

Town of Clifton Park Planning Board
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PLANNING BOARD

ROCCO FERRARO
Chairman

PAUL PELAGALLI
Attorney

JANIS DEAN
Secretary



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

Planning Board Meeting
December 8, 2015

Those present at the December 8, 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 7:00p.m. All in attendance stood for recitation of the Pledge of Allegiance.

Mr. Ferraro reported that the conclusions reached by those preparing the Saratoga County Regional Traffic Study were being presented this evening at the Town of Malta Community Center. It has been determined that traffic demands, particularly those related to the development surrounding Global Foundries, are insufficient to warrant the construction of an additional Northway interchange at Exit 11A, though such concepts as modified work schedules, telecommuting, and improved bicycle and pedestrian accommodations may be considered as possible mitigations for increased traffic impacts. Monitoring and evaluation of the local road network is also recommended to identify future road improvements to improve traffic flow. The report is also recommending that a GEIS be prepared for the study area to allow for the implementation of mitigation fees to help pay the cost of these improvements.

Mr. Ferraro reminded Planning Board members that the annual Saratoga County Planning and Zoning Conference has been scheduled for January 27, 2016 in Saratoga Springs. Additional information and application forms will be forthcoming. He noted that the Regional Planning and Zoning Conference sponsored by the Capital District Regional Planning Commission will be held on March 31, 2016 at Hudson Valley Community College.

Mr. Ferraro announced that since Mr. Koval must recuse himself for two of the projects on this evening's agenda, Mr. Neubauer would be sitting as a full voting member for the agenda items regarding the Great Discovery Daycare facility and the Hubbs Road Special Use Permit.

Minutes Approval:

Mr. Ophardt moved, seconded by Mr. Prescott, approval of the minutes of November 24, 2015 as written. The motion was unanimously carried.

Public Hearings:

[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

Mr. Koval recused himself from any discussion and/or vote on the application and left the room. Mr. Neubauer will act as a full voting member for this application.

Mr. Ferraro explained to those present that a public hearing for site plan approval is conducted at the discretion of the Planning Board. Due to the controversial nature of this application, Board members agreed at the October 14, 2015 meeting that a public hearing would be helpful in identifying and addressing all public comment and issues of concern.

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 site plan 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. Ferraro explained that the all Planning Board members had received copies of the SEQRA Resolution: Classification of Action and Negative Declaration for review prior to the meeting. To reinforce the fact that Board members were in agreement with the rationale for the issuance of a negative declaration, Mr. Ferraro read the list of facts and conclusions from the document. The document is included here in its entirety as the basis for the Board's environmental determination of non-significance.

PLANNING BOARD
TOWN OF CLIFTON PARK
SEQR RESOLUTION
CLASSIFICATION OF ACTION AND NEGATIVE DECLARATION

THE GREAT DISCOVERY CHILDCARE

1001 NYS ROUTE 146

CLIFTON PARK, NEW YORK

SITE PLAN REVIEW FOR AN ALLOWED USE WITHIN THE B-1 BUSSINESS NON-RETAIL ZONE

Whereas, The Town of Clifton Park Planning Board, (“the Planning Board”) has received an application from Jennifer Zaccaria (“the applicant”) on April 6, 2015, for site plan approval to construct a new 1-story child care center as an allowed use pursuant to Section 208 of the Clifton Park Town Code; and

Whereas, the Planning Board received an Environmental Assessment Form (“EAF”) for the project completed by the applicant; and

Whereas, the State Environmental Quality Review Act (SEQR) regulations found at 6 NYCRR Part 617.3(a) require that no agency shall carry out, fund, or approve an action until it has complied with the requirements of SEQR; and

Whereas, 6 NYCRR 617.6(a) requires that when an agency receives an application for approval of an action it must: (1) determine whether the action is subject to SEQR, (2) determine whether the action involves a federal agency, (3) determine whether there are other involved agencies, (4) make a preliminary classification of the action, (5) determine whether a short or full EAF will be used to determine the significance of the action, and (6) determine whether the action is located in an Agricultural District; and

Whereas, 6NYCRR 617.6(b)(4) indicates that for an uncoordinated review of an Unlisted Action, each involved agency may proceed as if it were the only involved agency when making its determination of significance before acting on the matter before it; and

Whereas, the Planning Board has independently considered both the information provided in the EAF, comments on the application with supplemental engineering analysis and reports, comments provided by Town Staff and the Town Planning Board Engineer, and significant public comments offered both written and verbally.

Now, Therefore, Be It Resolved, that the Planning Board hereby determines:

1. The approval of the proposed site plan constitutes and Unlisted Action which is subject to SEQR;
2. The proposed action does not involve a federal or state agency;
3. The proposed action is not located within 500 feet of an Agricultural District;
4. A short EAF is adequate for determining the significance of the proposed action; and

Be It Further Resolved, that the Planning Board Town of Clifton Park hereby determines that coordinated SEQR review of the action is not required or warranted, and pursuant to 6 NYCRR 617.6(b)(4) the Board will not coordinate said SEQR review; and

Be It Further Resolved, that based upon the Planning Board's review of the project, the EAF, review of the application with supporting engineering analysis, comments offered by the Town Planning Board Engineer, Town Staff, various Town advisory committees to the Planning Board, and comparison with the Criteria for Determining Significance found at 6 Part 61707(c), the Planning Board hereby finds that approval of the Site Plan for the construction of the Great Discovery Childcare constitutes an action which will not have an significant impact on the environment and, therefore, does not require preparation of a Draft Environmental Impact Statement; and

Be It Further Resolved, that this determination is based upon the following facts and conclusions:

1. The proposal involves the occupancy of a single story commercial structure that will not exceed 4,800 square feet for a childcare business as an allowed use within the B-1 (Business Non-Retail) zoning district.
2. The Clifton Park Zoning Board of Appeals granted specific area variances to allow for the current configuration and layout of the building, parking and play areas in an effort to minimize visual impacts to the adjacent residential neighborhood.
3. The Planning Board recognizes that the proposed daycare is an existing business operating in a location that is approximately a quarter of a mile away from the proposed location and is also located adjacent to NYS Highway Route 146.
4. The proposed use is compatible with the assigned zoning, which includes, but is not limited to, insurance offices, medical and dental offices, private schools, centers for the day care of children, and attorneys' offices.
5. Town Code, Chapter 149, outlines applicable noise performance standards and based on the established record it appears the project shall conform to these noise standards.
6. Traffic access is consistent with corner lot parcels along a NYS Highway. Per the Policy and Standards for Design of Entrances to State Highways, "In the interest of public safety and traffic flow and convenience, the Department may restrict the placement of a driveway to a particular location along the owner's frontage, restrict the type of access, or require shifting of an existing driveway. When a property fronting on a State highway also fronts on and has access to any other public street, road, or highway that intersects the State highway, the department may restrict access to the State highway if it determines that such access would be detrimental to the safety and/or operation of the State highway." While the record clearly notes the objections by residents to access directly onto Arnold Drive, the Planning Board cannot ignore the engineering analysis prepared by a licensed engineer and reviewed by the Town Designated Engineer. Both are in agreement that access directly onto NYS Route 146 would be more hazardous than access onto Arnold Drive since the parcel's limited frontage onto NYS Route 146 (appx. 140' +/-) would create conflicting left turning movements with Denim Drive. Increased levels of delay for traffic exiting Arnold Drive would also increase since vehicles exiting from the daycare onto NYS Route 146 would utilize and access Route 146 with the gaps in west-bound traffic prior to vehicles on Arnold Drive having the opportunity to do so. The Planning Board is in agreement with its Town Designated Engineer and opinion of NYSDOT that the daycare's access

exclusively onto Arnold Drive is consistent with traffic engineering accepted access management principles. The conditions and anticipated trip generation with predicted levels of delay for Arnold Drive vehicles are consistent with applicable access design and traffic safety standards and follow the intent of the New York State Department of Transportation Highway Design Manual. In addition, the Planning Board required the applicant to provide a traffic analysis prepared by a licensed engineer for the allowed use due to concerns by Planning Board members and citizens from the adjacent residential neighborhood. This analysis was applied despite the generally accepted recommendation from the Institute of Transportation Engineer's (ITE) General Threshold which recommends a traffic impact analysis should be required for "any proposed site plan or subdivision plan which would be expected to generate over one hundred (100) directional trips during the peak hour of the traffic generator or the peak hour on the adjacent streets, or over seven hundred fifty (750) trips in an average day." The proposed anticipated childcare facility trips with existing vehicle trips on Arnold Drive generated during the peak hour are well below this threshold.

7. Pursuant to Section 208-99 of the Town Code the proposed childcare facility does not contain parking requirements for a daycare. In lieu of parking requirements, the medical/dental office calculation of 1 parking space/150 sq. ft. of building should be applied (more stringent than general office). Based on the proposed maximum building of 4,800 sq. ft., the specific number of parking spaces per the site plan as proposed are sufficient to accommodate the projected use.
8. The project will be served by public water and sewer for which both have adequate capacities.
9. The proposed project proposes small recessed recharge areas that will collect stormwater runoff from the proposed parking area. The project will disturb less than 1 acre therefore, the proposed project does not have to be covered under the New York State Department of Environmental Conservation SPDES General Permit.
10. Review of the site in the field and NYSDEC's environmental resource data revealed no environmentally sensitive characteristics of the development site (such as floodplains, steep slopes, significant vegetation or habitat, wetlands, or archeological resources) or other areas requiring further study.
11. Throughout the site plan review process each submittal has been copied to the Chief of the Town's Fire Bureau who has had an opportunity to offer comment and concerns with regard to access emergency services to the proposed daycare and residents within the Woodland Hills Neighborhood. No concerns have been raised to date or provided to the Planning Board from the Chief of the Fire Bureau.

Be It Further Resolved, that this determination of significance shall be considered a Negative Declaration made pursuant to Article 8 of the Environmental Conservation Law; and,

Be It Further Resolved, that the Town of Clifton Park Planning Board Secretary is hereby authorized to file any and all appropriate notices so that the intent of this Resolution is carried out.

Mr. Ferraro referenced the e-mail received from Mr. Kevin Novak, NYSDOT - Region 1 representative, which stated that "given the parcel's Route 146 frontage of approximately 140', the limited intersection spacing that would result between a direct access driveway to Route 146

and Arnold Drive, as well as consistency with industry accepted access management principles, the conditions are met to provide exclusive access for this site from Arnold Drive consistent with applicable access design and safety standards and follow the intent of our policy.”

Mr. Jeff Baker, legal representative for the Dwaas Kill Neighborhood Association, spoke in opposition to the Board’s action, pointing out that it was improper for the Board to issue a SEQRA determination for a site plan before conducting a public hearing. Mr. Pelagalli argued that the action would be taken to indicate that the Board deems the application “complete enough to move forward.” Should it be determined that additional environmental review is required, the SEQRA determination may be modified.

Ms. Paulsen pointed out that Planning Board precedent requires that the SEQRA determination be issued prior to the opening of the public hearing. Mr. Scavo stated that a guidance memo issued by the Department of State indicates that although case law resulting from a judicial decision issued in the Kittredge case requires a SEQRA determination before a public hearing for subdivision approval is considered, it is likely that in the future the same procedural protocol will be required when public hearings for site plan applications are considered.

Mr. Werner moved, seconded by Mr. Neubauer, 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 7:28.m. The Secretary read the public notice as published in the Daily Gazette on November 30, 2015.

Mr. Tom Andress, consultant for the applicant, presented this application that remains generally as presented at the July 14, 2015 Planning Board meeting. Mr. Andress focused the discussion on the issue of traffic, explaining that an analysis between the ITE traffic prediction and the actual data showing the number of students and staff and the times at which they arrive at the existing facility “clearly shows that the Traffic Report provided to the town is accurate and indicates that the operation of the proposed daycare center will have minimal impact on the neighborhood.” He reported that the applicant has determined that the maximum number of children at the facility will be capped at 76. Mr. Andress presented a detailed graph of observed turning movements to and from Arnold Drive and trip generation estimates for peak travel times.

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 the ECC recommended that the applicant provide vegetated buffers along the northerly and easterly “sides of the parcel.”

Mr. Scavo reported that Mr. Reese, Stormwater Management Technician, provided the following comment regarding this application. The tenant/owner shall be provided with the Operations and Maintenance Manual to ensure continuous infiltration rates.

Mr. Scavo offered comments prepared by the Planning Department. He explained that he was in receipt of an e-mail dated November 18, 2015 from Mr. Kevin Novak, PE of NYSDOT – Region 1 which provides information from the *Policy and Standards for the Design of Entrances to State Highways* which reads as follows:

In the interest of public safety and traffic flow and convenience, the Department may restrict the placement of a driveway to a particular location along the owner's frontage, restrict the type of access, or require shifting of an existing driveway. When a property fronting on a State highway also fronts on and has access to any other public street, road, or highway that intersects the State highway, the Department may restrict access to the State highway if it determines that such access would be detrimental to the safety and/or operation of the State highway.

Mr. Novak offered additional comment on the proposed curb cut from Route 146: "given the parcel's Route 146 frontage of approximately 140', the limited intersection spacing that would result between a direct access driveway to Route 146 and Arnold Drive, as well as consistency with industry accepted access management principals, the conditions are met to provide exclusive access for this site from Arnold Drive consistent with applicable access design and safety standards and follow the intent of this section of our policy."

Mr. Bianchi reported that, after review of the supplemental data furnished for this project, M J Engineering and Land Surveying, P.C. finds that all previously issued comments have been addressed. Mr. Bianchi did issue the following statement in correspondence to the applicant's consultant dated December 8, 2015. In addition to the information provided by your office, the Town also has in its possession correspondence from the Region 1 office of NYSDOT dated November 18, 2015 that is specific to their policy and standards for design of entrances to state highways. The NYSDOT has indicated that given the parcel's Route 146 frontage, the limited intersection spacing that would result between a direct access driveway to Route 146 and Arnold Drive, as well as consistency with industry accepted access management principles, the conditions are met to provide exclusive access for this site from Arnold Drive consistent with applicable access design and traffic safety standards, and follow the intent of the NYSDOT's policies. M J Engineering and Land Surveying, P.C. would concur with NYSDOT's policy and its application to this project.

Mr. Dan Hartnett, Chairman of the Trails Subcommittee of the Open Space, Trails, and Riverfront Committee reported that, although the site plans indicate that a bike rack is to be installed near the building, the applicant include design plans and installation details for verification by inspectors during construction. It is recommended that the rack be installed in concrete. Mr. Hartnett also recommended that the applicant be required to construct a sidewalk along the entire Route 146 frontage and provide a connection from the front door of the facility to this sidewalk.

Mr. Jeff Baker, legal representative for the Dwaas Kill Neighborhood Association, thanked the Board for conducting a public hearing on this application. He stated that the Board's SEQRA

determination may have been premature since a number of considerations may require approval of a conditioned negative declaration. He explained that residents of Woodland Hills conducted their own traffic study and noted that the traffic study prepared by Mr. Andress did not take into account traffic flows at the George Drive – Route 146 intersection. Mr. Baker pointed out that Ms. Maria Rose, who owns property directly north of the proposed center, contends that the site plan presented illustrates an incorrect orientation of her home and that there is not the required 100' separation between the proposed daycare driveway and her existing driveway. Mr. Baker subjectively observed that the “project appeared over-sized for the parcel.” Pointing out that the maximum number of students that may be served at the facility has been increased to 76, Mr. Baker contended that the basis for the traffic study has changed and that the applicant must agree to the “cap” on the maximum number of children served. The speaker pointed out that the Bonanno site plan has “expired as a matter of law” and he urged Board members to take the opportunity for reconsideration of that plan to consider the impacts of both projects on the neighborhood and to consider recommending the integration of site plans that would benefit both applicants.

Ms. Michelle Bonanno stated that she and her husband are moving forward with development of their property, having applied for and received demolition permits that would allow them to remove the existing residence on their property. She explained that they have spent large sums of money for site plan design and property improvements to date and are not interested in considering any integration of sites.

Ms. Stephanie Gemmitti, 39 Wheeler Drive, asked how parking would be handled for “after hour activities” that would likely require overflow parking, noting that parking along neighborhood roadways severely limits travel through the development. She requested the posting of “No Parking” signs along Arnold Drive to discourage those attending events to park along the street. The speaker commented that the 21 parking spaces provided on site were insufficient to accommodate “76 families” attending an event.

Mr. Mark Theophilis, 44 Wheeler Drive, presented Board members with charts of traffic counts resulting from the traffic study conducted by Woodland Hills’ residents, explaining that when the daycare was included in the calculations, “traffic volume increased by 250%.” He pointed out that the applicant’s consultant “never considered the George Drive – Route 146 intersection in his study” and that there was a “potential” for daycare traffic to use that travel route to enter or exit the facility. Mr. Theophilis asked Board members to consider the cumulative effects of proposed development along the corridor which would “make egress from Woodland Hills even more dangerous.”

Mr. John Halvorsen, 11 Walsh Lane, stated that “counting cars was a poor measure of traffic,” explaining that Google has traffic information for “any day at any time.” Apparently information received from this website indicates that from 7:30a.m. to 8:30a.m. and from 4:30p.m. to 5:30p.m. traffic from the Shenendehowa campus complex to the Route 146-Route 146A intersection is described as “very heavy.” Answering his own question about “where cars from Woodland Hills go at these times of day, he stated that they “go into traffic.”

Mr. Judy Morley, 8 Wheeler Drive, presented Board members with a photograph of a roadway within the development that had cars parked on both sides of that roadway. She explained

that measurement of the distances between the two cars was 17'. Providing information regarding the lengths and widths of school buses and emergency vehicles, Mr. Morley requested assurance that there was sufficient space and radius for maneuvering such vehicles through the development even when snowbanks would further restrict travel lanes. The speaker also presented photographs of observed "back-ups" along Route 146.

Mr. Peter Gemmitti, 39 Wheeler Drive, noted that B-1 zoning required a 10' wide vegetated buffer along property boundaries and observed that the site plan provided no such buffer along the easterly boundary. He also noted that along the northerly property boundary the plantings are to be placed within designated "snow storage areas." Mr. Gemmitti asked that clarification regarding the placement of "No Parking" signs be provided.

Mr. Ferraro explained that the installation and specific placement of "No Parking" signs was still under discussion.

Mr. Baker, speaking from the audience and in response to Ms. Bonanno's claim that site plan approval was not finalized until the conditions placed on the approval were satisfied, called the Board's attention back to the issue of that site plan approval, commenting that the Clifton Park Town Code does not provide for conditional approvals: he claimed that pursuant to code requirements the site plan has expired. Mr. Pelagalli, citing Section 208-119 of the code, stated that Mr. Baker's interpretation of code requirements may not be as clear as contends. He pointed out that since he first heard of this issue just prior to the Board meeting, he did not have ample opportunity to research case law regarding the question. Mr. Baker stated that if it was determined that the site plan had indeed expired, the Board would "have ample opportunity for proper planning" and to reconfigure the daycare and office sites allowing for an integrated design plan.

Ms. Laurene O'Brien, 8 George Drive, reported that the residents of Woodland Hills were very concerned with the changes made within the B-1 zoning district within the last couple of years that have significantly changed the character of the neighborhood. Explaining that residents along the Route 146 corridor accepted the zone as a "transitional" area that would provide a smooth change from commercial to residential development, with non-retail businesses utilizing residential-type designs with minimal signage. She believes that the area variances granted by the Zoning Board of Appeals without notice to adjoining property owners have sanctioned a more intense development of parcels along Route 146. Mr. Ferraro pointed out that area variances do not require neighbor notifications and that the Planning Board is bound by decisions rendered by the Zoning Board of Appeals.

Ms. Maria Rose, 8 Arnold Drive, stated that she resides in the home that adjoins the proposed daycare to the north. She believes that the site plan presented shows neither the correct orientation of her residence on the lot nor the accurate driveway location. Ms. Rose's concerns focused on the impact of the daycare on existing traffic flow. She encouraged the Planning Board to work with owners of the Bonanno office site and the applicant of the daycare to prepare a design that addresses the concerns of the Woodland Hills property owners.

Mr. Anthony LaFleche, 21 Wheeler Drive, recommended that, if and when, a sidewalk segment is constructed along the property's Route 146 frontage, it be placed as far from the

pavement as possible. If there is an issue with the approval for the Bonanno site, he recommended that the Board consider requiring a “unified entranceway” and shared parking, viewing this as a “once in a lifetime opportunity” to integrate sites and improve traffic flow.

Mr. Pat Long, 71 Pico Road, stated that, although he is not a resident of Woodland Hills and, in fact, lives in near Exit 8 and Okte Elementary School, he could attest to the fact that parking for special events at schools is difficult and that those attending such events “park wherever space is available.” He labeled the potential parking issue “a serious concern.”

There being no additional public comment, Mr. Ferraro moved, seconded by Mr. Werner, to close the public hearing at 8:32p.m. The motion was unanimously carried.

Ms. Paulsen explained that the applicant has a “right to develop her property,” and that the renderings of the facility presented for review illustrate a “nice building.” She was, however, concerned with the availability of parking during special events. Mr. Andress explained that the applicant has removed information regarding special events from her existing websites since those events are no longer conducted and will not be part of the services offered at this facility. Mr. Werner recommended that the applicant consider some “mitigation measures” to ensure the sufficiency of parking for those attending special events such as offering different times for the event for different age groups and holding events during off-peak travel times. Mr. Andress stated that, since all special event attendees would be entering and leaving at the same time, stacking of cars within the parking lot was a possibility. Mr. Ophardt suggested that a change of venue may be required for events which would likely exceed the site’s parking capacity. Mr. Neubauer and Mr. Werner found this a reasonable accommodation. In response to Ms. Paulsen’s question regarding the Planning Board’s ability to prohibit special events at the site, Mr. Pelagalli explained that the Board may impose restrictions that “preserve the health, safety, and welfare” of the public and ensure the “orderly operation of the business” on the site. He noted that the approval granted to the DiMarco Funeral Home in Jonesville was conditioned on the requirement that high-profile funerals likely to attract large numbers of people must be held at another location. Mr. Andress explained that the building has no area big enough to accommodate a large assembly. In response to Mr. Andarawis’ question concerning enforcement of the parking restrictions, Mr. Pelagalli explained that it would be incumbent upon the Building Department to provide enforcement. Mr. Ferraro found it reasonable to restrict events to those that don’t exceed occupancy restrictions or parking accommodations.

Mr. Ferraro identified the issues of concern and means to address them. Mr. Andress agreed to provide a “floating easement” along the easterly side of the site to provide a possible connection site to the adjoining parcel should approval for the Bonanno office site be “revisited.” The consultant agreed to provide additional landscaping – including trees and lower shrubbery - along the Arnold Drive property frontage both to the north and south of site access points and to preserve the tree line along the eastern property boundary to the greatest extent practicable. “No Parking” signs will be placed along Arnold Drive in the vicinity of the daycare facility. Measurement of the distance between the proposed entranceway for the daycare and an existing residential driveway will be taken to ensure that code requirements are met. Mr. Ferraro stated that, while he appreciated the efforts the residents of Woodland Hills put forth to provide traffic counts, there was no warranted reduction in the Level of Service. He also noted that

correspondence from NYSDOT stated that the agency would not approve a curb cut onto Route 146. Ms. Paulsen observed that the building renderings show that two doors will be located on the southerly side of the building. She asked that when, and if, a sidewalk is ever constructed along Route 146 that a sidewalk connection be installed to connect the building to that walkway. Mr. Andarawis agreed that such a connection should be required. Mr. Ferraro commented that he found the current site plan “aesthetically more pleasing” than the one that provided a curb cut onto Route 146 or the original plan presented. Mr. Ferraro noted that the decision regarding the validity of the Bonanno site plan approval was a legal one and that the floating easement was established in an effort to provide a connection if an integration of site plans appeared viable.

In response to Mr. Baker’s concern that the building be constructed as presented, Mr. Scavo reported that façade renderings would be attached to the approved site plan. Mr. Pelagalli asked that the SEQRA resolution, classification and negative declaration, be made a part of the Notice of Decision.

Mr. Werner moved, seconded by Mr. Ophardt, to grant preliminary and final site plan approval to this application conditioned upon the establishment of a “floating easement” along the easterly side of the site to provide a possible connection location to the adjoining parcel, the placement of additional landscaping – including trees and lower shrubbery - along the Arnold Drive property frontage both to the north and south of site access points, preservation the tree line along the eastern property boundary as noted on the approved site plan submitted to the Board, the installation of “No Parking” signs along Arnold Drive in the vicinity of the daycare facility, measurement of the distance between the proposed entranceway for the daycare and an existing residential driveway be taken to ensure that code requirements are met, a sidewalk connection be installed to connect the building to a sidewalk along Route 146 if, and when, such a walkway may be constructed, the addition of a note on the plan which states that events at the facility will be restricted to those which don’t exceed occupancy restrictions or parking accommodations, and all items listed in the final comment letter issued by the Planning Department.

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

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 stated that, in his opinion, the application was not sufficiently complete for the Board to assume Lead Agency status and issue a negative declaration pursuant to SEQRA. Noting that additional details or plan revisions associated with stormwater management plans, drainage easement locations, and the proximity of wetland buffers to proposed homes consistently requested by professional staff, the town’s designated engineer, and Planning Board members have repeatedly gone unaddressed, Mr. Ferraro believed that the plan was not complete enough for SEQRA consideration. Board members appeared to agree.

Mr. Kevin Dailey, legal representative for the applicant, presented this application that was last reviewed by Board at its August 11, 2015 meeting, outlining a number of revisions that will be or have been made to the plan in response to comments and recommendations offered prior to

this evening's meeting. The items to be addressed as identified by Mr. Dailey included, but were not limited to the following: readjustment of lot lines to assure greater distances between homes and wetlands; revision of the Stormwater Pollution Prevention Plan to reflect changes made to the subdivision plan; elimination of the boulevard-type entranceway in lieu of two separate entrances to the subdivision; resolution of encroachment issues; preservation of existing vegetation along the Crescent Road entranceway to create a "parkscape" to be dedicated to the town; trail connections to the north and east, and with Pico Road and Village Green; installation of a roadway to provide for maintenance of the stormwater management area; the addition of catch basins as requested by design engineers; installation of trails as recommended by the Trails Committee and Open Space Coordinator.

Mr. Scavo reported that Mr. Myers, Director of Building and Development, provided the following comments regarding this application in a memo dated November 30, 2015. The plans must state that all facets of the development will conform to the NYS Uniform Fire Prevention and Building Code. Buildable envelopes must be considered when approving subdivisions. A review of the plans indicates that – if proposed homes are larger than illustrated – variances for those on Lots #2, 12, 14, 16, 22 Spencer, #12, 20 Fairmont, and #12 Pembroke would be required. The drainage easement at the rear of Lots #35-47 Fairmont appears to be directly against the rear of some of the houses: the location of the easement is questionable. Referencing a previous comment regarding the extent of proposed grading, Mr. Myers explains that the new grading plan indicates that grading will stop at the preservation line: this is unacceptable. He notes that in some areas the grading still extends into the preservation areas. There is no indication on the plan regarding the requirement that all sump pumps tie into the storm drainage system. Neither the utility plan nor any other plan shows water and sewer connections to the proposed homes. Mr. Myers notes that no utilities may be located beneath driveways. The plans still appear to show steep slopes between and adjacent to proposed residences. A detailed wetland mitigation plan must be provided. A series of drywells are shown on Sheet C-33 for Fairmont Drive: no stationing has been provided to illustrate where they are proposed. No revised Stormwater Pollution Prevention Plan has been submitted and no construction phasing plan provided.

Mr. Scavo reported that, after review of the application, the ECC recommends that the jurisdictional wetlands indicated on the plans be labeled appropriately. If they are NYSDEC wetlands the 100 foot wetland buffers should be shown on the plans and adjustments made to the plan as necessary.

Mr. Scavo explained that Mr. Reese, Stormwater Management Technician, offered a number of comments regarding this application. Several comments concerned the Erosion and Sediment Control Plans submitted for review. Test holes and percolation tests should be done prior to any approvals to verify of the drywells along Fairmont Road. The locations of the drywells are shown outside the right-of-way: the owner of the property on which the drywells are located should be identified. Test hole information is provided with an assumed depth of water table. Information regarding any evidence of mottling of the soils that shows the seasonal high water table should be provided. Additional comments related to the Stormwater Management System Engineering Report – last revised February, 2015. The design consultant is asked to cite the precipitation data sources, using the most recent rainfall frequency, referring to 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 event. Overland sheet flow for post-development conditions is limited to no more than 100 feet in developed areas. Stormwater sub-catchment boundaries are shown to end at the property lines: these sub-catchment areas should include offsite drainage areas. The 1.5" vertical orifice will be easily clogged at Pocket Pond 1P: an anti-clogging device should be installed. The applicant is asked to submit a revised Stormwater Pollution Prevention Plan to reflect the changes on the construction drawings, last revised October 28, 2015.

Mr. Bianchi explained that, after review of the documents submitted for this application, M J Engineering and Land Surveying, P.C. offered the following comments and recommendations. As noted in Comment 4 of the May 6, 2014 review letter, upon creation of the subdivision, the existing lot will have what appears to be an existing swimming pool in the front yard of the lot. Prior to plat approval, the applicant should seek relief from the Town Zoning Board of Appeals for the noted area variances required. As noted in Comment 17 of the May 6, 2014 review letter, should any basement sump pumps be deemed required under the criteria stated in Section 86-7(A)(6) of the Town Code, their end discharge locations need to be noted on the plans. The current submission notes sump pump laterals for several lots; however, there remains others without any provisions. There needs to be indication of how sump pumps will be accommodated especially in areas where lots are adjacent to existing wetlands. As noted in Comment 13 of the January 5, 2015 review, there are noted encroachments of existing structures onto the proposed subdivision that should be reconciled prior to final plat approval. The applicant has indicated that this will be addressed. If the encroachments are not reconciled, it may prevent approvals from occurring. As noted in Comment 15 of the January 5, 2015 review, the applicant needs to discuss the type of guide rail and placement of the retaining wall along Fairmont Drive with the Town Highway Superintendent since this will be within the future town right-of-way. To date, it is unclear if the suggested discussions are occurring with the Highway Superintendent. In prior discussions with the Planning Board, the applicant agreed that the cross walk near the pump station would be realigned to reduce the skew angle of the crossing. The current submission does not appear to address the Planning Board's request. The current plans show the proposed pump station and fence enclosure within the future town's right-of-way: it is recommended that the entire structure be outside of the town right-of-way and situated on its own lot or in an easement that would be conveyed to the utility provider. Further, the fence at its proposed location will be problematic for snow removal. Mr. Bianchi explained that M J previously provided marked up plans to assist in addressing these concerns. Review of the latest submission indicates that there remain comments that need to be addressed and plans that still need to be revised. An updated Stormwater Pollution Prevention Plan (SWPPP) and Stormwater Management System Engineering Report need to be furnished for review that address technical comments offered by the town.

Mr. Dan Hartnett, Chairman of the Trails Subcommittee of the Open Space, Trails, and Riverfront Committee offered a number of comments regarding this application. The applicant should be required to fully design all trail sections, providing cross-sectional details for the entire length of each proposed trail segment that clearly show the materials to be used in each section. At this time the applicant does not clearly define where concrete sections begin and end in the two sections along Fairmont Drive. The Trails Subcommittee has concerns about the proposed culvert on page C-13, noting that a boardwalk section may be a more environmentally friendly and provide greater assurance that the trail will not be submerged during significant rainfall events. The

applicant continues to not provide details on the trail design behind the homes on Fairmont Drive along the wetlands. The Trails Subcommittee has continuously stated that boardwalks may be required in this area, given the close proximity to the wetlands, including up to the very edge of the wetlands in one spot. The close proximity raises long term viability concerns, that higher water tables in the future could wear away at the trail edges, requiring reconstruction in the future to maintain trail integrity. The applicant is currently showing this trail to be constructed with stone dust, though the park district has indicated that the use of stone dust creates long term maintenance concerns. The park district has requested, and the Trail Committee supports the request that, consistent with all other projects in the last 10 years or more within the town, the proposed trails are paved for reduced long term maintenance expense. The applicant should be required to provide justification for 6' width instead of 8' width and have Buildings and Grounds or the Highway Department agree with their rationale for the narrower path. The standard in new developments in town has been 8' wide because they are cheaper for the developer to build given that standard pavers can be used instead of specialized machines and they are easier and cheaper to maintain long term. The applicant needs to provide design details, including any necessary boardwalks for proposed connections into all surrounding neighborhoods, as currently there is no design specifics shown within the plans since lack of detail has led to design and construction issues in several parts of town recently.

Speaking as a concerned resident, Mr. Hartnett expressed concerns regarding the impacts of the development on traffic within the Crescent Road corridor and the "lack of community benefits" provided by the applicant.

Ms. Barbara Hamilton, 67 Pico Road, stated her appreciation to the applicant for relocating the pump station to a location that was not as likely to impact existing neighborhoods.

Ms. Wendy Hadley, 28 East Haystack Road, expressed concerns regarding the significant impact the additional vehicles entering and exiting Crescent Road from the new development would have on existing traffic flow. Explaining that, during peak travel times, she often experiences long delays at the various traffic signals from Northway Exit 8 to Moe Road which are "made even more difficult when it snows," she called on the Board to "make the development smaller."

Ms. Hadley read a letter prepared by her neighbor, Ms. Sharon Russell-Chase, 30 Haystack Road, that called on the Board to "reduce the size of the subdivision" since it will impact the quality of life for existing residents. Ms. Russell-Chase specifically cited the impacts to wildlife and traffic as the basis for her request.

Mr. Pat Long, 71 Pico Road, explained that if his shed were one of those currently encroaching on the Fischer property, he would move it to a location within his property boundaries. He then commented that "Crescent Road just can't handle the increased volume of traffic." In response to the speaker's comment that it was difficult to "keep track" of all the revised plans for the project, Mr. Ferraro explained that the plans were revised by the applicant in response to comments and recommendations offered by professional staff, the town's designated engineer, and Planning Board members as the review process moved forward.

Mr. Neubauer offered a number of comments on the project plan. In response to his question regarding what appeared to be “an open circle” in an area to be dedicated as parkland, Mr. Dailey explained that it was the applicant’s intention to preserve existing mature pine trees within the park area designed for “passive uses.” Mr. Neubauer noted that the details for the stormwater management area to be located at the intersection of Fairmont and Spencer did not yet appear to “be detailed.” He encouraged the design consultant to consider the use of pervious materials rather than gravel for the basins. Though Mr. Neubauer commented that traffic in the Crescent Road corridor “was a mess,” Mr. Dailey viewed the traffic problem “not as a capacity problem, but rather as a “situation that requires some mitigations to improve traffic flow.” Mr. Werner pointed out that the town was authorizing a corridor-wide traffic study to identify problem areas and provide recommendations for mitigation measures. Mr. Neubauer recommended evaluation of the timing sequences for the traffic signals located within the corridor and questioned whether or not developers could be assessed mitigation fees to fund required improvements. Mr. Ferraro explained that, as with the Exit 11A traffic study, mitigation fees may be assessed only after a GEIS is conducted to determine specific impacts, comment periods are provided for public input, a Findings Statement is adopted, and a capital improvement plan is prepared to establish a “fair share” fee schedule. Referencing comments made by Mr. Hartnett, Mr. Dailey explained that the trail sections provided on the plans were compatible with trails in the adjoining neighborhoods. Stating that he was concerned with the trail specifications since the trail was to be located within a “passive area,” Mr. Ferraro was adamant that he would not approve “an 8’ wide blacktop trail through the wetlands.” He encouraged the applicant to work with Ms. Viggiani, Open Space Coordinator and the Trails Committee to develop a viable trail network that flows well through the development and connects seamlessly with existing trails. In response to Mr. Koval’s question regarding the possible installation of a turning lane on Crescent Road at its intersection with the new roadway, it was pointed out that the turn lane would not address the “major turning movement” that is expected to occur at that location. The issue regarding the proximity of the existing swimming pool to the front property boundary and possible need for a variance from the Zoning Board of Appeals must be resolved prior to subdivision approval.

[2015-054] **143 Hubbs Road – Tom Guariglia** - Special Use Permit #81053 to permit the construction of a two-family dwelling within the CR (Conservation Residential) zoning district pursuant to Section 208-16D(3)(a)[8] and Section 208-79 of the Town Code, 143 Hubbs Road – Conceptual review. SBL: 258.-1-38.14

Mr. Koval recused himself from any comment and/or vote on this application and left the meeting room. Mr. Neubauer would be sitting as a full voting member for this application.

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 this Special Use Permit 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.

Ms. Paulsen moved, seconded by Mr. Ophardt, 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 9:33p.m. The Secretary read the public notice as published in the Daily Gazette on November 30, 2015.

Mr. Duane Rabideau, consultant for the applicant, explained that this application remains as presented at the November 10, 2015 meeting. A sketch plan provided for the Board's consideration included the proposed location of the duplex, proposed septic area, clearing limit lines, ACOE designated wetlands, and driveway location. Members were also provided with a façade rendering of the proposed duplex. Providing a brief overview of the application, the speaker explained that the two-family dwelling will be serviced by a drilled well and individual septic system, access will be provided by a common drive from Hubbs Road, and the duplex has been designed with garages fronting the roadway to minimize "impacts to the neighborhood" and allow for preservation of an existing buffer. He reported that there are no NYSDEC wetlands located on the parcel and that a jurisdictional letter from that agency has been submitted with the application. A small "wetland pocket" along the roadway will remain undisturbed.

Mr. Scavo reported that Mr. Myers, Director of Building and Development, provided the following comments regarding this application in a memo dated November 30, 2015. The Building Department still awaits a jurisdictional sign-off letter from NYSDEC confirming the fact that there are no wetlands on property. Mr. Scavo stated that he would forward a copy of the jurisdictional approval letter to the Building Department.

Mr. Scavo reported that the ECC recommends that a split rail fence be installed to delineate the wetland boundaries.

Mr. Scavo explained that the Planning Department requested that the standard detail documenting the proper installation of the silt fence be provided with the application for a Building Permit.

Mr. Anthony LaFleche, 21 Wheeler Drive, asked how far back from Hubbs Road the proposed two-family dwelling would be located. Mr. Rabideau explained that it would be situated approximately 178' from the roadway.

There being no additional public comment, Mr. Ferraro moved, seconded by Mr. Werner, to close the public hearing at 9:37p.m. The motion was unanimously carried.

Ms. Paulsen asked that the rendering of the proposed two-family residence be included with the Special Use Permit approval and application for a Building Permit to ensure that the building is constructed as approved by the Planning Board. Mr. Ferraro asked that staggered split-rail fencing be provided to define the boundaries of the ACOE wetlands that exist in the front and rear of the site. After some discussion regarding the location of the fencing, it was decided that appropriate signage placed on mature trees to the rear of the site would be more appropriate than the installation of fencing within the wooded area. Mr. Andarawis asked that a Land Preservation

buffer be established along the easterly side of the property and that appropriate notes regarding its preservation be included within the property deed and plot plan. He supported the demarcation of the wetland boundary in the back with signage and split-rail fencing to the front of the site. Mr. Scavo commented that the Building Department would be charged with ensuring that the proper signage and fencing was installed prior to the issuance of a Certificate of Occupancy. Mr. Rick Rudd, current owner of the property, commented that the Board recommendations regarding signage and fencing appeared appropriate.

Mr. Ophardt offered Resolution #20 of 2015, seconded by Mr. Werner, to approve Special Use Permit #81053 to permit the construction of a two-family dwelling within the CR (Conservation Residential) zoning district pursuant to Section 208-16D(3)(a)[8] and Section 208-79 of the Town Code conditioned upon the establishment of a Land Preservation buffer be along the easterly side of the property and appropriate notes regarding its preservation within the property deed and plot plan, signage on mature trees to the rear of the property and the installation of split rail fencing in the front to mark the wetland boundaries. Ayes: Ophardt, Paulsen, Andarawis, Neubauer, Prescott, Werner, Ferraro. Noes: None.

Mr. Andarawis moved, seconded by Mr. Neubauer to grant preliminary and final site plan approval to the application conditioned upon satisfaction of all the items listed in the final comment letter issued by the Planning Department. The motion was unanimously carried.

Old Business:

[2010-038] **Windhover Farms** – Proposed (29) lot subdivision, Grooms Road – Preliminary review 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. The adjourned public hearing was reopened at the August 11, 2015 meeting and closed at that time.

Mr. Kevin Dailey, legal representative for the applicant, explained that the project plan remains generally as presented at the August 11, 2015 meeting, though a number of revisions have been made to the plan in response to comments issued at that time. The speaker explained that adequate access for service vehicles will be provided to the stormwater management area located along Grooms Road to ensure proper maintenance of the facility. Though Selfridge Way as currently configured is of sub-standard width, it will be built to town standards because it will eventually provide access to the recreational areas to the rear of the subdivision and must be constructed to meet fire district requirements. Revisions to the stormwater management facilities as indicated on the subdivision plan have not been incorporated into the Stormwater Pollution Prevention Plan: Mr. Dailey stated that the Stormwater Pollution Prevention Plan will be updated and included with the next submission. Mr. Dailey explained that it is the applicant's intention to transfer the ownership of the rear recreational lands that contain "three playing terraces of approximately ten acres each" to a 501C3 entity such as the Clifton Park Lacrosse Club with

“ultimate ownership” by the Town of Clifton Park. He noted that the existing Special Use Permit for the property established in 1984 “runs with the land.”

Mr. Scavo noted that Mr. Myers, Director of Building and Development, simply commented that the CR (Conservation Residential) zoning requirements and open space issues will be addressed by the Planning Board.

Mr. Scavo reported that, after review of this application at its December 1, 2015 meeting, the ECC offered the following recommendation. The applicant should satisfy the request from the Army Corp of Engineers for additional information per the request in a letter dated July 22, 2015 sent to the applicant and copied to the Town of Clifton Park. The ECC has concerns that there were no Erosion and Sediment Control Plans to review.

Mr. Scavo explained that Mr. Scott Reese, Stormwater Management Technician, offered the following comments on this application. Several comments related to the Erosion and Sediment Control Plans. The Sediment and Erosion Control 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 standards outlined in 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. Proposed limits of disturbance, 100-year floodplain boundary, labeled discharge points, and storage areas will need to be shown on the plans. The locations of the temporary sediment traps and the dimensions of the practice must be included on the plans. The following comments were issued after review of the Stormwater Management System Engineering Report last revised in July, 2015. The basin sections should show the elevation of the perched water table in relation with the proposed permanent pools. 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 on the Pre- and Post-Development Conditions Plans must be shown. The design consultant is asked to cite the precipitation data sources, using the most recent rainfall frequency, referring 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 should clarify whether or not the Time of Concentration for the proposed sub #1A, post sub #2A, is the Direct Entry time from the Appendix D Proposed Closed Storm System Analysis. For post sub #2 and post sub #3 if meadow is being used for Curve Number (CN) description, 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. Additional comments related to the Stormwater Pollution Prevention Plan. The applicant is asked to submit a revised Stormwater Pollution Prevention Plan to reflect the changes on the construction drawings, last revised September 25, 2015. For the Runoff Reduction Volume calculations, the applicant is asked to use the total area of new impervious area not the adjusted impervious area. The Stormwater Pollution Prevention Plan document shall refer to the NYSSMDM, last revised January, 2015. The applicant’s consultant 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 discharge areas.

Mr. Scavo offered a number of comments issued by the Planning Department. As requested by the Saratoga County Planning Board and read into the record at the August 11, 2015 Planning Board Meeting, the applicant should provide a detailed written response to the Saratoga County Sewer District letter dated February 9, 2015. A detailed written response should also be provided by the applicant noting the changes made per the July 10, 2015 letter prepared by the Clifton Park Water Authority. To date, no such detailed written responses on how the comments have been satisfied for both the CPWA and SCSD have been provided. To approve the lot line adjustment shown with 891 Grooms Road, an owner authorization form should be provided with Ms. Stadlander's signature. On Sheet C-25, the STOP Sign Detail should be modified to note: "Shall be of Diamond Grade Sheeting Reflectivity." On Sheet C-25, the STOP Sign Detail should be modified to show the mounting height from the bottom of the STOP Sign to the finish grade elevation to be 7 feet. A note should be added to the detail section that states, "All traffic control signs shall conform to the 2009 Manual on Uniform Traffic Control Devices and current New York State Supplemental." As previously requested, the applicant is asked to provide for a cluster mailbox detail and design location on the plan and provide verification that it is to the satisfaction of the Rexford Postmaster. Notations should be placed directly on the subdivision plan layout pages where each applicable detail specification for trails and utility access roadways are to be constructed. Currently, the detail drawings for construction purposes are not called out on the subdivision plan noting where specific applications are to be constructed. Sheet C-26 still shows a (Native Surface) Typical Trail Section which is not applicable to this project. Based on the other trail details shown on C-26, it appears that all trail segments are proposed using stone dust material. The Planning Board should determine if this is the acceptable material type for the trail segments proposed. Sheet C-26 Typical Trail Section (stone dust/crusher run) states, "Note: Stone Dust Supplied by Town." Mr. Scavo does not believe it is the Town's intent to supply stone dust material for the project: this note should be removed from the detail sheet. Mr. Scavo reported that Mr. Kukuk, Highway Superintendent, submitted a letter dated December 8, 2015 that states that he "agrees to accept the lands as designated for town highway bounds" as shown on the plans submitted by Beverwyck Development Corporation for the Windhover Farms subdivision. He states that the Highway Department would provide maintenance, including snow removal as needed.

Mr. Bianchi reported that, after review of documents submitted for preliminary consideration, M J Engineering and Land Surveying, P. C. offered the following comments. As noted in Comment 3 of the August 10, 2015 review letter, the following comments from prior reviews are reported as "being worked on." The next submission for this application shall include information that fully addresses the following:

- a. Determination on how the proposed secondary access off of Grooms Road is being handled.
- b. Preliminary Subdivision plat developed in accordance with Section 179-11 of the Town Subdivision Regulations including any standard notes required of the Town.
- c. The applicant has furnished the correspondence from NYSDEC regarding the installation of drainage infrastructure within the NYSDEC Adjacent Area. However, 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 to accept. In Comment 14 of the July 9, 2015 review letter, it was noted that the Planning Board may desire buffering around the proposed sanitary pump station proposed along Penfield Drive. The selection of screening materials will need to be coordinated with SCSD No. 1, if desired by the Town. This item remains unresolved. 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; however, 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 an alternate means be considered. As noted in Comment 22 of the July 9, 2015 review, 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 delineate Conservation of Natural Areas and note that it is within a restrictive easement, define how the limits of the Conservation of Natural Areas will be delineated in the field/project development site with structural barriers, and prepare the conservation easement instrument that ensures perpetual protection of the proposed area. The next submission shall include this information for review. As noted in Comment 26, of the July 9, 2015 review, the final plan set shall include the noted information as a single approved drawing set. All prior comments relative to the Stormwater Pollution Prevention Plan (SWPPP)/Stormwater Management Report (SMR) as outlined in the August 10, 2015 review have yet to be addressed and are inclusive of the Town's SMO technical comments dated July 31, 2015.

Mr. Dan Hartnett, Chairman of the Trails Subcommittee of the Open Space, Trails, and Riverfront Committee, provided several comments regarding this application. He explained that the Subcommittee repeated concerns that the material for the trail along Selfridge Way has not clearly identified. As previously stated, blacktop at grade with the proposed roadway is unacceptable as it does not provide for a safe visual and physical barrier between pedestrians and traffic. The Subcommittee is not opposed to a blacktop walkway with a strong curb, as seen at the Stewart's on Crescent Road if the applicant chooses to use blacktop for the trail surface. The applicant should remove the trail detail from along Grooms Road as they are not constructing any trails at this time: just the right-of-way should remain. The proposed 12' wide gravel roadway should be constructed as a paved 12' multi-use trail, or at least an 8' wide multi-use trail with 2' wide gravel shoulders on each side, consistent with other residential projects in town. The applicant should remove all details for native trail surface sections, as none are called for in this development at this time, and nowhere else in town have these types of trails been constructed or proposed.

Mr. Anthony LaFleche, 21 Wheeler Drive, asked Mr. Dailey about proposed setbacks for the new homes. Mr. Dailey reported that the homes will be located a minimum of 50' from the roadway. In response to Mr. LaFleche's question regarding the distance of the proposed trail from Grooms Road, Mr. Dailey explained that it was approximately 30' from the edge of pavement.

In response to Mr. Ophardt's question regarding maintenance of the dry swale areas proposed behind the proposed homes, Mr. Bianchi pointed out that such maintenance would be addressed in the Stormwater Pollution Prevention Plan. Though it is unclear from the plans presented what materials are to be used for trail construction, Mr. Ferraro stated that he preferred that the trails be "more paved than gravel." Mr. Werner suggested that, since various elements of trail construction such as acceptable width and construction materials often become issues in the approval process, it may be helpful to establish a town standard for trail development. Ms. Paulsen, however, noted that the type of trail development considered is often dependent upon the purpose it serves.

Mr. Pat Popolizio, adjoining property owner, questioned the validity of the property's existing Special Use Permit. Mr. Dailey stated that the Special Use Permit has been in existence since 1984 and that it allows for the continuance of "a non-conforming, pre-existing use." Mr. Pelagalli read a portion of the Special Use Permit approval, noting that the proposed subdivision is "not an expansion" of that approval. It was noted that active recreational uses may be provided within the designated open space area.

In response to Mr. Dailey's question regarding whether or not the application was "going in the right direction," Mr. Ferraro assured him that the plan was generally acceptable though the applicant had a number of details to be addressed.

[2015-045] **380 Ushers Road (Lands of Randall Valachovic)** – Proposed (4) lot subdivision, 380 Ushers Road – Revised conceptual review. SBL: 259.-3-11

Mr. Duane Rabideau, consultant for the applicant, presented this application that has been revised from a five (5) lot subdivision to a four (4) lot subdivision in response to comments issued at the September 22, 2015 meeting. Lot sizes now are 37,654SF, 42,665SF, 41,201SF, and 2.21 acres, respectively. Frontage for the largest lot is provided along Ushers Road at the northern portion of the site. Lots A and C will be accessed via individual curb cuts onto Ushers Road. Lots B and D will utilize a common drive on Ushers Road. All lots exceed the bulk and space requirements outlined in the Town's Zoning Code. Lot D is designed as a "keyhole" lot and will require specific Planning Board approval. All other design components remain as presented at the September meeting.

Mr. Scavo reported that Mr. Myers, Director of Building and Development, provided the following comments regarding this application in a memo dated November 30, 2015. Mr. Myers notes that the application has been modified from five (5) to four (4) lots. The driveway is longer than 400' long: it must be a minimum of 20' wide and able to support a 75,000 lb. vehicle. It appears that no variances are now required since all lots conform to the 200' width at the building line per Section 208-11 of the Town Code. A turnaround for emergency equipment should be considered for Lot "D".

Mr. Scavo provided comments prepared by the ECC. The ECC would like to see the proposed grading to verify that onsite drainage will not impact adjacent properties or the roadway. In keeping with the rural nature of the project area and the recommendations of the Town Comprehensive Plan, the applicant should retain existing vegetation to the maximum extent

practical and use landscaping and grading to provide visual and auditory buffering between the project and the existing homes.

Mr. Scavo reported that Mr. Reese, Stormwater Management Technician, offered the following comments in a memo dated December 4, 2015. The project will disturb more than one acre and will need a basic Stormwater Pollution Prevention Plan that will include an Erosion and Sediment Control per the NYSDEC requirements. The plans should state the total area of disturbance to verify that it will be less than the 5 acre threshold.

Mr. Scavo offered the following comments prepared by the Planning Department. The proposed project has been reduced from a proposed five (5) lot subdivision to a proposed four (4) lot subdivision. As a result, the project no longer meets the realty subdivision definition per NYS Public Health Law. The revised concept appears to have relocated the driveway for the proposed keyhole lot way from the side property boundary adjacent to the rear property boundary of residential lots within the Country Knolls Subdivision. The applicant is asked to add the following note to the preliminary plat:

The proposed driveway shall conform to sections 503 & 511 of the Fire Code of New York State.

In accordance with §208-86 of the Town Code, keyhole lots may be permitted by the Planning Board within the R-1 Zone for the purpose of a single-family dwelling. Additional comments will be provided upon review of the preliminary plat.

Mr. Bianchi explained that after review of the materials submitted with the preliminary application, M J Engineering and Land Surveying, P.C. offered the following comments and recommendations. With the reduction in proposed lots (from 5 to 4), the application can potentially be considered an Unlisted action. Should a coordinated review occur, involved/interested agencies to be engaged may include, but are not necessarily limited to, the following: Clifton Park Water Authority – taking of additional water; Saratoga County Sewer District No. 1 – discharge to public sanitary sewers; NYS Department of Health – realty subdivision approval; NYS Department of Environmental Conservation – permit coverage under stormwater SPDES, identification of threatened and endangered species; NYS Office of Parks, Recreation and Historic Preservation – identification of cultural or historic resources. Additional agencies may be identified by the Town during its review of the project. As noted, the reduction in lots from 5 to 4 allows the project to be considered an Unlisted action under SEQRA. Notwithstanding, all prior comments provided on the submitted SEQRA form remain applicable and need to be addressed. The current concept reduces the number of proposed lots from 5 to 4 to address initial feedback obtained from the Planning Board. Many of the technical comments provided in the September 18, 2015 review letter remain applicable. M J Engineering and Land Surveying, P.C. will withhold further comments on this application until a determination on what the lot number and lot configuration will be.

Mr. Koval explained that he found that the revised plan offered “a more reasonable layout” and that that the project proposal “looks a lot nicer.” Mr. Ophardt approved of the relocation of the driveway. Mr. Neubauer asked that the design consultant “check the radius on the curve” shown in the access drive for the keyhole lot to ensure that it will accommodate movements by emergency vehicles. In response to Mr. Andarawis’ comments regarding the possible combination

of driveways, Mr. Rabideau explained that it was the applicant's desire to "limit the streetscape disturbance." In response to Mr. Ophardt's question regarding the adequacy of sight distances from the curb cuts, Mr. Rabideau explained that the sight distances met all requirements: he would include sight distance information on the subdivision plan. Mr. Ferraro expressed his concerns with the keyhole lot stating that he does not like to see a home placed directly behind another. He did appreciate the applicant's desire to preserve as much existing vegetation as possible along Ushers Road. Board members appeared to find the revised conceptual plan more acceptable than the five (5) lot subdivision plan originally presented for consideration.

New Business:

[2015-060] **Goudard, Christina** - Special Use Permit #81062 to permit construction of a two-family dwelling within the R-1 zoning district pursuant to Section 208-10B(9)(a)(7) of the Town Code – Conceptual review. SBL: 271.-4-28.1

Mr. Duane Rabideau, consultant for the applicant, presented this application that calls for the construction of a semidetached dwelling unit as defined in the Town Code as "a detached building containing two dwelling units separated by a party wall, each having one side yard." The property is located within the R-1 zoning district on the westerly side of Moe Road directly across from the entranceway to the Clifton Park-Halfmoon Library. Mr. Rabideau explained that the parcel contains an "old, rundown, vacant structure" that will be demolished. The speaker provided rationale for the development of the two-family dwelling at this location, stating that since the parcel is directly across from the library's entranceway, emerging traffic would shine directly onto any new home, making a single-family residence difficult to sell for a reasonable return. He noted that since the area offers a mix of residential, commercial, and institutional uses, the two-family residence would not alter the character of the neighborhood. The narrowness of the lot precludes further subdivision or the development of two single-family residences. The sketch plan provided indicates that all required setbacks will be met. Mr. Rabideau explained that the proposed residence will be served by public water and sewer services. The existing drive will be utilized for one portion of the duplex and a new curb cut onto Moe Road will provide access for the other. A façade rendering was presented for the Board's consideration. Mr. Rabideau pointed out that the duplex was situated over 100' from the residence located to the south and that there were "no close neighbors." The existing tree line to the south will remain since it is located on the adjoining property.

Mr. Scavo reported that Mr. Myers, Director of Building and Development, provided the following comments regarding this application in a memo dated November 30, 2015. The application has been changed to a single two-family home. Approval of the Special Use Permit from the Planning Board is the only requirement.

Mr. Scavo reported that the ECC offered no comment on this application.

Mr. Scavo explained that Mr. Reese, Stormwater Management Technician, reported that the project should disturb less than one acre; therefore, it will not need a SPDES permit from the NYSDEC. The contractor should follow best management practices to keep site disturbance to a minimum and avoid any potential offsite impacts.

Mr. Scavo explained that the following comments were prepared by the Planning Department. The applicant should note to what level, if any, the mature trees located along the southern side of the property boundary will be impacted by the proposed construction for the duplex. The applicant should clarify whether or not the proposed duplex will be served by public water and sewer.

Mr. Ophardt referenced the descriptive narrative provided with the Special Use Permit application, noting that it mentioned that the project as proposed would “provide a reasonable rate of return” and he wondered what that rate might be. Mr. Rabideau again pointed out that the property location directly across from the imposing library structure may not be appealing to buyers: a duplex may provide opportunity for the owner to secure a higher purchase price. Mr. Scavo explained that the applicant recently sought approval from the Zoning Board of Appeals for the construction of a four-unit structure within the R-1 zoning district: the application was denied. He speculated that the language contained within the narrative submitted for the Special Use Permit for the duplex unit may have been transferred from information submitted to the Zoning Board since one of the criteria for approval of a use variance pursuant to Section 208-109C(2)[1] of the Town Code requires that the applicant prove that he “cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence.” Ms. Paulsen asked that the façade rendering as presented be included with the Planning Board approval to ensure that the structure is built as shown on the architectural plan. Mr. Koval described Moe Road as a “feeder road” and commented that the mix of housing styles and land uses – as opposed to development within a subdivision neighborhood – would easily accommodate the duplex. Board members appeared to find the project proposal acceptable.

Mr. Koval moved, seconded by Mr. Ophardt, adjournment of the meeting at 12:10a.m. The motion was unanimously carried. Since there is only one meeting in December, the next meeting of the Planning Board will be held as scheduled on January 12, 2016.

Respectfully submitted,

Janis Dean, Secretary

Notice of Decision

Resolution #20 of 2015

Special Use Permit Approval

At a meeting of the Planning Board held at the Town Hall of the Town of Clifton Park, Saratoga County, New York, held at the Town Office Building, One Town Hall Plaza, on December 8, 2015, there were:

Present: R. Ferraro, Chairman, E. Andarawis, J. Koval, E. Ophardt, E. Prescott, T. Werner
A. Neubauer – Alternate Member

Absent: None

Mr. Koval recused himself from any comment and/or vote on this application and left the meeting room. Mr. Neubauer sat as a full voting member for review of Special Use Permit #81053.

Mr. Ophardt offered Resolution #20 of 2015, and Mr. Werner seconded, and

Whereas, an application was made to this Board by Tom Guariglia for approval of Special Use Permit #81053 to permit the construction of a two-family residence on property located at 143 Hubbs Road;

Whereas, the Planning Board was established as Lead Agency for this application, an unlisted action, and a negative declaration was issued pursuant to SEQRA on December 8, 2015, and

Whereas, pursuant to Section 276 of the Town Law, a public hearing was advertised and was held on December 8, 2015;

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

Now, therefore, be it resolved that Resolution #20 of 2015 Special Use Permit #81053 to permit the construction of a two-family dwelling within the CR (Conservation Residential) zoning district located at 143 Hubbs Road pursuant to Section 208-16D(3)(a)[8] and Section 208-79 of the Town Zoning Code is granted approval conditioned upon the establishment of a Land Preservation buffer be along the easterly side of the property and appropriate notes regarding its preservation within the property deed and plot plan, signage on mature trees to the rear of the property and the installation of split rail fencing in the front to mark the wetland boundaries.

Resolution #20 of 2015 passed 12/8/2015

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

Noes: None

R. Ferraro, Chairman