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PLANNING BOARD

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Kim Paulsen

Eric Prescott

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(alternate) Andy Neubauer

**Planning Board Meeting**  
**August 11, 2015**

Those present at the August 11, 2015 Planning Board meeting were:

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

Those absent were: None

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

Mr. Ferraro, Chairman, called the meeting to order at 7:10p.m. All in attendance stood for recitation of the Pledge of Allegiance.

Mr. Ferraro explained that review of The Great Discovery Childcare Center originally scheduled for consideration at this evening's meeting has been postponed indefinitely to allow the applicant time to provide a more "in-depth evaluation" of traffic patterns at the Arnold Drive – Route 146 intersection when Shenendehowa schools are in session and recreational activities are functioning at full capacity. The postponement will also permit the consultant to provide an alternative site design with access along Route 146 for consideration by the Board and NYSDOT. Mr. Ferraro addressed a particular issue of concern that has arisen since the July 14, 2015 meeting regarding comments appearing on social media and in the *Your Clifton Park* section of the Daily Gazette for the week of August 7-13, 2015 concerning Mr. Koval's recusal from any discussion and/or vote on this application, stating that at no time has Mr. Koval, the Vice Chairman of the

Planning Board, discussed this application with him or any other member of the Planning Board. Mr. Pelagalli also commented on the inference in a recent newspaper article that Mr. Koval had influenced the Board action with respect to this application, emphatically stating that at no time has Mr. Koval discussed this project with him or – to his knowledge - any other member of the Board. He pointed out that Board members are professionals who voluntarily give of their time to serve the public and he explained that there is no precedent for a member of any Town of Clifton Park Board to leave a meeting following an announcement of recusal.

Mr. Ferraro then spoke to issues of concern raised by Woodland Hills residents. He explained that the use proposed for the B1-zoned parcel is permitted by right and has been designed in accordance with zoning standards set forth in the Town of Clifton Park Zoning Code: although retail uses are not permitted within the zone, such businesses as professional offices, daycare facilities, and funeral homes are allowed. He outlined the Board’s review process, explaining that the application was reviewed “conceptually” at the April 28, 2015 meeting and noting that this review provides the opportunity for Board members to provide “feedback” to the applicant regarding such items as site access, building orientation, and other “issues that may impact the final plan.” At that meeting Board members asked that the applicant move the building closer to Route 146 to minimize the visual impact of the parking lot on Arnold Drive and to move the playground closer to Route 146 in an effort to reduce impacts to neighboring properties. The Board also requested that a 30’ no-cut buffer be established along Route 146. Although many Woodland Hills residents have requested that the site design be revised to provide direct access to and from the site to Route 146, Mr. Ferraro believes that such a change would result in an increase in traffic problems due to the close proximity of conflicting traffic maneuvers. He also noted that the impact on the “streetscape” was of concern: redesign of the site may result in a less aesthetically pleasing site due to the loss of the treed buffer along Route 146. Acknowledging the residents’ and Board members’ stated concerns regarding traffic safety, Mr. Ferraro concluded his remarks by explaining that although the Board may not deny a permitted use on the site, members must be concerned with mitigating negative impacts to the greatest extent possible “within the parameters of the law.” It is with this consideration in mind that the Board is delaying action on this application until an in-depth traffic study, including traffic counts at the Arnold Drive – Route 146 intersection when school is in session and recreational activities are underway, accurate trip counts for the existing daycare operated by the applicant, and a site design with access from Route 146 are presented for review. It is anticipated that the information required for further review of the project will be available in October.

### **Minutes Approval**

Mr. Werner moved, seconded by Mr. Andarawis, approval of the minutes of July 14, 2015 as written. Ayes: Ophardt, Paulsen, Andarawis, Neubauer, Werner, Koval, Ferraro. Noes: None. Abstained: Prescott.

### **Public Hearings:**

[2015-018] **Fredrick, Norman, Bonnie L. and Elaine R.** – Proposed (2) lot subdivision, 722 Clifton Park Center Road – Preliminary public hearing and possible determination. SBL: 270.-2-61

Mr. Ferraro explained the review 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 although the Planning Board would deem the application complete, assume Lead Agency status, and issue a negative declaration, these actions would neither grant nor imply approval of the application. Should it be determined that additional environmental review is required based on input received at the public hearing, SEQRA discussions would be reopened and a decision rendered when all environmental issues are satisfactorily addressed.

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 7:20p.m. The Secretary read the public notice as published in the Daily Gazette on August 3, 2015.

Mr. Keith Fredrick, applicant, presented this preliminary application that was last reviewed by the Planning Board at its April 14, 2015 meeting. Lands to be subdivided into two (2) parcels total 44.81 acres: the subdivision calls for the creation of a 3.22 acre parcel on the southerly side of Clifton Park Center Road for the construction of a single-family residence and the remaining lands of Fredrick. The subdivision is situated within the R1 zoning district at the intersection of Clifton Park and Miller Roads. Parcel (SBL) number 270.-2-61 is bisected by Clifton Park Center Road. The new lot will be served by existing municipal water and sewer lines and accessed by a curb cut from Clifton Park Center Road. Pursuant to Section 179.15.1 of the Town Code, notification of the application for subdivision approval was sent to all property owners within 500' of the proposed subdivision. In response to comments issued at the April 14, 2015 Planning Board meeting, the plan has been revised to include the following: the location of the force main; location of the proposed residence; area of disturbance; approved postal address.

Mr. Scavo reported that all comments prepared by Mr. Myers, Director of Building and Development, Ms. Reed, Chief of the Bureau of Fire Prevention, the ECC, Mr. Reese, Stormwater Management Technician, M J Engineering and Land Surveying, P.C., and the Trails Subcommittee of the Open Space, Trails, and Riverfront Committee for all projects to be reviewed at this evening's meeting have been forwarded to Board members for their consideration.

Mr. Scavo reported that, after review of the application, the ECC asked that the standard note for aviation activity be added to the plan.

Mr. Scavo reported that Mr. Myers, Director of Building and Development, noted that the keyhole lot configuration requires Planning Board approval in a memo dated July 28, 2015.

Mr. Scavo explained that Mr. Reese, Stormwater Management Technician, provided comments regarding this application in a memo dated July 31, 2015. There is a roadside swale along the eastern portion of Clifton Park Center Road: it appears that a driveway culvert will be necessary. The limit of disturbance around the residence does not allow room for any lawn.

Mr. Scavo offered a number of comments prepared by the Planning Department. The assigned 911 address of 724 for Proposed Lot #1 shall be added to the final subdivision plan prior to stamping. The subject property is located within the Vischer Ferry Road Corridor GEIS Study Area. If the subdivision is deemed to be in conformance with the Statement of Findings, a negative declaration pursuant to SEQR may be appropriate. The applicant is required to contribute to the mitigation fees established in the Vischer Ferry GEIS and Capital Improvement Plan (CIP). An estimate of the CIP fees due at the time of stamping the final subdivision plan are as follows:

**Transportation**

1 Trip x \$268.00/Trip = \$268.00

**Sanitary Sewer**

1 EDU's x \$3,314.00/EDU = \$3,314.00

**Water Distribution**

1 EDU's x \$1,728.00/EDU = \$1,728.00

**GEIS Preparation**

1 EDU's x \$310.00/EDU = \$310.00

**CIP Preparation**

1 EDU's x \$49.00/EDU = \$49.00

A check in the amount of \$1,250.00 made payable to the "Town of Clifton Park" for a one time parkland fee for any newly created residential dwelling lot is due prior to the stamping of the final plan. The standard notes regarding aviation activity and the location of underground utilities shall be added to the plan prior to stamping. In addition, the following note shall be included on the final plan:

Prior to construction of the new dwelling unit the property owner shall contact the Town Highway Superintendent to determine if a driveway culvert pipe and drainage ditch within the town's right-of-way will be required. If required, the property owner shall coordinate such installation with the Town's Highway Department.

The project was referred to the Saratoga County Planning Board in accordance with §239 of General Municipal Law on July 3, 2015. Since the proposal is to create a keyhole lot, The Bulk Requirement Table should be modified to change Minimum Area: 20,000 SF with Water & Sewer to 40,000 SF. The applicant must provide proof of mailing the "500' notifications."

Mr. Bianchi reported that many of the comments previously issued by M J Engineering and Land Surveying, P.C. have been satisfactorily addressed. He requested confirmation that the short EAF (Environmental Assessment Form) has been updated to include the more detailed information presented on the current subdivision plat. The approved 911 emergency response address must be added to the final plan.

Mr. Dan Hartnett, Chairman of the Trails Subcommittee of the Open Space, Trails, and Riverfront Committee, requested that the applicant provide a 15' right-of-way for a future multi-use trail and/or utility realignment along the entire Clifton Park Center Road and Miller Road frontages, explaining that the additional right-of-way would "move the town closer" to controlling the needed right-of-way along the length of Clifton Park Center Road from Vischer Ferry Road to Miller Road.

There being no further public comment, Mr. Ferraro moved, seconded by Mr. Prescott, to close the public hearing at 7:37p.m. The motion was unanimously carried.

Mr. Ophardt asked that, since the project lies adjacent to an agricultural district and active agricultural activity that the standard note for properties lying in close proximity to such activities be required on the final subdivision plan. Board members discussed the request of the Trails Subcommittee and the differences between the transfer of additional right-of-way and the establishment of an easement along the property's frontage, noting that the transfer of additional right-of-way required the creation of deed descriptions by a licensed surveyor, the filing of appropriate documents and fees with the County Clerk, and the transfer of the property to the town. The establishment of an easement would require the preparation of a property description of the area encompassed by the easement and filing with the County Clerk: the property owner would maintain ownership of the area. Mr. Koval observed that a number of existing residences along Clifton Park Center Road are situated very close to the roadway. Describing this section of Clifton Park Center Road as a "rural roadway" he asked that the Board consider requesting a 5' wide easement rather than the 15' recommended by the Trails Committee. Mr. Ferraro explained that since a trail segment along Clifton Park Center Road is included in the Trails Master Plan, he supported requiring the establishment of an easement as a means of implementing the "visionary" plan. Board members agreed that as a condition of approval, the applicant would provide "up to a 5' easement" for future trail development and/or realignment of utilities along the entire property frontage on the southerly side of Clifton Park Center Road and the easterly side of Miller Road in lieu of the required parkland fee.

Mr. Ophardt offered Resolution #11 of 2015, seconded by Mr. Werner, to waive the final hearing for this application and to grant preliminary and final subdivision approval conditioned upon the applicant's granting of "up to a 5' easement" for future trail development and/or realignment of utilities along the entire property frontage on the southerly side of Clifton Park Center Road and the easterly side of Miller Road for those lands designated as Lands of Norman, Elaine, and Bonnie Fredrick in lieu of the required parkland fee, the addition of the standard note regarding the parcel's proximity to active agricultural lands to the plat, and satisfaction of all comments listed in the final comment letter issued by the Planning Department. Ayes: Ophardt, Paulsen, Andarawis, Prescott, Werner, Koval, Ferraro. Noes: None.

[2010-038] Windhover Farms – Proposed (27) lot subdivision, Grooms Road – Reconvening of a public hearing adjourned on July 14, 2015 and possible determination. SBL: 276.-1-9

Mr. Ferraro explained that although a SEQRA determination was issued and a public hearing regarding this subdivision conducted at the July 14, 2015 Planning Board meeting, the public hearing was adjourned because a number of issues remained unaddressed. Since the Board issued a negative declaration pursuant to SEQRA at that time, no further action regarding environmental impacts is required.

Mr. Ferraro called the public hearing to order at 7:50p.m. The Secretary read the public notice as published in the Daily Gazette on August 3, 2015.

Mr. John Stevens, consultant for the applicant, explained that the project plan remains generally as presented at the July 14, 2015 meeting, though a number of minor revisions have been made to the plan in response to comments issued at that time. Addressing several of the comments contained within M J Engineering and Land Surveying, P.C.'s review letter, Mr. Stevens explained that information from NYSDEC regarding discharge to the wetland buffer has been forwarded to the Planning Department, pathways along Grooms Road and Selfridge Way will be constructed of asphalt and crushed stone, access to the stormwater management pond to the rear of the subdivision has been provided, access to the facility in the front is provided from either Grooms Road or Selfridge Way, plans for rain gardens have been submitted for review, non-disturbance areas have been defined by split-rail fencing, and an approval letter from the State Office of Parks, Recreation, and Historic Preservation for the Stormwater Pollution Prevention Plan has been submitted to the Planning Department. The applicant is awaiting direction from the Saratoga County Sewer District regarding plantings around the pump station but is committed to installing landscape materials as directed by the Sewer District and town officials. Mr. Stevens explained that a pocket pond has been proposed to contain stormwater since the tributary area is less than 10 acres. Mr. Scavo confirmed this information, explaining that since it appears that the stormwater management area cannot meet the requirements of the Micropool Extended Detention Basin (P-1) requirements, the area as designed appears appropriate. He recommended that the applicant consult with Mr. Reese, Stormwater Management Technician, Mr. Myers, Director of Building and Development, and Mr. Bianchi, M J Engineering and Land Surveying, P.C. to determine the best method for handling site drainage. Mr. Stevens addressed the issue of the substandard quality of the second access, reporting that he has met with adjoining property owners, Ms. Lisa Stadlander and Mr. Pat Popolizio to determine if a land transfer was feasible. He announced that the owners have "verbally agreed" to the transfer of a small strip of land along the westerly line of the drive that would permit the applicant to construct a roadway within a 60' wide right-of-way that would meet town standards. In exchange for the land transfer, Mr. Stevens would add fencing and landscaping on their property at 891 Grooms Road, provide laterals for possible future connections to municipal water and sewer services within the right-of-way, and transfer ownership of a buildable lot created from the remaining acreage of the Windhover Farms subdivision to the Popolizios.

Mr. Scavo reported that the ECC provided the following comments regarding this application. The ECC recommends appropriate easement or transfer designation for the access road now provided to the micro detention pool. The applicant should satisfy the request from the Army Corp of Engineers for additional information per their request in a letter dated July 22, 2015 sent to the applicant and copied to the Town of Clifton Park.

Mr. Scavo explained that Mr. Myers, Director of Building and Development, reported that most of the comments he issued for the July 14, 2015 Planning Board meeting have not been satisfactorily addressed.

Mr. Scavo reported that he has reviewed the response letter provided by the applicant addressing issues raised by the Planning Department and finds that many concerns have been substantially addressed. As more detailed plans are presented, additional comments may be issued.

Mr. Scavo explained that Mr. Reese, Stormwater Management Technician, provided numerous comments regarding the Erosion and Sediment Control Plans, Stormwater Management

Report, and Stormwater Pollution Prevention Plan submitted with this application. The following are Mr. Reese's comments regarding the Erosion and Sediment Control Plans. Sheet C-9 of the plan was not in the submittal or any other submittal. All Stormwater Pollution Prevention Plans prepared shall include erosion and sediment control practices designed in conformance with the technical standard, New York State Standards and Specifications for Erosion and Sediment Control, dated August 2005. The specific locations, sizes, and lengths of each erosion and sediment control practice should be shown on the plans. Proposed limits of disturbance, 100-year floodplain boundary, labeled discharge points, and storage areas must be shown on the plans. The locations and sizing for the level spreaders located at the diversion of stormwater runoff must be shown on the plan. The locations of the temporary sediment traps and the dimensions of the practice must be indicated on the plan. Since rain gardens are being proposed, test hole locations at each location shall be done, groundwater separation shall be indicated, and the applicant shall indicate the long term maintenance responsibilities. 11 rain gardens appear to be located in Rhinebeck Soils that have HSG D soils: underdrains and underdrain outlet locations must be shown on the plan. Additional comments related to the Stormwater Management Report. The elevation of the perched water table in relation to the proposed permanent pools must be shown in the basin sections. If the perched water table is above the permanent pool, the plan must indicate how the basin will be designed to control the constant weeping into the basin and/or how this will affect the overall runoff numbers. Design points must be shown on the Pre- and Post-Development Conditions Plans. The applicant is asked to cite precipitation data sources using the most recent rainfall frequency. The consultant should refer to the NYS Stormwater Management Design Manual (NYSSMDM), last revised January 2015: isohyets for the P value (90% rainfall event), 1-year, 10-year & 100-year storm event. The applicant is asked to clarify whether or not the Time of Concentration for the proposed sub #1A, post sub #2A is from the Direct Entry time from the Appendix D Proposed Closed Storm System Analysis. If meadow is being used for Curve Number (CN) Description for post sub #2 and post sub #3, then the roughness coefficient (n) of meadow should be used or vice versa if Bermuda grass is being used for (n) then grass cover should be used for CN. The report states that the permanent pool is at elevation 324, but the 3" orifice is at elevation 323: clarification is requested. Mr. Reese commented on the Stormwater Pollution Prevention Plan. The total area of new impervious area - not the adjusted impervious area - must be used in the runoff reduction volume calculations. The Stormwater Pollution Prevention Plan document shall refer to the NYSSMDM, last revised January, 2015. The applicant is asked to provide a description of the pollution prevention measures that will be used to control litter, construction chemicals, and construction debris from becoming a pollutant source in the stormwater discharges.

Mr. Bianchi reported that, after review of the documents provided, M J Engineering and Land Surveying, P.C. provided the following comments regarding this application. Several comments were related to the subdivision plan. The next submission for this application shall include information that fully addresses the following: determination on how the proposed secondary access off of Grooms Road is being handled; a Preliminary Subdivision plat developed in accordance with Section 179-11 of the Town Subdivision Regulations including any standard notes required of the Town; submission to the Town of all permit stipulations associated with the installation of drainage infrastructure within the NYSDEC Adjacent Area. Specific information regarding Town's responsibilities associated with maintenance and access must be provided for review. Final acceptance of this infrastructure as proposed remains subject to final approval

by the town in the event the permit has stipulations that the town is not willing or capable of accepting. Comment 14 of the July 9, 2015 review letter noted that the Planning Board may desire buffering around the proposed sanitary pump station proposed along Penfield Drive. The selection of screening will need to be coordinated with SCSD No. 1, if desired by the town. Comment 15 of the July 9, 2015 letter requested that the proposed materials of construction for all proposed sidewalks be provided. The current plan provides this information, though it is noted that the applicant is requesting that the sidewalks along Selfridge Road be asphalt and along Grooms Road be crushed stone. The Town needs to confirm that what is proposed is acceptable. As noted in Comment 18 of the July 9, 2015 review letter, the proposed sidewalk along Grooms Road needed to be coordinated with the proposed sidewalk locations. The current plans substantially address this comment, though the emergency spillway from the stormwater pond is still crossing over the proposed sidewalk. The applicant is proposing crushed stone for this sidewalk and this material may not be suitable if also serving as an emergency spillway. It is recommended that the sidewalk not be utilized also for a spillway and that alternate means be considered. Comment 19 of the July 9, 2015 review letter notes that the Town prohibits the use of P-5 ponds unless appropriate documentation can be furnished demonstrating that no other practice can be implemented. The information submitted appears to suggest that due to design conditions a P-5 is the most suitable stormwater practice. The Town's Stormwater Officer and Highway Superintendent must make the final determination on whether the P-5 can be utilized. As noted in Comment 22 of the July 9, 2015 letter, both of the proposed stormwater ponds need to show a defined access route with material specifications pursuant to Section 6.1.6 of the NYSSMDM. The P-1 practice provides the noted access; however, the P-5 practice at the intersection with Grooms Road does not. As noted in Comment 24 of the July 9, 2015 review, the plans need to (1) delineate Conservation of Natural Areas and note that such areas lie within a restrictive easement and (2) define how the limits of the Conservation of Natural Areas will be delineated in the field/project development site with structural barriers, and (3) prepare the conservation easement instrument that ensures perpetual protection of the proposed area(s). The next submission shall include this information for review. As noted in Comment 25 of the July 9, 2015 review letter, the plans do not show locations or anticipated detailing for the proposed rain gardens. As noted in Comment 26 of the July 9, 2015 review letter, the final plan set shall include the noted information as a single approved drawing set. Additional comments related to the Stormwater Pollution Prevention Plan (SWPPP)/Stormwater Management Report (SMR). As noted in Comment 30 of the July 9, 2015 letter, test pit data suggests that there is a perched water table within the vicinity of both stormwater practices with no groundwater at greater depths. With the proposal to utilize a P-5 practice, there needs to be indication as to how the perched groundwater table will interact as part of the forebay/wetpool areas and to provide a static groundwater elevation above the pond bottom. As noted in Comment 31 of the July 9, 2015 review, Appendix D of the Stormwater Pollution Prevention Report (SWPPP) does not include the referenced correspondence from the NYS Office of Parks, Recreation and Historic Preservation. The town's Stormwater Management Officer provided technical comments dated July 31, 2015: these comments shall also be addressed and incorporated for review with the next project submission.

Mr. Dan Hartnett, Chairman of the Trails Subcommittee of the Open Space, Trails, and Riverfront Committee, reported that the Trails Subcommittee does not support any trails being constructed of "native materials" as called for in the project plans. If the applicant proposes a

multi-use trail along Grooms Road, a design plan must be included with the plans and the trail should be constructed along the entire length of the frontage. Several comments issued for the July 14, 2015 Planning Board meeting remain to be addressed. Sidewalk details such as the types of surface materials to be used and cross sections for the walkway along Selfridge Way must be included on the design sheets. The requested 15' right-of-way along the project's Miller Road frontage with a note that it is for a future multi-use trail and/or utility realignment must be shown on the plan and a similar note should be placed within the existing 15' right-of-way.

Ms. Lisa Stadlander, 891 Grooms Road, reported that Mr. Stevens had approached her last week regarding a possible transfer of land from her family's parcel which would allow the applicant the ability to create a town roadway within a 60' wide right-of-way to serve the proposed residential lots to the east and designated recreational areas to the north. She expressed her concerns regarding the potential future development of the rear parcel, explaining that plans presented in 2010 proposed as many as ten (10) soccer fields on the property. Noting that the Special Use Permit issued in 1983 was approved specifically for a private rugby club, she asked that the Board clarify how the terms and conditions associated with that permit apply to the residential development and rear parcel proposed at this time.

Mr. Pat Popolizio, adjoining property owner, stated that although he was aware that a residential subdivision had been proposed on lands adjoining his property in 2010, he has had no notice of any pending applications since that time. It is only within the last week that he has been approached by the applicant regarding a possible transfer of land that would be necessary for the development of a viable town roadway to access the proposed subdivision and recreational fields. He expressed his concerns regarding the proposed subdivision, explaining that the glare from headlights and traffic exiting from Holbrook Drive to Selfridge Way would negatively impact his home. He asked that the applicant install a border of mature trees and fencing on his property and provide the option for him to connect to municipal water and sewer services. Noting that the Special Use Permit approved in 1983 encompassed the area now proposed for new homes, he asked that the Board consider if the proposed change of use affected the conditions of that permit. Additional comments focused on the proposed western-most access which - as currently designed - does not meet town standards. He questioned whether the roadway could remain as presented if gated and used only as an emergency access if the fields to the rear of the subdivision were to be developed for active uses.

Mr. Ferraro commented that the Planning Board would not take action on this application at this evening's meeting. Mr. Pelagalli explained that a Special Use Permit "runs with the land" and that the subdivision application appears acceptable since it represents a "less intense use" of the property.

Mr. Anthoy LaFleche, 21 Wheeler Drive, expressed his concerns for the placement of the proposed multi-use pathway along Grooms Road because of an existing drainage ditch along the roadway. Mr. Scavo pointed out that there is sufficient room to place the pathway between the top of the drainage corridor and the proposed stormwater management area.

Mr. Chuck Eells, 831 Grooms Road, explained that his family engaged in active farming on the parcel directly east of the proposed subdivision and asked that the applicant provide

mitigation for any drainage that may be directed to his property and that there be no encroachment onto agricultural lands by future homeowners.

Mr. Ferraro supported the applicant's use of landscaping to establish a "visual buffer" between the subdivision and the Lands of Eels: such a landscaped buffer has been shown on the latest plan.

There being no further public comment, Mr. Ferraro moved, seconded by Mr. Koval, to close the public hearing at 8:50p.m. The motion was unanimously carried.

In response to Mr. Neubauer's question regarding the use of rain gardens, Mr. Stevens explained that they were proposed on each individual lot to reduce drainage to stormwater management areas. Though Mr. Koval recognizes that good planning now recognizes the use of rain gardens as important in implementing green infrastructure techniques, he is concerned that "there is a potential for lack of care by future owners." Mr. Neubauer also supports the use of rain gardens on public lands rather than on privately owned lots: he believes that "opening the conversation" regarding their use is important. Mr. Ferraro stated that maintenance of rain gardens is imperative and, since a project's stormwater plan must insure that site drainage does not impact others, it may not be a viable option for this development. Mr. Pelagalli advised that since the Special Use Permit for the property under consideration for subdivision was issued in 1983, it would be prudent to provide each Board member and adjoining property owners with a copy of the document. Mr. Ferraro pointed out that the plans contain two sets of lots with the same numbers: plans should be revised to indicate approved postal addresses. In response to his question concerning the timing for the installation of trees along the property's easterly boundary, Mr. Scavo reported that, unless delayed by winter weather, tree planting occurs prior to the issuance of a Certificate of Occupancy. Since the applicant now proposes the transfer of land from adjoining property owners and the possible creation of a new building lot, the Board was unable to take action on the application. The applicant was asked to address all issues of concern before an additional review is scheduled.

### **Old Business:**

[2012-030] **Crescent Woods** – Proposed (61) lot cluster subdivision, 1567 Crescent Road – Preliminary subdivision review. SBL: 283.-2-8

Mr. John Stevens, consultant for the applicant, presented this application that was last reviewed by Board at its December 9, 2014 meeting. The speaker explained that changes to the Stormwater Pollution Prevention Plan necessitated changes to the site grading, the grading of individual lots, and the raising of finished floor elevations. The connection to the Clifton Park Water Authority system will now occur through Countrymen Estates and the sewer will link to the existing lines on Pico Road. The applicant will transfer a small parcel of land to a neighbor to the northeast whose pond has encroached on the development parcel. The Stormwater Pollution Prevention Plan has been revised and resubmitted for approval. The proposed wetland mitigation has been approved by the applicable regulatory agency.

Mr. Scavo read the comments prepared by Mr. Myers, Director of Building and Development. It does not appear that previously-issued comments have been addressed. Mr. Myers lists a number of items which remain unresolved including the lack of submission of a phasing plan, discrepancies between plans with regard to lot signage, encroachment issues, and the continued use of at least one pocket pond. The applicant has failed to provide a completed Stormwater Pollution Prevention Plan. Mr. Myers notes that although the preservation area is clearly marked on the plans, grading extends into this area at several locations. The “greater than 35% proposed slope between homes “violates NYSDEC regulations and common sense.” The rear of the house touching the preservation limit line is poorly planned and will result in violation of the preservation limit. The plan generally lacks information.

Mr. Scavo explained that the ECC issued the following comments after review of the project at its August 4, 2015 meeting. The ECC requests that the Town Engineer review the comments offered on December 2, 2014 to determine if the applicant has adequately satisfied the comments previously expressed. The ECC requests the permeable driveways be eliminated from the subdivision design and that stormwater calculations be adjusted accordingly.

Mr. Scavo reported that Mr. Reese, Stormwater Management Technician, offered the following comments on this application. The following comments relate to the Erosion and Sediment Control Plans. Multiple test holes and percolation tests should be done prior to any approvals to verify that two drywells per residential lot is feasible. The applicant is asked to clarify if there is any indication of the depth of the proposed drywells for each of the lots. Some lots are in fill and drywell practices are not allowed to be placed in fill locations. Test hole information is provided with assumed depths of the water table, though the applicant should clarify if there was any evidence of mottling of the soils that would indicate the seasonal high water table. Silt fence locations are shown as an offset from the wetland boundaries and some show placement through the wetlands: a more cognizant placement of the silt fence should be shown. A construction phasing plan should be prepared to show that less than 5 acres of land will be disturbed at one time. Although it is difficult to determine from the 50’ scale, fill slopes along roadways and trails appear to be 2 horizontal to 1 vertical: the plan should indicate how all steep slopes will be stabilized. Additional comments were issued regarding the Stormwater Management Report. Precipitation data sources should be cited: the applicant is asked to use the most recent rainfall frequency reference in the NYS Stormwater Management Design Manual (NYSSMDM), last revised January 2015: isohyets for the P value (90% rainfall event), 1-year, 10-year, and 100-year storm events. Shallow Concentrated Flow coefficient values can only be paved or unpaved with associative Kv values. Overland sheet flow for post-development conditions is limited to no more than 100 feet. Stormwater sub-catchment boundaries are shown to end at the property lines: these areas should include offsite drainage areas. The 1.5” vertical orifice will be easily clogged at Pocket Pond 1P. Drywells are being proposed to handle the 100 year storm event for Fairmont Drive from stations 4+00 to 8+50. The roadway appears to be in fill along this area and drywell infiltration practices cannot be located in fill soils. If this is an acceptable practice to the Highway Department or Stormwater Management Officer, percolation tests and test hole locations will need to be done. The Stormwater Pollution Prevention Plan states on page 16 that 96 drywells and 74 rain gardens will be installed to treat the water quality from the homes and 18 drywells will be used for Fairmont Drive. The applicant should look at sheet flow to riparian buffers to address RRV needs as it may limit the need of individual rain gardens that would be difficult to maintain

and operate. The whole developable project area is evaluated for water quality and runoff reduction volumes. When 53% of the practices are treating 40% of the impervious, there is not an equal distribution of treatment for the water quality.

Mr. Scavo reported that many previously-issued comments by the Planning Department have been satisfactorily addressed. He did, however, state his support for the elimination of the proposed permeable driveways, citing the significant maintenance responsibilities required of potential homeowners. Further review will be undertaken as grading details are submitted for review.

Mr. Bianchi reported that, although the firm had issued no new review letter regarding this application, the comments issued by M J Engineering and Land Surveying, P.C. would “mirror” those provided by Mr. Reese.

Mr. Dan Hartnett, Chairman of the Trails Subcommittee of the Open Space, Trails, and Riverfront Committee, offered several comments regarding this application. The applicant continues to show all trails connecting to surrounding neighborhoods dead ending at the edge of the property: the plan should show the layout, design, and construction details for all three connections to Village Green, Countryman Estates North, and Crescent Estates Aspenwood. The applicant shows the trails in several spots placed very close to proposed roadways: the applicant should provide some type of barrier between the two uses, whether it be asphalt curbing, concrete sidewalks instead of asphalt trails, or some type of physical railing to separate the two uses to protect trail users. The diagonal crosswalk between the trail from Crescent Estates Aspenwood and the internal trail network should be realigned. Design details for the trail behind the homes on Fairmont Street should be provided. A crosswalk should be provided between the internal trails and the Village Green connection. Speaking as a resident of the Exit 8 area, Mr. Hartnett reiterated concerns expressed at previous meetings regarding traffic congestion along Crescent Road and the failure of those preparing the traffic report to employ realistic background growth rate calculations in the study.

Mr. Dick Shakerley, 4 Easton Drive, expressed concerns regarding traffic safety along the Crescent Road corridor. Speaking as a volunteer fireman, he described the task of negotiating traffic in the Crescent Road corridor as “very risky.”

Mr. Ferraro pointed out that the Town Supervisor has agreed to support a town-wide traffic study that would identify problematic traffic corridors, identify mitigation measures that would improve traffic flow in these areas, and develop a “fair share” way to pay for the mitigations. Mr. Werner noted that Crescent Road is a county highway: any improvements to the roadway would be overseen by the County Public Works Department. Mr. Bianchi commented that traffic reports indicate that the Crescent Woods project will not significantly impact levels of services on adjoining roadways.

Ms. Barbara Hamilton, 67 Pico Road, questioned whether established wetland boundaries had been “redelineated,” since flags had been relocated behind her home. Mr. Stevens reported that the wetland boundaries had not changed. New flagging was necessary to identify

“streambeds.” A jurisdictional approval letter has been received from the ACOE and wetland boundaries will be verified in the field prior to the commencement of construction.

Mr. Phil Moore, 25 Weston Drive, echoed Mr. Shakerley’s concern with traffic congestion in the area. He requested assurance that drainage from the proposed development would not be directed toward his home which is already impacted by the high water table.

Mr. Neubauer agreed with the ECC recommendation regarding the proposed use of permeable pavement for driveways serving the proposed homes stating that it was unlikely that new homeowners would be diligent about their unusually “high maintenance” requirements. Mr. Werner concurred. Mr. Neubauer expressed concerns regarding the negative impact of the development on traffic along the Crescent Road corridor and called for more information related to new trips generated and congestion at the intersection of the new development and Crescent Road. The speaker commented that he did not find the community benefits provided by the applicant to equal the increased density received for “clustering” the subdivision. Mr. Ferraro asked that the consultant provide smaller sized plans for review at the next submittal and that the lot numbers on the plans be distinguishable from the assigned postal addresses. Mr. Ferraro disagreed with Mr. Neubauer’s contention that the plan lacked community benefits, citing the significant amount of open space at the entranceway, the no-cut buffer provided between proposed and existing residences, and the 10’ easement provided to the rear of the townhomes along East Haystack.

Ms. Tina Stroud, 40 East Haystack, reported that documents in her possession show an existing 10’ easement behind the existing townhomes on East Haystack. Mr. Scavo reported that there is no evidence that easements on property to the rear of the homes on East Haystack were ever filed at the County Clerk’s office.

Ms. Wendy Dambrosi, 28 East Haystack, commented that the proposed 10’ easement would be helpful since it would not only help residents who would like to access their rear yards for such things as lawn mowing but also provided an access to those maintaining utilities located to the rear of the properties.

Mr. Ferraro observed that grade changes on Lots #2, 4, 11, and 52 may impact the adjacent areas of designated wetlands and asked the applicant to clarify how natural drainage flows toward those areas will be impacted. He also noted that the wetland buffer areas on Lots #2, 12, 23, 25, 26, 51, and 52 lie in close proximity to the proposed homes: it is the Board’s policy to maintain at least a 30’ to 40’ separation between homes and wetland areas and/or associated buffers. Mr. Werner agreed with the recommendations of the Trails Subcommittee regarding proposed crossings of the wetland areas. It appeared to be the consensus of the Board that, since it may not issue a conditioned negative declaration on a Type I action, a SEQRA determination for this application must be delayed until significant issues of concern such as the impact of the revised grading plan on the site’s environmental features are evaluated.

[2015-013] **Sunoco – Clifton Park** – Proposed demolition and reconstruction of an existing service station, fuel tanks, and convenience store, 1545 Crescent Road – Preliminary site plan review and possible determination. SBL: 284.-1-26

Ms. Jennifer Knarich, legal representative for the applicant, presented this application that was last reviewed by the Board at its March 24, 2015 meeting and remains generally as proposed at that time. The property slated for redevelopment is located within the B3 (Neighborhood Business) zoning district on the northeasterly quadrant of the Crescent Road – Lapp Road intersection. The project plan calls for the demolition and removal of existing site improvements which include two canopies above the fueling lanes, a convenience store, associated parking, and underground fuel storage tanks. Reconstruction plans call for the construction of a 2,955 SF convenience store, a single pump canopy with a total of six (6) pumping stations (twelve (12) fueling points), two 20,000 gallon underground fuel storage tanks, and associated parking. Ms. Knarich reported that the Zoning Board of Appeals granted relief for certain area, parking, and sign variances at its June 16, 2015 meeting. The site will utilize the existing water connection and sanitary sewer main within an existing easement on the parcel. Access to the site will be provided by four curb cuts though the ones closest to the Crescent Road – Lapp Road intersection to the north and east will be restricted: the one on the north side will be restricted to rights-in only; the one to the east will be restricted to right-outs only. A Drainage Statement has been submitted with project plans. The speaker introduced Mr. Joe Jaworski, engineering consultant for the applicant.

Mr. Scavo read comments issued by the ECC. The ECC recommends the applicant enhance and augment the current landscaping plan to include additional plantings in the vicinity of the southwesterly corner of the property. The applicant should consider supplementing the proposed white pines with a hardier species.

Mr. Scavo stated that Mr. Myers, Director of Building and Development, reported that all setback and sign variances were “approved with modifications.”

Mr. Scavo reported that Mr. Reese, Stormwater Management Technician, offered a number of comments regarding this application. Even though the project disturbs less than one acre and decreases the impervious by 0.7%, the applicant should install protective measures from gasoline and other possible runoff contaminants entering the existing stormwater conveyance system on Crescent Road that directly empties into wetlands. The fueling station must have a spill cleanup plan and all employees should be trained on proper spill response procedures. Mr. Reese would prefer to see silt fencing used instead of hay bales. When excavating material, it would be best to have runoff stay within excavated area and not be permitted to run off the site. Existing pavement is not ideal for a stabilized construction entrance to remove the sediments from the construction vehicles: other solutions may need to be considered if tracking occurs out onto the public roadways.

Mr. Scavo offered comments prepared by the Planning Department. The possibility of obtaining a cross easement with the parcel to the north should be explored. Due to the dumpster location, the cross access easement may be limited to a single lane for either ingress or egress to the current Ace Hardware Store. Mr. Scavo explained that cross access easements reduce vehicle trips onto adjacent roadways and are considered “good practice for traffic corridor management.” If the existing curb cut onto Lapp Road is eliminated, the area identified would provide an opportunity for additional greenspace and landscaping within the project site to enhance visual aesthetics within the Neighborhood Business zone and improve operational safety at the

intersection since the intersection includes pedestrian, bicycle, and motor vehicle traffic along the Crescent Road corridor.

After review of the site plans and accompanying documents, Mr. Bianchi reported that M J Engineering and Land Surveying, P.C. offered the following comments and recommendations. Section 208-40 of the Town Zoning Code requires that the property margins at the sides from the front building line to the rear property line be planted with trees and shrubs for a width of not less than 15 feet. The plan submitted provides buffering along the northern property line, but not at the width required and none along the eastern property line. The Planning Board shall review the proposal to determine if it is acceptable given the current site configuration. As noted in Comment 11 of the March 20, 2015 review letter, Section 208-39 of the Town Zoning requires that no more than one entrance and one exit per establishment upon any individual public thoroughfare be permitted and that the distance between the entrance and exit center lines, if separated, be not less than 100 feet. The current submission included a truck turning template suggesting that the Lapp Road entrance closest to the intersection is not needed to provide adequate access. The Planning Board shall provide the applicant direction on whether this proposal is acceptable. As noted in Section 208-99 of the Town's Zoning Code, 1 space per 200 SF of gross floor area is required, 1 space per gas pump, 3 spaces per grease rack, and 1 space per 2 employees. The current plan proposes 11 spaces and is, therefore, deficient. The applicant has provided information that supports the notion that the reduction in parking spaces will not create an adverse condition, which appears appropriate. The Planning Board shall determine whether or not the reduction being requested is appropriate. If not already provided, it is still suggested that colored rendering and/or samples of the materials of construction of the proposed building be provided for review by the Planning Board. The site plans show an encroachment of what appears to be an enclosure from the adjacent parcel to the east: this encroachment shall be addressed. The applicant is asked to confirm whether or not the propane storage area on the front of the building requires appropriate vehicle impact protection. If such items are required they shall comply with the Fire Code of New York State. The minimum pipe slope for the proposed sanitary sewer lateral must be provided. The materials of construction for the proposed water service lateral must be labeled. A water shut off must be provided for the proposed water service lateral unless directed otherwise by the Clifton Park Water Authority. The plans must indicate how roof drainage is being handled/directed. On Sheet 7, Planting Note 18, the time frames for planting based upon climate conditions of Albany, NY must be adjusted. The applicant must confirm that the use of SCH40 sewer pipe is acceptable materials to the Saratoga County Sewer District No. 1. An alternate means than hay bales to prevent the transport of sediment must be provided since this practice is discouraged by the NYSDEC. The Store Front Parking Detail must be updated to show the "racing handiman" which is a requirement in the State of New York, similar to the handicapped sign detail on the same sheet. The following comments related to the Traffic Impact Statement. The report compares the existing and proposed site uses and generally states that there will be minimum increases in peak hour vehicle trips. M J Engineering and Land Surveying, P.C. finds the analysis to be appropriate and concurs with the findings. The applicant is asked to forward the report to the Saratoga County Department of Public Works for their review as part of any required roadway permitting. The report provided justification regarding the reduction in parking spaces. The analysis presented appears appropriate and supports the noted reduction. Should the Planning Board concur with the report, a waiver should be granted and noted as such on the final plans.

Mr. Dan Hartnett, Chairman of the Trails Subcommittee of the Open Space, Trails, and Riverfront Committee, provided a number of comments on this application. He explained that during public hearings conducted for the Crescent Road Multi-Use Trail, representatives of the Town of Clifton Park stated that any future redevelopment at the Sunoco Station would include the closure of the entrance on Crescent Road closest to the Lapp Road intersection to increase the safety of trail users. The Trails Subcommittee requests that this recommendation be enforced. Should the Board decide that the entrance must remain, Mr. Hartnett asks that the applicant “copy the design used by Stewart’s Shops at Exit 13N” which provides a normal one-way width entrance with a slight raised curb and brick design (similar to those used in roundabout designs) to accommodate tanker trucks entering and exiting the site. The applicant should be required to provide a bike rack and include design and installation details for verification by inspectors during construction. Site design should include a direct pedestrian access from the front door of the store to the multi-use pathway being constructed across the site’s entire frontage on Crescent Road. The Trails Subcommittee recommends that shade trees be planted across the front of the property to enhance green space and increase trees along the new multi-use pathway. A 15’ wide right-of-way transfer or easement along the property’s Lapp Road frontage is requested to provide for future trail installation or utility realignment. Consideration should be given to have the applicant provide a trail segment from the Lapp Road – Crescent Road intersection northward along Lapp Road to the property line. The Planning Board may wish to ask the applicant to provide a sidewalk link to the adjoining Stewart’s Shop to allow pedestrian access to both establishments.

Mr. Dick Shakerley, 4 Easton Drive, reported that his family is now impacted by the glare of lighting from the existing Sunoco site and he asked that the negative impact be reduced. Mr. Joe Jaworski, Sunoco representative, explained that the site would utilize newer LED lighting fixtures and that they would be directed downward to reduce spillage.

Mr. Werner appreciated the applicant’s willingness to reduce the width of the westerly-most access from Crescent Road, though he recommended that it be designed for right-ins – right-outs only. He commented on the traffic report presented with the application, finding that the ITE standards used may not accurately reflect trip generation estimates resulting from the increased number of pumps and the increased size of the convenience store. He recommended that the applicant supply more accurate counts based upon the current number of transactions that take place at the location on a daily basis. Mr. Ophardt recommended the elimination of the southernmost access onto Lapp Road and the installation of “some type of raised median” at the western most access to Crescent Road. Though he suggested that the applicant consider reorientation of the fueling stations, Mr. Jaworski stated that it was important for business that the pumps face the storefront. Mr. Neubauer also recommended realignment of the pumping stations, pointing out that such redesign would likely help to reduce the number of vehicles “cutting through” the site. Mr. Ophardt favored the establishment of a 15’ easement along the westerly property line and encouraged the Board to require the installation of a trail link at that location. Though he realizes that the Crescent Road trail has received design approval, Mr. Neubauer requested that the applicant consider incorporation landscaping in an “island design” along the pathway similar to that requested – and supplied – by Stewart’s Shops. In response to Mr. Ophardt’s question regarding the reduction of runoff from the site, Mr. Jaworski stated that he would consult with representatives of the County’s Department of Public Works. Mr. Ferraro concluded the Board’s discussion of this application, pointing out that although Board members

would like to see the Sunoco site redeveloped, there was a general feeling of frustration with the applicant's lack of response to issues raised at the March 24, 2015 meeting.

[2015-020] **The Great Discovery Childcare** – Proposed (1) story 4,800 SF childcare center with 3,000 SF playground area, Arnold Drive – Preliminary site plan review and possible determination. SBL: 271.-1-2.111

AUTHOR'S NOTE: This agenda item was withdrawn from the evening's agenda. The reader is referred to page 1 of these minutes.

### **New Business:**

[2015-040] **Murdza, Maria-Lee and Stephen** – Proposed (3) lot subdivision, 269 Lapp Road – Conceptual review. SBL: 278.-1-18

Mr. Bob Wilklow, consultant for the applicant, presented this application for the Board's consideration, explaining that the two acre parcel slated for subdivision lies within the R1 zoning district, specifically located on the northeasterly quadrant of the Lapp Road – Frankie Lane intersection. Plans call for the creation of three (3) parcels of 30,000 SF, 20,000 SF, and 37,120 SF, respectively. The 30,000 SF lot contains an existing single-family residence. Two existing outbuildings on that lot will be removed. All lots will be served by the Clifton Park Water Authority and Saratoga County Sewer District #1. The speaker explained that all area requirements will be met. A front yard area variance from 50' to 30' for the existing house at 269 Lapp Road was granted by the Zoning Board of Appeals. The new lots will be accessed via individual driveways from Frankie Lane.

Mr. Scavo reported that the ECC issued the following comments regarding this application. The ECC recommends that the applicant explore the possibility of eliminating the existing driveway curb-cut onto Lapp Road for the existing dwelling and only utilize driveway ingress/egress onto Frankie Lane. The ECC recommends the utilization of split rail fence sections to visually delineate the wetland boundaries within each parcel.

Mr. Scavo reported that Mr. Myers, Director of Building and Development, provided the following comment regarding this application. All required variances have been approved by the Zoning Board of Appeals.

Mr. Scavo reported that Mr. Reese, Stormwater Management Technician, asked that the applicant provide a detail for small home site construction on the plans.

Mr. Scavo read the comments prepared by the Planning Department. The applicant is asked to add the date of approval and assigned project area variance number for the approved variance granted by the ZBA for the 30' minimum front setback. Since the parcel is within 500' of County Route 91 (Grooms Road), the application must be sent to the Saratoga County Planning Board for review and comment. The master parcel SBL #278.-1-18 must be added to the plan. Approved 911 addresses must be added to the plan for each parcel. It is recommended that the applicant consider planting conifers adjacent to the ACOE wetland boundary to provide a visual

cue of the wetland boundary for future homeowners and that Norway Spruce, which could be planted 20' on center to allow for a 40' growth spread, be planted along the wetland boundary on Lots #7 and 9. A reference within each property deed should be made to notify property owners of the ACOE wetland constraints present for each parcel. The applicant should provide a soil analysis describing predominate soil types and ground water conditions.

Mr. Bianchi reported that, after review of the application and accompanying materials, M J Engineering and Land Surveying, P.C. provided the following comments in a memo dated August 7, 2015. Based upon review of Part 617 of NYS Environmental Conservation Law, the project appears to be an "Unlisted" action. If the Planning Board is to request Lead Agency status under SEQRA, the need to undergo a coordinated review is optional. Under a coordinated review, involved/interested agencies to be engaged may include, but are not necessarily limited to the following: Saratoga County Planning Board – 239m referral due to the parcels proximity to Grooms Road (County Rt. 91); Clifton Park Water Authority: water service connection; Saratoga County Sewer District No. 1: sewer service connection. Additional agencies may be identified by the Town during its review of the project. Several comments were relevant to the subdivision plan. The project is located within the Town's R1 (Residential) zoning district. The proposal for single family homes is a permitted principal use within the R1 district pursuant to Section 208-10(B)(2)(b) of the Town Zoning Code. In reviewing Section 208-11 of the Town Zoning Code, the minimum front setback within the R1 district is 50 feet. The Chief Zoning Officer of the town has indicated that the required variances for the project have been granted by the Zoning Board of Appeals. The plat should identify the extent of relief granted, to which lot(s) the relief was granted as well as the date of the resolution granting the noted relief. If any of the proposed sanitary or water services require an open cut of the Town road, appropriate permitting will be required from the Town of Clifton Park Highway Department. The applicant is asked to provide a notation on the plan indicating whether or not permitting will be necessary. The submitted plan illustrates an apparent stream through the proposed parcels. A notation on the plan is required to direct future lot owners/contractors on acceptable means to protect this stream from construction phase pollutants. The following information must be provided on the plat: any Town of Clifton Park standard subdivision notes; a note indicating the expected area of disturbance with an outline of the disturbance area; a note indicating whether or not the parcel has been evaluated for regulated wetlands, who performed the valuation, and the date of evaluation. The applicant must obtain the approved 911 emergency response addresses and include them on the final plat.

Mr. Dan Hartnett, Chairman of the Trails Subcommittee of the Open Space, Trails, and Riverfront Committee, requested that the applicant provide a 25' wide easement along the entire Lapp Road frontage and label it for a future multi-use pathway and/or utility realignment.

Mr. Ferraro agreed with the ECC recommendation that the boundary of the ACOE wetlands be defined by split-rail fencing as well as the planting of Norway spruce trees and he recommended that an alternating pattern of trees and fencing would be desirable. Mr. Ophardt recommended that the non-disturbance areas of the parcels be reflected in the property deeds. Mr. Ferraro agreed with the ECC recommendation that called for the elimination of the driveway onto Lapp Road that serves the existing residence: Mr. Wilkow stated that he would speak with the property owner regarding this request. Mr. Ferraro also asked that a 25' easement for future trail

development be provided in lieu of the payment of parkland fees. It appeared that Board members found this application generally acceptable.

[2015-039] **Levy, Jack** – Proposed (24) lot subdivision (18 units on Vista Court and 6 units on Tanner Road), Route 146 and Tanner Road – Conceptual review. SBL: 270.-2-3.2

Mr. Joe Dannible, consultant for the applicant, explained this application calls for the subdivision of 37.8 acres of land lying within the CR (Conservation Residential) zoning district into twenty-four (24) residential lots. The parcel is located on the northeasterly quadrant of the NYS Route 146 and Tanner Road intersection. Mr. Dannible explained that although the subdivision plan calls for the creation of twenty-four (24) lots, the density calculation based upon total land area (37.8 acres) and constrained lands (16 acres) allows for the development of fourteen (14) units: a variance may be required to permit construction of ten (10) additional units. Constrained lands on the site include both ACOE and NYDEC wetlands, two man-made ponds, and several drainage ditches. The site is situated over a “key aquifer” and it appears that it may include a sensitive archaeological area. All new residences will be served by the Clifton Park Water Authority and the Saratoga County Sewer District. Stormwater will be managed on site. Although a total of 18.9 acres of open space is required, the applicant proposes preservation of 27.35 acres of open space. The minimum lot width required within the zone is 80 feet: the plan proposes a minimum lot width of 110 feet. The required minimum lot area is 10,000 SF: the plan exceeds the requirement by 9,500 SF. Minimum building setbacks are as follows: 25 ft. front yard; 25 ft. rear yard; 10 ft. side yard. The new “semi-detached” dwellings will be accessed by individual driveways from Vista Court and Tanner Road, respectively. The applicant intends to apply for approval of “incentive zoning” that would permit the density proposed.

In response to Mr. Andarawis’ question regarding the zoning code’s distinction between the number of lots and the number of dwelling units, Mr. Dannible explained that the applicant is seeking guidance regarding the density issue and that a number of “legal and technical” issues remain outstanding. He pointed out that the proposed homes, though not identical to those within the existing Vista subdivision, will be similar in design and that most of the design elements will be as close as possible to those existing within the Vista. Open space lands will be maintained by a homeowners’ association: it is anticipated that the new development and the Vista section will unite to better serve all residents. The applicant is currently seeking construction access onto Route 146 though it is likely that the traffic will be required to use roadways within the Vista development to access the site.

Mr. Scavo reported that the ECC provided comments regarding this application after review of the project plan at its August 4, 2015 meeting. The ECC has concerns of the applicant's use of density relative to the permitted Conservation Residential zoning regulations. The applicant should clarify if the additional density will be sought through the density incentive request per §208-43 of the Town Code. The project as shown does not appear to meet the Town Code requirement of no more than 18 dwelling units with a single means of public egress/ingress. The applicant should provide a resource analysis for the CR (Conservation Residential) zone.

Mr. Scavo offered comments provided by Mr. Myers, Director of Building and Development. Mr. Myers noted that several issues “are raised by this proposal” in a memo dated

July 28, 2015. Based upon information provided in the application, it appears that the construction of seven (7) units is permitted. Open space incentive zoning may allow the development of fourteen (14) or fifteen (15) units, though it is unclear from the plan if this is what is requested. There are over eighteen (18) units on a cul-de-sac.

Mr. Scavo reported that Mr. Reese, Stormwater Management Technician, provided the following comments regarding this application. The proposed stormwater management area (SMA) appears to impact mapped wetland areas. This disturbance will need to be permitted by the applicable regulating bodies prior to any approvals of the placement of the SMA. The applicant will need to discuss the treatment of water quality and quantity for the proposed lots along Tanner Road. A full Stormwater Pollution Prevention Plan will be required for this project after concept approvals.

Mr. Scavo read comments prepared by the Planning Department. Since the proposed project is within 500' of NYS Route 146, a referral from the Clifton Park Planning Board to the Saratoga County Planning Board for review and comment is required. In accordance with Section 208-( E ) of the Town Code the applicant shall comply with the conservation-based development design. Development of any parcels in the CR (Conservation Residential) district shall comply with the requirements of this code (conservation design layout), along with the development guidelines in the "Western Clifton Park Design Guidelines." A guidance document based upon Town Code requirements has been forwarded to the applicant to assist the applicant with following the conservation design layout procedure. The conservation design layout procedure is a four-step process designed to assist the applicant, the Planning Board, and the public in preparing and analyzing the materials for site plan and subdivision applications within the Conservation Residential (CR) zoning district. The project appears to be a Type 1 action pursuant to SEQRA since it meets the threshold for a realty subdivision. A Part I Environmental Assessment Long Form must be completed and submitted for the project record. In accordance with Article II Design Standards, Section 86-6(F) of the Town Code, dead-end streets shall not service in excess of 18 residential units: the concept design as currently proposed does not meet this requirement. The Planning Board and applicant should discuss the feasibility of the cul-de-sac being extended to connect directly to Tanner Road to provide two full means of access for a street that services more than eighteen (18) units. The conservation-based development design analysis, once provided for review, will assist with understanding the wetland impacts of such a connection. Additional comments will be provided when a revised concept plan is submitted for consideration.

Mr. Bianchi explained that M J Engineering and Land Surveying, P.C. reviewed the materials submitted for conceptual review and provided the following comments in a letter dated August 7, 2015. The first comments related to the State Environmental Quality Review Act (SEQRA). 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. Since this application meets the criteria of a Type I action, a Full Environmental Assessment Form (FEAF) must be submitted to assist the Lead Agency in their evaluation of the project and its potential impacts. Since the project would require a zoning change, it is believed that the Town Board would have to serve as the SEQRA Lead Agency for this Type I action. Under a coordinated review,

involved/interested agencies to be engaged may include, but is not necessarily limited to the following: Clifton Park Town Board – potential approval of open space incentive zoning pursuant to Article VB of the Town Code; Clifton Park Water Authority – public water supply plan approval; Saratoga County Sewer District No. 1 – public sewer plan approval; Saratoga County Planning Board – 239m referral due to the project’s proximity to NYS Route 146; NYS Department of Environmental Conservation – public sewer plan approval, permit coverage under stormwater SPDES, identification of threatened and endangered species, potentially taking of additional water for public; NYS Department of Health – realty subdivision approval and public water supply plan approval; NYS Office of Parks, Recreation and Historic Preservation – identification of cultural or historic resources; United States Army Corps of Engineers - potential impacts to regulated wetlands. As part of subsequent submissions and because the project is deemed a Type I Action, the applicant needs to furnish a Full Environmental Assessment Form such that the Lead Agency may commence with its review of the project and its potential impacts. Under Part I.3.b the form indicated a total of 6.2 acres of land to be physically disturbed. Subsequent plan submissions must identify whether or not a 5 acre land disturbance waiver will be requested from the town. Under Part I.8.a, a notation indicated that a preliminary traffic study was completed and determined the project would generate 25 peak PM hour trips. The applicant shall furnish the noted traffic study for review. Under Part I.12.b, the response indicates the action is located in an archeological sensitive area. In order to demonstrate eligibility for coverage under GP-0-15-002 for stormwater discharges, the applicant shall obtain a “no effect” letter from the NYS Office of Parks, Recreation and Historic Preservation.

Mr. Bianchi provided several general comments regarding the application. The project proposes to service each new lot with public water from the Clifton Park Water Authority via extending new public water mains throughout the proposed development. The applicant shall provide the town with documentation of the CPWA’s ability and willingness to service the project with potable water. Any action on the subdivision application should be conditioned upon receipt of plan approval from the CPWA. The extension of public water mains to and throughout the project is subject to the review and approval by the NYSDOH. Any approvals offered by the Planning Board should be conditioned on receipt of NYSDOH’s review and approval of the proposed public water mains associated with the project. The applicant proposed to service each lot with public sanitary sewers from the Saratoga County Sewer District No. 1 via the extension of new public sewer mains throughout the project. The applicant shall provide the town documentation of the SCSD’s ability and willingness to service the project with public sewers. Any approvals offered by the Planning Board should be conditioned on receipt of SCSD’s review and approval of the proposed public sanitary sewers associated with the project. The extension of public sanitary sewers to the project is subject to the review and approval by the NYSDEC. Any approvals offered by the Planning Board should be conditioned on receipt of NYSDEC’s review and approval of the proposed public sewer mains associated with the project. The project is considered a realty subdivision in accordance with NYSDOH implementing regulations. Any approvals offered by the Planning Board should be conditioned on receipt of NYSDOH’s review and approval of the realty subdivision. The project proposes the disturbance of more than 1 acre of land and is, therefore, subject to the NYSDEC Phase II Stormwater regulations and General Permit GP-0-15-002. Subsequent submissions will require a Stormwater Pollution Prevention Plan (SWPPP) that includes water quality controls as well as green infrastructure elements. 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. The project proposes impacts to regulated wetlands and, based upon the size of the anticipated impacts, permitting will be required. A formal wetland delineation may be required along with a jurisdictional determination received from the USACOE.

Mr. Bianchi offered comments and recommendations related to the specific subdivision plan presented for consideration. The project is located within the Town's CR (Conservation Residential) zoning district. The proposal for two family homes is permitted by special use as outlined in Section 208 -79 of the Town Code. The parcel is noted as being 37.8 acres and therefore, the development would follow the criteria outlined in Section 208-16(E)(2)(b) of the Town's Zoning Code. Under this provision, the maximum density would be 7 lots (37.8 acres – 16 acres of constrained land x 0.33). The proposal calls for 24 new lots. The applicant may apply for bonus density in accordance with Section 208-16(H); however, no more than 100% of the base density may be requested. Therefore, no more than 14 units could be permitted. Section 208-43.13(A) of the Zoning Code indicates that only Incentive A is applicable in the CR district. Since the proposal calls for two family homes, the incentive zoning provision may not be available to achieve the lot density proposed. Based upon the review of the concept plan prepared and independent of the proposed density, the following potential deficiencies in the bulk lot requirements have been identified:

a. Section 208-16(E)(10) of the Town's Zoning requires a minimum side yard setback of 10 feet. The proposal calls for attached homes with a zero lot line at the common division between the lots. It would appear that the side yard setbacks would not be satisfied under the current proposal.

b. Section 208-16(E)(12) of the Town's Zoning requires the no residential dwelling shall be placed within 50 feet of a wetland meeting federal jurisdictional requirements. The proposed dwellings on Lots #35/36, Lots #45/46, and Lots 49/50 appear to be within 50 feet of existing wetlands.

The plan identifies 26.4 acres of deed-restricted open space. The applicant must indicate the area of unconstrained lands to be included within this open space to demonstrate that a minimum of 25% of the unconstrained land of the parcel is contained within it pursuant to Section 208-16(E)(3)(a) of the Zoning Code. The plan must indicate the form of ownership of the deed-restricted open space to demonstrate conformance with Section 208-16(E)(3)(c). The project provides a proposed lot layout; however, there is no indication that the four step resource analysis has been conducted which is a requirement of code Section 208-16(E)(13)(a)(2).

Mr. Dan Hartnett, Chairman of the Trails Subcommittee of the Open Space, Trails, and Riverfront Committee, requested that the applicant install sidewalks in front of all units and connect to the existing sidewalks in the Vistas at Clifton Park.

Mr. Koval explained that it was the Board's policy to limit development on a cul-de-sac to eighteen (18) lots. Mr. Werner agreed and recommended that the applicant consider extending the proposed roadway to Tanner Road.

Mr. Ray Burkitt, 15 Vista Court, asked that the Board members consider traffic safety in the area since lefts out of the existing Visa Court site are very difficult during peak hour travel times.

Ms. Paula Cannata, 27 Vista Court, explained that the “hammerhead” roadway design next to her home allows for the maneuvering of emergency vehicles and asked if such a design could be incorporated into the proposed development. Her preference would be for the new roadway to extend to Tanner Road.

In response to Mr. Ophardt’s question regarding the amount of wetland disturbance that would be necessary should the roadway be extended to Tanner Road, Mr. Dannible estimated that approximately 20,000 SF of wetland would be disturbed. Board members requested clarification of the increased density request, including references to specific articles of the zoning code, clear definitions of terms such as *dwelling units*, *great lots*, and *semi-detached residences*, specific calculations related to the number of lots proposed under the incentive zoning request, quantification of the number of Zoning Board of Appeals variances or other Board actions to achieve approval of the project, and discussion of the financial cost to the developer for purchase of additional units. It appeared that a majority of the Board members supported the preparation of an alternative design plan that would include a connection from the proposed subdivision to Tanner Road.

[2015-041] **Rexford Landing Mixed-Use Building** – Proposed construction of a 20,000 SF mixed-use building, 300 Vischer Ferry Road – Conceptual site plan review. SBL: 276.-2-10

Mr. Nick Costa, consultant for the applicant, explained that this application calls for the construction of a two-story building with a 10,000 SF footprint (a building total of 20,000 SF) on a 4.75 acre parcel situated within the B3 (Neighborhood Business) zoning district and specifically located on the northwesterly quadrant of the Vischer Ferry Road – Grooms Road intersection. Eighty-three (83) parking spaces, including four (4) handicapped spaces, will be installed on site. Calculations for the number of parking spaces have been provided on the plan: 10,000 SF of office space requires 33.3 spaces; 10,000 SF of retail space requires 50 spaces. Bulk requirements, building setbacks, parking setbacks, and greenspace requirements have been met or exceeded. Municipal water and sanitary sewer are available along the property’s frontage(s) on Grooms and Vischer Ferry Roads. The site will be accessed by full access driveways from both Vischer Ferry Road on the east and Grooms Road on the south.

Mr. Scavo reported that after review of the conceptual site plan, the ECC offered the following comments. The ECC recommends that the applicant incorporate lighting that is directional and limited. Due to the probability of food and liquid wastes leaking from the on-site dumpster(s) into a stormwater catch basin and/or surface water body, the ECC recommends that the applicant enclose the area (i.e. roof) on an impervious surface with a berm surrounding the dumpster(s) that will accept food and liquid wastes. If necessary, the applicant will need to periodically pump out the accumulated wastes within the bermed area to avoid any overflow. The Land Conservation (LC) Zone has been delineated in accordance with Section 208-69 of the Clifton Park Town Code. Uses in this area are restricted. The Town of Clifton Park Building Department shall be notified before undertaking any land disturbance activities in the LC zone.

Mr. Scavo stated that Mr. Myers, Director of Building and Development, provided the following comments in a memo dated July 28, 2015. The parcel is zoned B3. The current plan apparently subdivides the existing house from the proposed commercial use. The design plan appears to meet all setback requirements. A full Stormwater Pollution Prevention Plan will be required. Verification of wetland limits and associated buffer areas will also be required. Mr. Myers notes that direct discharge to the stormwater pond will not be allowed unless justified.

Mr. Scavo reported that Mr. Reese, Stormwater Management Technician, provided the following comments regarding this application. The project will require the preparation of a full Stormwater Pollution Prevention Plan. The applicant is asked to clarify how runoff in the southeastern portion of the site that contains the parking area will be collected and treated. Prior to the next submittal, multiple test holes and percolation tests will be required in the proposed stormwater recharge basin: seasonal high water elevation information must be included in the test hole data.

Mr. Scavo offered comments prepared by the Planning Department. As plans progress and a landscaping plan is developed, the applicant should be aware of §208-40 of the Town Code which notes that for the B3 zone “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.” Since the project is adjacent to County Routes 90 and 91 the site plan application shall be sent to the Saratoga County Planning Board for review and comment. A cross access easement should be provided to allow for a future private driveway connection to the adjacent parcel to the west. The project is within the Vischer Ferry GEIS Study area. The applicant should provide documentation to support how the project complies with the GEIS Statement of Findings.

Mr. Bianchi reported that M J Engineering and Land Surveying, P.C. provided the following comments regarding this application. Based upon review of Part 617 of NYS Environmental Conservation Law, the project appears to be an “Unlisted” action. If the Planning Board is to request Lead Agency status under SEQRA, the need to undergo a coordinated review is optional. Under a coordinated review, involved/interested agencies to be engaged may include, but are not necessarily limited to the following: Saratoga County Planning Board – 239m referral due to the project’s proximity to Vischer Ferry Road (County Rt. 91); Clifton Park Water Authority: taking of additional water, water service connection; Saratoga County Sewer District No. 1: reserve sewer capacity, sewer service connection; New York State Department of Environmental Conservation – permit coverage under stormwater SPDES, adjacent area impacts to state wetlands and identification of threatened and endangered species; New York State Office of Parks, Recreation and Historic Preservation – identification of the existence or absence of cultural and historic resources; United States Army Corps of Engineers: potential Joint Permit application associated with adjacent area impacts within a state wetland. Additional agencies may be identified by the town during its review of the project. General comments included the following. 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. 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. 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. The applicant has indicated water service will be provided by the Clifton Park Water Authority. It is recommended that the Town be furnished with documentation that the CPWA is willing and capable of servicing this project. The applicant needs to provide a summary of expected peak hour vehicle trips for the proposed development for review. The project is located within the town's B3 (Neighborhood Business) zoning district. The proposal for office and retail appears to be permitted principal use within the B3 district pursuant to Section 208-37 of the Town Zoning Code. Based upon the review of the concept plan prepared, the following potential deficiencies in the bulk lot requirements have been identified:

a. Section 208-98 requires that no building or part of a building, other than steps, eaves and similar fixtures, shall extend nearer to the center line of the street or road than 130 feet. The applicant must confirm that the building frontage facing Grooms Road meets the stated setback requirements.

b. Section 208-40 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. The plan as submitted does not illustrate how this will be accomplished.

The applicant is asked to indicate the location of the required Knox Box or notation furnished indicating the final locations shall be determined as part of the building permit process. The applicant is asked to indicate whether the proposed building will be equipped with automatic sprinklers. If it is, the fire department connection should be noted on the plans or notation furnished indicating the final locations shall be determined as part of the building permit process. Further, this information will determine whether an on-site hydrant is required. The town may consider incorporating the extension of the existing multi-use trail located to the east along Grooms Road. This trail can be contained within the easements granted to the town as part of the prior subdivision. The applicant should meet with town staff to review and discuss the potential extension of the noted trail system. Should the multi-use trails be included with this project along Grooms Road, an additional pedestrian connection may be considered from the proposed building to Grooms Road. The plans show a recharge basin within the 100-foot adjacent area of an NYSDEC Wetland N-11. Further, the proposed parking lot, located just outside the adjacent area, will likely require some level of grading within the adjacent area. This disturbance will require permitting through the NYSDEC and, potentially, the USACOE. Confirmation of placement of these facilities within the adjacent area from the authorities having jurisdiction may be sought prior to the plan advancing to detailed design. The applicant should indicate locations for any proposed exterior dumpster needed as part of the expected use(s). The plans note the use of recharge basins. Given the extensive wetlands adjacent to the proposed project area, it may be susceptible to high groundwater that may limit such practices. Further detailing of the proposed on-site stormwater systems, along with the required field testing, is warranted to confirm adequacy. Subsequent submissions should include architectural renderings with a summary of building materials to be utilized for review by the Planning Board. Considering the

plan submitted is conceptual in nature, M J Engineering and Land Surveying, P.C. will reserve further comments until more detailed plans and reports are submitted.

Mr. Dan Hartnett, Chairman of the Trails Subcommittee of the Open Space, Trails, and Riverfront Committee, commended the applicant for “a beautiful overall design that includes sidewalks, benches, and public areas.” He asked that the applicant provide a bike rack and include its installation and design details for verification by inspectors. The applicant is asked to provide a 15’ right-of-way along Grooms Road for a future multi-use trail and/or utility realignment. The applicant should provide a connection from the circular public space to the existing crosswalks across both Grooms Road and Vischer Ferry Road. The applicant is asked to clarify the future plans for the sidewalk that is currently “dead ending” halfway down their entrance from Grooms Road.

Mr. Ferraro asked that the applicant consult with Ms. Viggiani, Open Space Coordinator and members of the Trails Subcommittee to create a comprehensive multi-use pathway and sidewalk plan for the site. In response to Ms. Paulsen’s question regarding the building’s orientation, Mr. Costa reported that the front of the building would face Grooms Road. Mr. Koval commented that since the building will contain both office and commercial uses, it may be more visually appealing to move the building to the south and east, placing it closer to Grooms Road and to relocate parking to the rear, though he does recognize that smooth traffic circulation through the site is an important concern. Mr. Neubauer remarked that the park area “does not seem to fit with the site” since there is a significant separation between the building and the park area. It appeared that Board members found the plan generally acceptable.

Mr. Koval moved, seconded by Mr. Ophardt, adjournment of the meeting at 12:12a.m. The motion was unanimously carried. The next meeting of the Planning Board will be held as scheduled on WEDNESDAY, September 9, 2015.

Respectfully submitted,

Janis Dean, Secretary

**NOTICE OF DECISION**

**Resolution #11 of 2015**

**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 11, 2015, there were:

Present: R. Ferraro, E. Andarawis, J. Koval, E. Ophardt, K. Paulsen, E. Prescott, T. Werner  
A. Neubauer (alternate member)

Those absent were: None

Mr. Ophardt offered Resolution #11 of 2015, and Mr. Werner seconded, and

Whereas, an application has been made to this Board by Keith M. Fredrick for approval of a subdivision entitled 2 Lot Minor Subdivision Plan of the Lands of Norman, Bonnie L. and Elaine R. Fredrick consisting of (2) lots;

Whereas, pursuant to Section 276 of the Town Law, a public hearing was advertised and was held on August 11, 2015;

Whereas, the Planning Board was established as Lead Agency for this application, and a negative declaration was issued pursuant to SEQRA on August 11, 2015;

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 the subdivision plat entitled 2 Lot Minor Subdivision Plan of the Lands of Norman, Bonnie L. and Elaine R. Fredrick is granted preliminary and final approval conditioned upon the applicant's granting of up to a 5' easement for future trail development and/or realignment of utilities along the entire property frontage on the southerly side of Clifton Park Center Road and the easterly side of Miller Road for the lands designated as Lands of Norman, Elaine, and Bonnie Fredrick in lieu of the required parkland fee, the addition of the standard note regarding the parcel's proximity to active agricultural lands to the plat, and satisfaction of all comments listed in the final comment letter issued by the Planning Department.

Resolution #11 of 2015 passed 8/11/2015

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

Noes: None

Rocco Ferraro, Chairman