

Town of Clifton Park Planning Board
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PLANNING BOARD

ROCCO FERRARO
Chairman

PAUL PELAGALLI
Attorney

JANIS DEAN
Secretary



MEMBERS

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

(alternate) Jeffery Jones

Planning Board Meeting
March 8, 2016

Those present at the March 8, 2016 Planning Board Meeting were:

Planning Board: R. Ferraro - Chairman, Joel Koval – Vice Chairman, E. Andarawis, D. Bagramian,
E. Ophardt, E. Prescott, A. Neubauer

Those absent were: J. Jones – alternate

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

Mr. Ferraro called the meeting to order at 7:02 pm. All in attendance stood for the Pledge of Allegiance

I. Minutes Approval - February 23, 2016

Mr. Koval moved, seconded by Mrs. Bagramian, to approve the minutes of the meeting of February 23, 2016 as written.

Ayes: Bagramian, Andarawis, Ophardt, Koval, Ferraro

Abstain: Prescott, Neubauer

Motion Passed.

II. Public Hearings

2015-053 Stevens, Jane (Lands of)

Proposed 2 lot subdivision with 1 existing residence. 58.34 +/- acres , house and out buildings to be subdivided onto a 7.96 acre parcel. , 178 Vischer Ferry Rd, Zoned: CR, Status: Preliminary Review w/ possible determination. SBL: 282.-2-20

Mr. Ferraro explained the review and approval 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 the Planning Board would assume Lead Agency status for the project and issue a negative declaration as a “formality” which neither granted nor implied approval of the subdivision application. Should it be determined that additional environmental review is required, SEQRA discussions will be reopened and a decision rendered when deemed appropriate.

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

Mr. Ferraro, Chairman, called the public hearing to order at 7:08p.m. The Secretary read the public notice as published in The Daily Gazette on 2/28/2016.

John Stevens, Consultant, with Infinigy, presented the project, a two lot subdivision on 58.34 acres in a Conservation Residential zoning district. The Consultant described the existing condition of the lot as containing 1 house and several outbuildings. Mr. Stevens stated that the lot would be divided such that the existing house and buildings would be on one lot and the remaining land would be a vacant parcel requiring further review by the Planning Board prior to developing that land.

Staff Comments:

Environmental Conservation Commission

The ECC held a meeting on March 1, 2016 to discuss the project and issued a comment letter on stating that they had no additional comments.

Open Space, Trails and Riverfront Committee

Roy Casper, 8 Turnberry Lane, noted that the Trails Subcommittee would like to see the 15’ Right of Way noted on the plan for a future trail. Mr. Stevens agreed that would be on the plan.

Planning

John Scavo offered the following comments in a letter dated 3/4/3016:

1. Based on the current submittal it appears my comments from the February 9th Planning Board Meeting have been adequately addressed.
2. The applicant has provided proof of mailing of the 500’ notification requirement to nearby property owners (letters sent certified mail on February 23, 2016).
3. In lieu of a 15’ easement along County Route 90 it is recommended that the Planning Board waive the \$1,250.00 parkland fee associated with the proposed subdivision. To complete the easement agreement the applicant will be required to complete a TP 584 Form with a metes and bound description, and provide the appropriate filing fees that will be submitted to:

Mr. Joel Peller, Esq., Deputy Town Counsel
9 Executive Park Drive
P.O. Box 5018
Clifton Park, New York 12065

Please provide the Planning Department a copy of all materials submitted to Mr. Peller for filing. If there are any questions in regards to the filing of the easement or materials needed please contact Mr. Peller at 518-348-1000.

4. As previously noted at the February 9th Planning Board Meeting, the proposed subdivision is within the Western Clifton Park GEIS. The mitigation fee for the Western Clifton Park GEIS preparation will be applicable: a payment of **\$348** per each new lot created is required to be paid prior to the stamping of the final plan.

Mr. Scavo added that Steve Myers has stated the the applicant has addressed his concerns since the last meeting.

Professional Comment:

Joel Bianchi, MJ Engineering issued an email on 3/4/2016/2016 stating that all comments had been addressed for the project so no additional review was necessary.

Public Comment:

Ralph Figueroa, 154 Vischer Ferry Road, adjacent neighbor asked what was the future intent for this parcel. Mr. Ferraro remarked that at this time nothing is planned. The chairman also explained that in the future, should the newly created lot be developed, the owner would be required to have the wetlands delineated and would also have to seek planning board approval for any future building.

Mr. Stevens responded that he had purchased the smaller lot across the street and has no intent to develop the land as long as the current owners are living there.

There being no additional public comment, Mr. Ferraro moved, seconded by Mr. Neubauer, to close the public hearing at 7:18p.m. The motion was unanimously carried.

Planning Board Review:

Mr. Ferraro asked planning board members if they were amenable to waiving the parkland fee since the applicant is providing a right-of-way, and they indicated they were.

Mr. Ophardt offered Resolution #4 of 2016, seconded by Mr. Andarawis, to waive the final hearing for this application and to grant preliminary and final subdivision approval conditioned upon the addition of a right-of-way for a future trail to be shown on the plan in lieu of parkland fees, and satisfaction of all items listed in the final comment letter prepared by the Planning Department.

Ayes: Bagramian, Andarawis, Ophardt, Neubauer, Prescott, Koval, Ferraro.

Noes: None

III. Old Business - none

IV. New Business

2016-014 Desiem 2 Lot Subdivision

Proposed 2 lot subdivision of existing 5.2+/- acre lot. Lot A will be 2.69+/- acres with proposed new residential construction. Lot B will be 2.47+/- acres which includes existing residential dwelling and outbuildings. Both lots will have on site sanitary disposal systems and be serviced by public water. A variance for the front building setback along special roads requiring 100' from center of Crescent Road will be necessary, 1733 Crescent Rd, Zoned: R-3, Status: Concept Review SBL: 288.-1-8.1

Duane Rabideau with VanGuilder and Associates presented the project for William Soto as Power of Attorney for Mary Desiem, stating that Lot A will be developed with a new house and Lot B will contain the existing residence and outbuildings. A variance was obtained from the Zoning Board of Appeals.

Staff Comments:

Environmental Conservation Commission

The ECC held a meeting on March 1, 2016 to discuss the project and issued a comment letter on recommending:

1. Existing vegetation should be preserved in areas where such growth enhances erosion control.
2. The ECC notes that sensitive environments exist on properties adjacent to the project site. As such the Applicant's Drainage and Erosion Control Plans should be protective of these environments, during construction and occupation of the project. The ECC recommends careful review of these plans by the Town Engineer.

Stormwater Management Technician, Scott Reese issued a memo dated 3/3/2016 recommending:

- It is encouraged that silt fencing/erosion and sediment control measures be established along the top of the slope to prevent sediments from running down the steep slopes and into the existing pond during site construction.

Building and Development

Steve Myers issued a memo dated 3/3/2016 with the following comment(s):

- Setback variance approved
- All other requirements for R-3 zone appear to be met

Planning

John Scavo offered the following:

- A revised plan was shared with members
- Notation about existing roadway drainage be added to the plan
- Show grading and clearing limits on plan
- 2 street trees requirement may be waived by the Planning Board if they felt vegetation was adequate
- Sediment control
- Align driveway with Applewood Dr.
- Standard aviation note be added to the plan
- Curbcut permit from Saratoga County

- Notation that natural gas not present for utility service for this subdivision

Professional Comment:

Joel Bianchi, MJ Engineering issued a letter on 3/4/2016 with the following comment(s). (Those in **BOLD** were emphasized by consulting engineer Jackie Hakes at the meeting:

State Environmental Quality Review

1. Based upon our review of Part 617 of NYS Environmental Conservation Law, the project **appears to be an “Unlisted” action**. If the Planning Board is to request Lead Agency status under SEQRA, the need to undergo a coordinated review is optional. Under a coordinated review, involved / interested agencies to be engaged may include, but is not necessarily limited to the following:
 - a. **Saratoga County Planning Board** – 239m referral due to the parcels proximity to County Route 90 (Crescent Road).
 - b. **Saratoga County Dept of Public Works** – Road work utility permit
 - c. **Clifton Park Water Authority** - Water service connection

Additional agencies may be identified by the Town during its review of the project. Note that the Latham Water District is a regulatory agency. However, we find that they have no jurisdiction over this project and would be notified under the public hearing process associated with the proposed project.

Short Environmental Assessment Form

2. **Under Item 1.2 add the Saratoga Dept. of Public Works as they will be issuing a highway work permit for the driveway and water service connection.**

Subdivision Plan

3. The project is located within the Town’s R-3 Residential District. The proposal for a single family home is considered a permitted principal use within the R-3 District pursuant to Section 208-8()(2)
4. A review of the proposed lot configuration indicates the following bulk lot deficiencies:
 - a. Section 208-98 indicates no building or part of a building, other than steps, eaves and similar fixtures, shall extend nearer to the center line of the street or road than 100 feet in the case of a building in a residential district. The subdivision plat shows 52’ feet from the center line of Crescent Road to the closest house corner.
5. There should be an attempt to align the proposed driveway with Applewood Drive.
6. The plan should define the area of expected disturbance.
7. **Every effort should be made to avoid the steep slope in the rear of the lot.**
8. **Review the placement of the proposed home to ensure it meets the requirements of Section R403.1.7.2 (Footing setback from descending slope surfaces) of the Residential Code of New York State.**
9. Provide notation on the plan
 - a. The expected area of disturbance with an outline of the disturbance.
 - b. That the parcel has or has not been evaluated for regulated wetlands.
 - c. **Prior to construction the applicant shall obtain a road work permit from the**

Saratoga County Dept. of Public Works for all work required within the Co Rt 90 right-of-way.

10. The applicant needs to obtain the 911 emergency response address and show on the final plat.

Open Space, Trails and Riverfront Committee

Roy Casper sent a memo dated 3/2/2016 with the following comments:

- Applicant should provide a 15' ROW for a future multi-use trail and/or utility realignment.
- The ROW for a future multi-use trail provides trail location flexibility and is an important piece in the Trails Master Plan's community goal of continuing the multi-use trail along Crescent Rd. and connecting neighborhoods along this corridor. (A map was included with his notes and will be added to the submissions in the file)

Mr. Rabideau stated the applicant was not interested in agreeing to the 15' Right of way for the following reasons:

1. Steep slope and topography
2. Existing trail is on the other side of the road
3. Could be a hazardous location with adjacent neighbor and guardrail

Discussion ensued about the likelihood of a trail or utilities being placed on this side of Crescent Road and the topography was looked at on the aerial map and photos. Based on the comments made, the Planning Board members agreed that a future trail along Crescent Road would likely be on the south side of the road for the same reasons stated by Mr. Rabideau. The chairman reminded the consultant that a parkland fee would be collected.

Public Comment:

None

Planning Board Review:

Mr. Ferraro asked for clarification about the situation of the home on the new lot. Mr. Koval questioned the type of home being built and Mr. Rabideau responded one single family home. Mr. Ophardt asked for some clarification about the Short EAF form and whether there were wetlands on the site. Mr. Rabideau answered that no archeological study would be needed and the land was dry.

Mr. Rabideau then stated that the owner, Mary Diesem had passed away a week ago, and that the power of attorney which had been signed a year ago, would allow the applicant to continue, as he was the executor of the will.

The Planning Board found the project generally acceptable. Mr. Pelagalli advised Mr. Rabideau that any future buyers might need proof that Mr. Soto was named as executor in the will, since the power of attorney which was provided with the initial application effectively ended upon the owner's death. Mr. Scavo stated that he felt the application could proceed because the paperwork was complete at time of the concept application submittal.

IV. New Business

2016-015 Bezio Accessory Use SUP

Applicant requests SUP per section 208-10 B(9)(a)[3], accessory use of a building for a Barber Shop in the existing garage; 511 Clifton Park Center Rd, Zoned: R-1, Status : Concept Review SBL: 271.19-1-63

Duane Rabideau of Van Guilder and Associates represented the applicant who would like to use a portion of the existing residence as an owner occupied business, a barber shop. Mr. Rabideau stated that two parking spaces would be added for personal vehicles. The consultant noted that this parcel had been previously used for a childcare center and this proposal is a less intense use.

Staff Comments:

Environmental Conservation Commission

The ECC held a meeting on March 1, 2016 to discuss the project and issued a comment letter with the following recommendations:

- The ECC recommends the applicant to add a pretreatment stormwater runoff (green infrastructure) practice along the downhill side of the asphalt pavement and drip edge of the structure to mitigate runoff before entering environmental sensitive areas.

Stormwater Management Technician, Scott Reese issued a memo dated 3/3/2016 recommending:

- If the proposed parking will be paved, then a pea gravel diaphragm is suggested to be installed along the pavement edge on the downhill side.

Building and Development

Steve Myers issued a memo dated 3/3/2016 with the following comment(s):

- This request to change the allowed uses of a property currently restricted to a daycare by a previous SUP. It is believed the proposed use would be less intense than the approved daycare.
- By definition, an accessory use of a building is limited to “25% of the total floor area thereof used for residential purposes.” It would seem that this proposal would exceed that limit. 550 divided by 1660 total = 33%. The floor area used does not consider the basement. Although not currently approved as habitable space, it is an area “used for residential purposes.” There is no requirement in the definition that the area being considered has to be habitable space. As a result I believe if the basement area were added to the calculation the percent being uses as accessory would be below 25%.

Mr. Scavo explained how the Building Director arrived at the calculation of living space vs. accessory use, and that it was consistent with prior practice around town.

John Scavo offered the following:

1. Pursuant to §208-7 of the Town Code the definition of an accessory use is as follows:

BUILDING, ACCESSORY USE OF -- A use customarily incidental to the use of a building for dwelling purposes, not occupying more than 25% of the total floor area thereof used for residential purposes, including the office or studio of an accountant, acupuncturist, architect, artist, audiologist, barber, chiropractor, dentist, engineer, hairdresser, landscape architect, land surveyor, lawyer, musician, notary, nurse (visiting nurse), occupational therapist, optometrist, osteopath, physician, physical therapist, podiatrist, private investigator, psychologist, social worker, speech pathologist, surveyor or teacher, residing on the premises, provided that there is no advertising display visible from the street other than a small, unlighted nameplate not over two square feet in area. The above shall not be interpreted to include the office or place of business of a mortician.

The applicant should add a notation on the site plan for the signage limitation for an accessory use.

2. A detail for the handicapped parking stall, access isle and signage should be added to the site plan.
3. A public hearing for the proposed Special Use Permit will be required prior to approval. Evidence of 500' mailing notifications will be required to schedule the public hearing.

Public Comment:

Anthony LaFleche, asked about whether any consideration to trails on the parcel as this location is considered a critical link in the trail system.

Open Space, Trails and Riverfront Committee

Roy Casper sent a memo dated 3/1/2016 with the following comments:

- The applicant should provide a 6 Ft. to 8 Ft. multi-use trail on the property along Clifton Park Center Rd. .
- The area of the property where the proposed multi-use trail would be located has recently been cleared for utility work and would be a great opportunity for trail construction at this time.

The proposed multi-use trail would provide important connections to the Moe Rd. Trail, the existing multi-use trail on the northeast side of Clifton Park Center Rd., the Clifton Park Halfmoon Public Library and many neighborhoods within the area.

Discussion ensued about the ability to put a trail around the existing utility lines. Mr. Rabideau offered a solution to show an easement on the plan but not to build the trail at this time. Planning Board members appeared to agree with accepting an easement.

Planning Board Review:

Mr. Ophardt asked what the parking requirements would be and explained that it would require 2-3 parking spaces for the business and that there was more than enough already existing at the site. Further discussion ensued advising the consultant to be aware of handicapped space requirements for signage and striping.

Mr. Ferraro questioned whether the applicant would be amenable to using green parking material and Mr. Rabideau remarked that the applicant would most likely use gravel. The consultant stated that no modification to vegetation would be required. It was discussed whether the SUP could state that it would be limited to no more than one or two barbers. The owner stated that he might have one part time barber at times to cover lunch breaks.

The Planning Board found the project generally acceptable and made the following recommendations for the applicant to consider for their next submittal application:

- Submit signs
- Add a note that no more than two barbers would work at this location

Mr. Ferraro asked the Planning Board if they were ok with putting the public hearing on the next meeting as long as public notice deadlines and mailing 500' notices are met. Members indicated their agreement.

V. Discussion Items – March 31st. Hudson Valley Community College hosted by the CDRPC Planning Workshop some changes have been made and information is available in the email John Scavo sent out to Planning Board Members this week.

Mr. Ophardt moved, seconded by Mr. Koval, adjournment of the meeting at 8:15 p.m. The motion was unanimously carried. The next meeting of the Planning Board will be held as scheduled on March 22, 2016.

Respectfully submitted,

Meg Springli, Secretary