Scott Lansing consultant with Lansing Engineering represented the applicant Brooks Heritage Builders. Preliminary approval was obtained on 5/27/2014 conditioned upon satisfaction of outstanding issues

Mr. Lansing stated that he had received the comments from the Trails subcommittee and that the applicant was working to address the following issues raised:

1. The applicant would rather give parkland fees per discussion with Planning Director instead of building a multi-use path - along Grooms Road
2. crosswalk placement will be shown on the plan prior to stamping
3. central park sidewalk alignment
4. mid-block crossing issues
5. playground location is shown in plan but can be moved as desired
6. Balsam Way sidewalk could be extended
7. Path around stormwater could be redesigned
8. material will be asphalt
9. Lorraine Court no retaining wall
10. width of sidewalks could be 5', except within the center green space which was shown at 4' but could be 5' if desired by the Planning Board

Mr. Ferraro asked about the stormwater path from Balsam Way adding that he would like to see it go around both sides. Other planning board members agreed they would like to see that as well.

Mr. Brooks stated that as long as the stormwater management officer was agreeable to the design, then the developer would agree to making the changes to the path and possibly relocating the gate that currently blocks pedestrians.

Mr. Ferraro asked about #1.

Mr. Scavo explained that the county did not support pursuing the trail along Grooms Road. Mr. Brooks explained that there would be a strip along Grooms Road granted to the Town for future use. Mr. Scavo noted that Parkland fees of \$88,400 could be paid to the town toward future improvements or the planning board could ask that the trail be built along the road from boundary to boundary in lieu of parkland fees. Mr. Ferraro was concerned about lack of logical termini. Mr. Hartnett discussed an example of a similar project in another neighborhood in town on the Abele subdivision and Crescent Road. Other options were discussed from the stormwater area to Heritage Pointe within the town owned land.

ECC no comments

Stormwater

- Was the seasonal high ground water elevations addressed at the locations of the stormwater infiltration locations?
- Were frozen ground conditions considered for safe overland passage from extreme storm events?

SReed no comments

SMyers

- Noted on test pit data on cover sheet of this submission that mottling is present at several test pits at less than 5' and percolation tests over an hour in places. This seems quite excessive for percolation and could identify groundwater issues for the home construction. Foundations will not be allowed to be placed below groundwater or on unstable soil. House foundations will be required to be raised above the groundwater and/or engineering approval for any modifications.

JScavo -

- HOA, park district and maintenance of trails, responsibilities condition could be no second building permit until HOA is approved
- HOA will maintain and improve the sidewalks but the Town will own the land. Town will grant easement to HOA for such.
 1. no added sidewalk to be built along Grooms Road but get parkland fee
 2. grant future right of way - with a note that says potential future trail or utility location along Grooms Road

There being no further comment, Mr. Neubauer offered Resolution # 4 of 2015, seconded by Mr. Ophardt to grant final subdivision approval to this project, conditioned upon formation of a

Homeowners' Association which will maintain and improve the sidewalks upon town owned land, and outstanding issues from comments received by staff and outlined in a final comment letter issued by the Planning Director.

Ayes: E. Andarawis, K. Paulsen, E. Ophardt, A. Neubauer, E. Prescott, J. Koval, R. Ferraro.

Noes: None

The resolution was passed unanimously.

IV. New Business

2015-012 Columbia Development Office Building

Gavin Vuillaume of Environmental Design Partnership, presented the concept plan for Columbia Development, a 60,000 sf medical office building on Route 9. Rich Rosen of Columbia Development was also present. Mr. Vuillaume described the parcel as a 10 acre lot which was currently vacant and it was adjacent to Oak Brook Commons apartments. It was noted that a subdivision will also be sought and a waiver may be necessary to reduce the amount of parking per code. Next, the consultant stated that public water and sewer connections would be made and 35% greenspace would be met on the developed parcel.

Mr. Rich Rosen, Columbia Development, described the traffic flow and presented a rendering of the building as it would be seen from New York State Route 9. Mr. Rosen stated that Community Care Physicians would be the main tenants of the building which would include an urgent care, imaging, MRI, CT, and X-ray facilities on site. Mr. Rosen then added that all tenants will be medical uses. Mr. Rosen described that the second lot will be reserved as an option to expand.

Staff Comments

ECC

- Applicant shall clarify if the 35% green space includes the area for the future commercial development area.
- Applicant shall designate the green space on the plans for clarification
- The ECC would like clarification from the applicant if the proposed lines bordering the north side of the private road on the plan are intended to subdivide the property.
- In keeping with the recommendations and goals of the Town Comprehensive Plan, the Applicant *should* retain existing vegetation to the maximum extent practical and/or the use landscaping and grading to provide visual and auditory buffering between the project and adjacent roadways or other properties.

Stormwater

- Plans are at conceptual stage – Consideration of the level of grading necessary to drain to the eastern stormwater management area as it is located on the uphill side of the impervious surfaces.
- No further stormwater comments at this phase.

SReed no comments

SMyers

- Property is zoned B-3. Medical offices are allowed in a B-3 zone as long as they do not accommodate overnight stays. (Actually allowed in B-1/B-2.)
- Building is proposed taller than allowable height of 35' (40' proposed) appears setback has been increased to account for additional height.
- All other zoning requirements appear to be met.
- No stormwater review at this time.

JScavo - planted islands and crosswalks should be shown in detail in future submittals

JBianchi

State Environmental Quality Review

1. Based upon our review of Part 617 of NYS Environmental Conservation Law, the project appears to be an “Unlisted” action (see also Comment 2). 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:**
 - a. Saratoga County Planning Board – 239m referral for proximity to Route 9;
 - b. Clifton Park Water Authority (or Halfmoon Water District) – public water supply connection permit
 - c. Saratoga County Sewer District #1 – sanitary sewer connection permit
 - d. NYS Dept of Environmental Conservation – permit coverage under stormwater SPDES, identification of threatened and endangered species, and potentially taking of additional water for public use.
 - e. NYS Office of Parks, Recreation and Historic Preservation – identification of cultural or historic resources
 - f. NYS Dept of Transportation – Access onto a State highway
 - g. Additional agencies may be identified by the Town during its review of the project.

Short Environmental Assessment Form

2. While the project does not appear to meet the thresholds of a Type I action under Part 617 of the ECL, given the size of the project, and the potential for future additional growth, as labeled on the plans, it may be appropriate to have the applicant prepare a full environmental assessment form to assist the Planning Board in its review of the project. \
3. Question No. 8 a. indicates the proposed site plan will not result in a substantial increase in traffic above present levels. **The applicant should provide additional justification as to how this determination was made** (see comment 9). DEC SWPPP

General Comments

4. The project would result in disturbances in excess of 1-acre and therefore is subject to the NYSDEC Phase 2 Stormwater Regulations and General Permit GP-0-15-002. As the project proceeds through the regulatory review process, **a fully conforming Stormwater Pollution Prevention Plan (SWPPP) will be required that addresses stormwater quality, quantity and green infrastructure elements and must be submitted as part of a preliminary plan submission to the Town.**
5. As a result of being subject to the Stormwater General Permit GP-0-15-002, the applicant will need to seek consultation from the NYS Office of Parks, Recreation and Historic Preservation and the NYSDEC regarding the absence or existence of cultural or historic

resources and threatened and endangered species, respectively within the project boundaries if not already completed as part of the prior approvals on the site.

6. The site plan indicates the project will be provided public sanitary sewer by way of connection to the Saratoga County Sewer District No. 1 sewer system. **It is recommended that the Town be furnished with documentation that the SCSD is willing and capable of servicing this project.**
7. The applicant has indicated water service will be provided by the Clifton Park Water Authority Dist. #1. **It is recommended that the Town be furnished with documentation that the CPWA is willing and capable of service this project.**
8. The project proposes access onto U.S. Route 9. This proposed work is subject to the review and approval of the NYSDOT. **The applicant shall coordinate with the regional office of the NYSDOT and obtain permitting in advance of construction.**
9. The proposed medical office building and land use code (LUC) may result in more than 100 peak hour vehicle trips. **At a minimum, the applicant needs to provide a summary of expected peak hour trips for review.** This information may require the preparation of a project specific traffic impact study. If the study is warranted, it must account for projects currently be proposed or under construction and planned for occupancy in the near future.

Site Plans

10. The project is located within the Town's Neighborhood Business District (B-3). **The proposal for a professional medical office is a permitted principal use provided overnight occupancy by patients is not proposed** as noted in Section 208-32 A (2) of the Town's Zoning.
11. The concept plan appears to show a division line, presumably for a future subdivision. **If a subdivision is being proposed, then procedurally, the Planning Board must act on that application prior to the site plan.**
12. Based upon a review of the proposed building location and what appears to be newly created lot, **it appears the minimum bulk lot requirements as identified in Section 208-38 of the Town's Zoning are adequate, with the following exception.**
 - a. **Section 208-38(D) requires that no building or parking shall extend nearer to the side property line than 20-feet.** The proposal meets the minimum standard. However, with a proposed building height of 40-feet, this minimum side yard setback increases to 30-feet pursuant to Section 208-38(F). The parking along the existing southern property line and proposed northern property line appears to be within the stated side yard setback.
13. **Section 208-40 of the Town Zoning requires the property margins at the sides from the front building line to the rear property line shall be planted with trees and shrubs for a width of not less than 10 feet.** Subsequent submissions must demonstrate how this provision of the Town's Zoning is being satisfied.
14. Section 208-99 of the Town zoning requires 1 parking space for every 150 gross square feet of building for medical office uses. The plan notes 304 spaces are proposed. The Planning Board has the ability to amend these requirements based upon local or unique conditions. **At a minimum, the applicant should provide the Planning Board with a narrative as to why the proposed project does not need to provide the minimum**

parking spaces pursuant to the Town Zoning to assist in their consideration of a potential amendment

15. If there is a proposal for a subdivision, **confirm that the greenspace calculations furnished are representative of the lot containing the use currently proposed.**
16. There needs to be indication as to whether or not the building will be provided with an automatic sprinkler as a result of proposed building materials and occupancy type. **Depending on whether or not the building is sprinklered will dictate if an on-site hydrant is required.**
17. The applicant shall coordinate with the responding fire department for the location of the Knox Box and fire department connection. Notation to that effect shall be added to the plans.
18. Considering the plan submitted is conceptual in nature, we will reserve further comments until more detailed plans and reports are submitted. Subsequent submissions shall include information as outlined in Section 208-115 of the Town zoning specific to site grading, erosion control and stormwater management to fully assess the design and its compliance to the applicable standards.

Public Comment

Mr. Hartnett – asked that the next submittal please show a bike rack and sidewalks.

Planning Board

Mr. Neubauer suggested one might consider moving the building front closer to Route 9 and other members appeared to agree that they might prefer less parking along the roadway. Mr. Andarawis asked the applicant to consider cross access between the two parcels.

Mr. Ferraro noted that internal sidewalks should be considered per the recommendations of the Open Space Coordinator.

Discussion ensued about parking requirements using comparisons from other similar projects which are in operation around the region.

The planning board appeared to find the concept generally acceptable.

2015-013 Sunoco

Ms. Jennifer Knarich, represented the application for demolition and reconstruction of a Sunoco service station, fuel tanks and a convenience store at 1545 Crescent Road. Mr. Dan Schnahl and Ms. Laurie Pettengill were also in attendance to represent the application.

Mr. Schnahl described the existing property with two canopies and a 14,000 +/- sf convenience store on a corner lot with 4 access drives. The consultant stated that the proposed project would consist of a 30,000 sf convenience store with one canopy, fuel storage tanks will also be replaced and access will remain as shown. Then the consultant added that the applicant will dedicate right-of-way to the Town for the construction of a path on Crescent Road.

Next, a conceptual elevation was presented and it was noted that the material of the facade would be stone on the lower portion of the building and block accented by a metal red stripe and red gooseneck lighting.

Staff Comments

ECC

- The applicant shall verify if they will be storing more than 1,100 gallons of propane on the site.
- The ECC notes that the applicant currently does not meet the green space as required per the zone. The applicant shall provide justification on the reasons for requesting a variance to further reduce the available green space.

Stormwater

- It appears that the current stormwater runoff drains to Crescent Road and collected in roadside catch basins controlled by the NYSDOT. It will be suggested that the future plans propose best management practices to treat stormwater runoff from this designated hot spot prior to it leaving the site.

SReed no comments

SMyers

- Generally since this is a total rebuild of the facility more effort is needed to minimize the number and size of the required variances.
- The eastern most entrance is mostly not on the property of this proposal so any work there will require approval from the adjacent owner.
- Do not know what a "4+1" dispenser is. Need to determine the number of fuel dispensers and nozzles. (4 pumps or 12 nozzles are limits for convenience food store classification allowed in B-3). Appears to be 6 pumps with 3 nozzles on each side = 36 nozzles. Once verified the proposal will need to be compared to previous approvals and determine if further variances for the gas dispensing are needed.
- At least 8 variances anticipated per submittal (outside of signs which are considered separate from this proposal by the Building Department and Zoning board as needed).
- Significant variances proposed such as 45' setback.
- Reductions, half the required distance between pumps and the property line.
- Several new variances anticipated.

JBianchi

State Environmental Quality Review

1. 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:

- a. Saratoga County Planning Board – 239m referral for proximity to County Route 92; Additional agencies may be identified by the Town during its review of the project.
2. Subsequent submissions need to include an environmental assessment form to assist the Planning Board in its review of the application.

General Comments

3. The project appears to propose a land disturbance below one acre and therefore would not be subject to General Permit GP-0-15-002 as it relates to stormwater discharges. Notwithstanding, best management practices need to be incorporated into the site design since the use is considered a “hot spot” for stormwater runoff. Further, and at a minimum, a stormwater management study needs to be completed to ensure that the proposed project does not increase runoff from the site that may adversely impact adjacent properties or infrastructure.
4. The project proposes to maintain existing access points onto both County Route 92 and Lapp Road. Considering the project includes a substantial modification to the overall site, the applicant needs to consider a reduction in the number of curb cuts. At a minimum, the applicant should provide a concept that eliminates the two curb cuts closest to the intersection of Lapp Road and County Rt 92 for review by the Planning Board (see also Comment 8).
5. While the project is for a modification of the site with the same use being proposed, it appears it will be a potential substantial expansion. At a minimum, the applicant should provide a summary of the expected increases to the peak hour vehicle trips for review.

Site Plans

6. The project resides within the Town’s B-3, Neighborhood Business District. In our review of Section 208-37(B) of the Town Zoning, the proposed convenient store/gas station is a permitted principal uses within the B-3 Zoning District. A review of Sections 208-38, 208-93 and 208-98 of the Town Zoning indicates the following bulk lot deficiencies:
 - a. Section 208-38(B) requires a minimum parcel size of 1 acre. The existing parcel is 0.75 acres.
 - b. Section 208-38(D) require that no automobile parking spaces shall extend nearer to a side property line than 20 feet. The plan appears to propose parking within 3 feet of the side yard line.
 - c. Section 208-38(G) requires a minimum of 35% greenspace. The plan states that 19.3% will be provided, a reduction from 21% as it currently exists.
 - d. Section 208-93(C) requires that no gasoline pumps shall be placed closer to any property line than 50 feet. The plan indicates the closest pump will be approximately 24 feet from the County Rt 92 right-of-way.
 - e. Section 208-98 requires a 130 foot front setback from the center line of Lapp Road. The proposed building measures 86 feet from the center line of Lapp Road.

7. Section 208-40 of the Town Zoning requires the property margins at the sides from the front building line to the rear property line shall be planted with trees and shrubs for a width of not less than 15-feet. The plan submitted appears to provide limited buffering.
8. Section 208-39 of the Town Zoning requires that no more than one entrance and one exit per establishment upon any individual public thoroughfare and the distance between the entrance and exit center lines, if separated, shall be not less than 100 feet. The current plan appears to maintain the four existing access points.
9. Section 208-99 of the Town's Zoning requires 1 space per 200 s.f. of gross floor area, 1 space per gas pump, 3 spaces per grease rack and 1 space per 2 employees. The current plan proposes 11 spaces and is deficient. The Planning Board has the ability to amend these requirements based upon local or unique conditions. At a minimum, the applicant should provide the Planning Board with a narrative as to why the proposed project does not need to provide the minimum parking spaces pursuant to the Town Zoning to assist in their consideration of a potential amendment.
10. The Town is in the process of the final design and permitting for a multi-use trail along Crescent Road. The advanced plans were furnished to the applicant for review and have been incorporated into the site plan submitted. There will be a need to coordinate with the Town on construction schedules to ensure logistical elements are accommodated.
11. The plans show no provisions for on-site stormwater management and needs to be shown to demonstrate feasibility (see also Comment 3).
12. The plans show various improvements within the County Route 92 right-of-way. These improvements need to be coordinated with and reviewed by the Saratoga County Dept of Public Works. As the project proceeds through the Town's review, the applicant must provide the Town with plan comments from the County Dept of Public Works.
13. There needs to be indication as to whether or not the building will be provided with an automatic sprinkler as a result of proposed building materials and occupancy type. Depending on whether or not the building is sprinklered will dictate if any site specific fire protection will be warranted.
14. The applicant shall coordinate with the responding fire department for the location of the Knox Box and fire department connection. Notation to that effect shall be added to the plans.
15. It is suggested that colored rendering and/or samples of the materials of construction of the proposed building be provided for review by the Planning Board.
16. Considering the plan submitted is conceptual in nature, we will reserve further comments until more detailed plans and reports are submitted. Subsequent submissions shall include information as outlined in Section 208-115 of the Town zoning specific to site grading,

erosion control and stormwater management to fully assess the design and its compliance to the applicable standards.

Public Comment

Mr. Hartnett, Trails subcommittee, noted that a bike rack should be included on the plan. Next, Mr. Hartnett asked if the applicant would also grant a 15' right-of-way along Lapp Road since this lot was on the corner of both Crescent and Lapp Roads. Mr. Hartnett then suggested that closing one access on Crescent would help traffic.

Planning Board

Discussion ensued about parking, a reduction in the number of ingresses and egresses to the site and possibly reorienting the pumps.

Mr. Anthony LaFleche asked if the applicant knew the intention of the adjacent Stewart's site which will be vacated once Stewart's moves to its new site on Crescent Road. Mr. Hartnett asked if there was an opportunity to add 2-3 trees along the Crescent Road Trail.

Ms. Knarich stated that a traffic study would be done and noted that the applicant will take into consideration the issues which were mentioned at the meeting as well as received in written review letters.

V. Discussion Items

The Fairchild II site plan was seen at a working meeting on Monday morning which was attended by staff, professionals and some members of the public. The applicant submitted their revisions for the 4/14 meeting.

Mr. Koval offered, seconded by Mr. Ophardt to close the meeting at 11:27. Ayes: all, Noes: none. The motion was unanimously carried.

Respectfully submitted,

Meg Springli