

Town of Clifton Park Planning Board
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PLANNING BOARD

ROCCO FERRARO
Chairman

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JANIS DEAN
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MEMBERS

Emad Andarawis
Denise Bagramian
Joel Koval
Andrew Neubauer
Eric Ophardt
Eric Prescott

(alternate) Jeffery Jones

Planning Board Meeting
February 23, 2016

Those present at the February 23, 2016 Planning Board meeting were:

Planning Board: R. Ferraro, Chairman, E. Andarawis, D. Bagramian, J. Koval, E. Ophardt,
J. Jones – Alternate Member

Those absent were: A. Neubauer, E. Prescott

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 explained that Mr. Jones, Alternate Member, would be sitting as a full voting member of the Board in the absence of Mr. Neubauer and Mr. Prescott.

Mr. Ferraro announced that the Local Government Spring Workshop presented by the Capital District Regional Planning Commission will be held on Thursday, March 31, 2016 at Hudson Valley Community College. The workshop will be “topically focused” and include presentations on such issues as resiliency planning, planning and zoning case law, and web-based mapping applications. One session will provide an overview of the NY State Community Partnership Program, managed regionally by the Capital District Regional Planning Commission, which provides “technical assistance services and guidance to communities interested in pursuing sustainability projects and energy planning activities.” Registration forms are available on line at the cdpc.org website.

Minutes Approval:

Mr. Koval moved, seconded by Mr. Andarawis, approval of the minutes of February 9, 2015 as written. The motion was unanimously carried.

Public Hearings:

[2015-045] **380 Ushers Road (Lands of Randall Valachovic)** – Proposed (4) lot subdivision, 380 Ushers Road – Preliminary public hearing and possible determination. SBL: 259.-3-11

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, since the application is deficient in information regarding stormwater management and the adequacy of sight distances at proposed driveway locations, he would ask that the Planning Board issue a conditional negative declaration for this unlisted action. The conditional negative declaration would also require the satisfaction of any additional environmental issues identified during the public hearing. The SEQRA action would neither grant nor imply approval of the subdivision application.

Mr. Ophardt moved, seconded by Ms. Bagramian, to establish the Planning Board as Lead Agency for this application, an unlisted action, and to issue a conditioned negative declaration pursuant to SEQRA. The declaration is conditioned upon the applicant's submission of information, including all clearing and grading plans that may be required to achieve adequate sight distances at the proposed driveways that meet AASTO standards, that the stormwater management plan provided is deemed complete and satisfactory by the Town's Designated Engineer, and that all environmental issues raised during the public hearing are adequately addressed. The motion was unanimously carried.

Mr. Ferraro, Chairman, called the public hearing to order at 7:15p.m. The Secretary read the public notice as published in the Daily Gazette on February 14, 2016.

Mr. Duane Rabideau, consultant for the applicant, provided a brief overview of the project plan which remains generally as presented at the December 8, 2015 Planning Board meeting.

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 read comments prepared by the Trails Subcommittee of the Open Space, Trails, and Riverfront Committee. The Committee asked that the applicant provide a 15' easement for future trail and/or road and utility alignment along the property's Ushers Road frontage. Steep embankments and preservation of trees may be addressed by future construction of a narrower 6' – 8' trail over the embankment section of the property as has been done on other sections of the

Ushers Road Trail. The treed buffer along the Ushers Road frontage will remain with the future trail construction, but will depend on the proposed subdivision's grading and clearing plan. It is noted that a future trail along this property would provide an important trail segment in connecting the proposed subdivision, Stonegate, VanWyck Estates, and existing Ushers Road Trail. The proposed subdivision will require a grading and clearing plan and a stormwater management plan that includes a driveway drainage plan.

Mr. Scavo explained that Mr. Myers, Director of Building and Development, provided a single comment regarding this application in a memo dated February 2, 2016. The applicant must include approved postal addresses on the final subdivision plat.

Mr. Scavo read the comments issued by the ECC after review of the application at its February 16, 2016 meeting. The ECC recommends the applicant depict the limits of grading and clearing for the construction of the driveways, homes, and the ability to create the required sight distances on the project plan. The ECC is concerned about the long-term maintenance of the sight lines from the proposed driveways due to the property owner's ability to landscape in the future resulting in the obstruction of the required sight lines.

Mr. Scavo reported that Mr. Reese, Stormwater Management Technician, provided the following comments on this application. The prepared Stormwater Pollution Prevention Plan dated January 4, 2016 must contain Notice of Intent information prior to submission of the MS4 Acceptance letter to the town. The applicant should consider the installation of signage near the construction entrance on Ushers Road warning motorists of the possibility of slower moving construction vehicles entering and exiting the site.

Mr. Scavo offered the following comments prepared by the Planning Department. A parkland fee of \$1,250.00 per each new lot created as a result of any approved subdivision will be due prior to the stamping of the final plan. The Planning Board should note in any Notice of Decision for approval that a portion or all of the parkland fees owed in lieu of a public easement for utility relocation and a future multi-use pathway are waived. If an easement is to be granted to the town, it should be shown as such on the final plan. To complete the granting of an easement the applicant will be required to submit a completed TP-584 Form, easement description, and appropriate filing fees to Deputy Town Attorney Joel Peller prior to the stamping the final plan.

Mr. Bianchi explained that, after review of the preliminary plans submitted by the applicant, M J Engineering and Land Surveying, P.C. provided the following comments in a letter dated February 19, 2016. As noted in Comment 25 of the September 18, 2015 review letter, the applicant is asked to provide information on the plans to indicate how potential sump pump laterals may be positioned, which shall be in conformance with Section 86-7(A)(6) of the Town Code. As noted in Comment 21 of the September 18, 2015 review letter, it was requested that the sight distances be shown for the proposed driveways. The current plans notes that 382 Ushers Road would require selective clearing and grading to achieve the minimum stopping sight distance. Pursuant to AASHTO Figure 9-55, Left Turns from Stop, the minimum design sight distance for a 40 mph roadway is 445 feet. Review of the noted AASHTO standards indicates that 380 Ushers Road may also be deficient. The plans need to show the extent of mitigation required to provide the minimum sight distances, including the extent of tree clearing

and grading required. It may also be prudent to install a preemptive “Hidden Driveway Ahead” sign. An updated Erosion and Sediment Control Plan was not furnished with the latest submission. As such, Comment 9 of the January 22, 2016 review letter still requires a response. An updated Stormwater Pollution Prevention Plan was not furnished with the latest submission. As such, comments 10, 11 and 12 from the January 22, 2016 review letter still require responses.

Mr. Jim Ruhl, 168 Wooddale Drive, asked if the application had been reviewed by the Traffic Safety Committee. Upon learning that the project plan had not formally been referred to that group, Mr. Ruhl asked that the Board authorize the referral. Board members agreed that a formal referral to the Traffic Safety Committee would be prudent since committee members may be able to recommend beneficial mitigation measures to improve sight distances or provide a warning for motorists.

There being no additional public comments, Mr. Koval moved, seconded by Mr. Ophardt, to close the public hearing at 7:22p.m. The motion was unanimously carried.

In response to Mr. Ophardt’s question regarding whether or not the 85 percentile speeds – the speed at which 85% of people drive at a given location under good weather and visibility conditions - had been considered when determining the accuracy of reported sight distances at the proposed driveways, Mr. Rabideau stated that this information had not been evaluated: accepted AASHTO standards were used to determine the adequacy of the sight distances. Ms. Bagramian asked if a traffic evaluation had been conducted to determine if there would be adequate stopping distances provided at school bus stops.. Mr. Bianchi explained that accepted AASHTO standards are normally utilized to determine the adequacy of sight distances: in this situation acceptable distances may be achieved by tree clearing and grading. Mr. Scavo pointed out that the Traffic Safety Committee may provide valuable guidance for safer traffic flow, such as recommending the posting of warning signage along the roadway. Mr. Ophardt questioned whether or not a turn-around for emergency vehicles would be required for the keyhole lot. Mr. Bianchi stated that the driveway must conform to all NYS Fire Code regulations. Mr. Rabideau explained that the parcel would have adequate room to provide a turn-around if necessary. Mr. Ferraro asked that the applicant revise the site statistics table to reflect the required 200’ of frontage at the building line. He also asked that, while addressing the sight distance issue, vegetation on the site be preserved to the greatest extent practicable to “maintain privacy.” He supported the granting of a 15’ easement for future trail and/or road alignment along the property’s Ushers Road frontage.

Old Business:

[2016-009] **Currier, Gerald Special Use Permit** – Proposed Special Use Permit #81072 to permit construction of a two-family residence in a CR zone, 1117 Route 146A – Conceptual review. SBL: 257.-2-33.11

Mr. Gerald Currier, applicant, presented this application that requests approval of a Special Use Permit to allow the construction of a two-family residence within the CR (Conservation Residential) zoning district pursuant to Section 208-16D(3)[8] of the Town Zoning Code. The three acre parcel slated for development is located on the easterly side of Route 146A and is bordered on the north and east by the Ballston Lake Fire Department. Mr. Currier explained that

this parcel remains after an 18.5 acre parcel was donated to the Fire Department. Though the parcel is bounded on the north and south by properties that lie in the Hamlet Mixed Use (HM) zoning district that allows two-family dwellings as a right, the property's CR zoning designation requires Planning Board approval of a Special Use Permit. Mr. Currier explained that because the property directly adjoins the Ballston Lake Fire Station, is situated in close proximity to an operating junk yard, and has soil conditions which include solid shale at a 32" depth requiring installation of a raised bed septic system, the property is undesirable for construction of a single-family residence. He reported that although he has offered the property for sale for several years, this is the first offer that has been presented.

In response to a query from the Trails Subcommittee regarding the previous conveyance of a 15' wide strip along Route 146A, Mr. Scavo explained that the Planning Board took a strip of land for future multi-use trail development and/or utility alignment as a condition of approval for a previous subdivision application. The strip has been transferred to NYSDOT.

Mr. Scavo explained that Mr. Myers, Director of Building and Development, provided the following comments regarding the application in a memo dated February 4, 2016. Mr. Myers notes that the parcel under review has been subdivided from the original configuration. Most of the subdivided property has been transferred to the Ballston Lake Fire Department. The property is zoned CR (Conservation Residential) and is situated between two HM (Hamlet Mixed-Use) properties. Although two-family residences are permitted by right within the HM zoning district, such dwellings in a CR zone require approval of a Special Use Permit. Mr. Myers commented that two family residences are expected to be proposed on the two HM parcels to the south.

Mr. Scavo explained that the ECC provided the following comment regarding this application after review of the project plan at the February 2, 2016 meeting. The ECC recommends the planning board reject this application for the following reasons:

- a) The ECC is concerned with the known location of the junk yard and alleged industrial dumping areas in close proximity to the proposed project location. The ECC notes that the project may have significant environmental impacts, and recommends that the applicant complete the SEQRA long Environmental Assessment Form for Planning Board and ECC review.
- b) The project description calls for a raised bed septic system which potentially could contaminate the adjacent wetland area given the proximity of the shale close to the surface.
- c) The Town of Clifton Park implemented the CR zone in order to maintain the rural character of the western area of the Town. A two-family home is twice the density allowable in this area.

Mr. Scavo reported that Mr. Reese, Stormwater Management Technician, provided the following comment on this application. Erosion and sediment controls should be installed during construction of the home to prevent sediment runoff from entering into the adjacent wetlands.

Mr. Scavo offered comments prepared by the Planning Department. As a condition of approval for the special use permit, the property owner should be required to connect to public water. The following note should be added to the plan and as a condition of the special use permit:

Prior to the issuance of a building permit, a plot plan for the individual lot shall be submitted to the Building Department. The plot plan shall include percolation tests certified by a professional engineer and a sanitary sewer design approved by a professional engineer. The building inspector is required to be contacted by the applicant prior to conducting the percolation test to allow for the Town's observation of the percolation test.

A note should be added to the plan that states:

The identified Freshwater Wetland is protected and regulated under federal law (Section 404 of the Clean Waters Act) by the U.S. Army Corps of Engineers. Prior to undertaking any project that may be within or adjacent to the wetland, contact **both** the DEC Region 4 Office at (518) 357-2069, and the US Army Corps of Engineers at (518) 266-6350, to obtain required permits.

A note should be added to the plan which states:

Prior to the issuance of a building permit the property owner shall provide documentation that a NYS DOT – Highway Work Permit for Non-Utility Work (Curb Cut) has been obtained. Depending on the location of the proposed driveway and presence of a drainage ditch along NYS Route 146A, a culvert may be required to be installed under the proposed driveway.

The following note should be added to the plan:

Underground utility connections to a dwelling unit are not allowed to be constructed underneath a private driveway. Such utilities include but are not limited to water laterals, sewer laterals, gas, electric and storm/foundation drains. A Certificate of Occupancy will not be issued without all utilities complying with this requirement.

The proposed project is subject to Section 239 of General Municipal Law and has been referred to the Saratoga County Planning Board for a recommendation.

Mr. Andarawis commented that although he is sensitive to the comments issued by the ECC, he believes that the proposed use is appropriate for this parcel. Mr. Ferraro commented that he was concerned with the impacts a raised bed septic system would have on adjoining lands. He asked that the applicant include a façade rendering with the next submission noting that the Board preferred two-family dwellings that were designed with a side-load garage for at least one of the units. Mr. Koval asked if it was of concern that the property owner rather than the potential buyer was submitting the application for the Special Use Permit. Mr. Pelagalli stated that since a Special Use Permit “runs with the land,” it did not matter which party sought its approval.

Discussion Item:

Green Infrastructure Technologies for Stormwater Management

Mr. Scott Reese, Stormwater Management Technician, distributed a hand-out to Board members which contained information from the NYS Stormwater Management Design Manual regarding acceptable runoff reduction techniques, green infrastructure general planning categories and specific practices, and a table of runoff reduction capacities for standard stormwater management plans. The hand-out was accompanied by a PowerPoint presentation that provided

visuals of the types of stormwater management practices that must at least be considered by site designers and developers.

Mr. Ferraro thanked Mr. Reese for his presentation and recommended that the ECC “become more involved in making recommendations for green infrastructure applications.”

Mr. Ophardt moved, seconded by Ms. Bagramian, adjournment of the meeting at 8:24p.m. The motion was unanimously carried. The next meeting of the Planning Board will be held as scheduled on March 8, 2016.

Respectfully submitted,

Janis Dean, Secretary