

**Town of Clifton Park Planning Board**  
One Town Hall Plaza  
Clifton Park, New York 12065  
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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 22, 2016**

Those present at the March 22, 2016 Planning Board Meeting were:

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

Those absent were: E. Prescott

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. Koval, Vice Chairman, called the meeting to order at 7:04pm. All in attendance stood for the Pledge of Allegiance. Then, Mr. Ferraro arrived and continued as chairman of the meeting. The chairman announced that Jeffery Jones would be sitting in as a voting member in the absence of Mr. Prescott.

I. **Minutes Approval** - March 8, 2016

Mr. Ophardt moved, seconded by Mrs. Bagramian, to approve the minutes of the meeting on March 8, 2016 as written.

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

Abstain: Jones

Motion: Carried

II. **Public Hearings**

**2016-002 Stevens (Lands of), Evelyn** - (2) Lot Subdivision

Applicant is proposing to subdivide an existing 3.04+/- into 2 single-family building lots. Lots serviced by public water and private septic systems. To reduce wetland impacts a common ingress/egress and utility easement will be utilized. Vischer Ferry Rd, Zoned: R-1, Status: Preliminary Review with Possible Determination. SBL: 271.-5-21

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. Neubauer 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 7:09 p.m. The Secretary read the public notice as published in the Daily Gazette on March 13, 2016

#### **Consultant/Applicant Presentation:**

Duane Rabideau with Vanguilder and Associates described the parcel on Vischer Ferry Road, south of Clifton Park Center Road. Mr. Rabideau stated that the plan was to divide the parcel into two single-family residential lots with one lot containing 1.6 acres and the other 1.44 acres, with a common driveway designed to minimize wetland impacts. Each lot would be serviced by on-site septic and public water. Then, the consultant noted that changes made to the site plan since the last meeting have added the location of the 30” culvert, which crosses under Vischer Ferry Road.

#### **Staff Comments:**

#### **Environmental Conservation Commission**

The ECC held a meeting on March 15, 2016 to discuss the project and issued the following recommendations:

- The ECC has received comments from a neighbor that the wetland area is prone to flooding and has the potential for the culvert to restrict that runoff. This condition may impact the proper functioning of the septic field. In keeping with the goals and recommendations of the Town Comprehensive Plan, fragmentation of stream and wetland corridors should be minimized to the extent practicable by relocating the shared driveway to the north to minimize the impacts to the existing wetlands.
- The ECC notes that the project may result in intrusion into the LC Zone. The applicant must file for an Application for Approval of Work to be done in the LC Zone with the Town of Clifton Park.
- With the close proximity of the NYSDEC wetland buffer zone the ECC recommends that the buffer zone should be delineated by split rail fencing or signage.
- The applicant shall show the location of the test hole and percolation test locations on the plans.

## **Stormwater Technician**

Scott Reese issued a memo on March 21, 2016 stating:

- The proposed driveway culvert configuration will need to be approved by the NYSDEC. A copy of the NYSDEC permit application shall be submitted to the Town for our records. Will the size of the proposed culvert be the same size as the existing culvert under Vischer Ferry Road or will it be an open bottom arch culvert to minimize disturbance of the stream bed? Applicant shall provide design of culvert details and calculations to the town for approvals.

## **Fire Prevention**

Sheryl Reed issued a memo with the following comment(s):

- Provide 911 postal verification addresses on the final map.
- Driveway will be required to be 20' wide and be able to support a 75,000 lb. vehicle with a turnaround within 100' of the structure.

## **Building and Development**

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

- Significant wetlands and stream covering front 40-50% of parcel.
- 370' +/- driveway will be required to be 20' wide minimum and able to support 75,000 pound vehicle. Turnaround within 100' of houses will be required.
- Property at rear reputedly of Berthiaume does not appear on county mapping.
- Confirmation will be required that public sewer is not available within 100' of property lines.
- Wetland permits will be required prior to issuance of any building permits.
- R-1 zoning requirements

## **Planning**

John Scavo offered the following:

- The proposed culvert size along the shared driveway must be specified on the plan.
  - This area is known to be prone to flooding and the culvert should be sized large enough not to impede water flow and able to accommodate large storm events.
- Note the existing size and type of the upstream existing culvert under Vischer Ferry Road.
- The applicant should furnish the Planning Board Counsel with a draft shared driveway ingress/egress maintenance agreement.
- The location of the soil percolation tests conducted for Lots 1 & 2 should be shown on the plan to ensure they are in the general vicinity of the proposed septic system. Especially, since it appears the proposed septic location for Lot #1 has changed since the last submittal.
- According to the Saratoga Co. Real Property Services records, the dwelling to the North of the proposed subdivision is serviced by a private water system. Therefore, the applicant should verify if adequate separation exists between the proposed septic system location on Lot #1 and the existing well location to the North.

- Should the subdivision be approved, it is suggested that the applicant furnish the Town proof of filing of the easement and agreement with the County Clerk's Office prior to issuance of a building permit.
- The applicant should provide on the plan, protective measures that will be implemented for the protection of the identified culturally sensitive, archeological area from construction equipment and construction activities.
- It should be noted for the record that written concerns received from an adjacent property owner have been forwarded to Planning Board Members for your consideration.

Mr. Scavo stated that he was questioning the percolation test which was recently submitted (3/22/16) and would need to consult with the Town Designated Engineer for methods of handling that speed.

The Planning Director also asked for clarification of the issue that would be considered archaeologically sensitive in the area. Mr. Rabideau responded that there was a report submitted to SHIPO regarding artifacts such as broken pottery that were found at the site.

**Professional Comment:**

Joel Bianchi, MJ Engineering issued a letter on 3/18/2016 with the following comment(s): Those comments in **BOLD** were emphasized at the meeting.

State Environmental Quality Review

- No additional comments.

Short Environmental Assessment Form

- In regards to Comment 3 of our January 22, 2016 review, there was indication from the submitted short environmental assessment indicating that the site was within an archeologically sensitive area. Please advise of the status of this item as it relates to the required wetland permitting for the project.

Subdivision Plan

- Pursuant to Comment 8 of our January 22, 2016 review, **indicate the size and material of construction for the proposed driveway culvert shown on the plans.**
- Pursuant to Comment 9 of our January 22, 2016 review, should the subdivision be approved, it is suggested that the applicant furnish the Town **proof of filing of the shared driveway maintenance agreement and easement with the County Clerk's office prior to issuance of a building permit for either lot.**
- Pursuant to Comment 15 of our January 22, 2016 review, the applicant needs to obtain the 911 emergency response address and show on the final plat.

**Public Comment:**

A letter from a concerned resident was received and forwarded to each of the Planning Board members for their review. It was also placed in the project file.

Paul Morton, 52 Juniper Drive, asked what setbacks would be for the property line adjacent to Clifton Knolls. Mr. Rabideau stated that a 25 feet rear yard is mandated, and that the footprint of

the house is proposed to be 95 feet away from the property line.

Roy Casper, 8 Turnberry Lane, asked if there was provision for a 15' right-of-way. Mr. Rabideau replied yes, there was for future multi-use pathway and/or utility location.

Anthony Lafleche asked about the topography of the site and Mr. Rabideau described the land as having some areas with an elevation difference of about 6 feet, but that most of it is relatively flat.

Steven Gibbs, 427 Vischer Ferry Road asked why the septic system was going to be used and what measures might be taken to prevent overflow. The consultant said conditions were ideal for septic with all the sandy soil on that side of the road, and that chances of an overflow in these conditions were slim to none although the west side of Vischer Ferry is quite different.

There being no additional public comment, Mr. Ferraro moved, seconded by Mrs. Bagramian, to close the public hearing at 7:30 p.m. The motion was unanimously carried.

#### **Planning Board Review:**

Mr. Ferraro asked for explanation of the percolation tests of the soils. Mr. Rabideau explained that the sandy soil is very fast for drainage and that the engineers may decide that it would need to be slowed down. Mr. Koval asked if the driveway needed to maintain at least a 20 foot width for the whole length and suggested that the consultant verify the design with Sheryl Reed. Mr. Rabideau stated that the intersection was designed to be the turnaround but he would consult with Ms. Reed.

Mr. Ophardt asked whether fill might be brought onto the site. Mr. Rabideau said that the indicated site plan shows that there will be minimal fill on the house location and that anything in the wetlands area will not be disturbed other than building the driveway culvert as allowed by the wetland permit. There was also discussion about the floodplains in the area. Mr. Rabideau stated that the existing culvert on Vischer Ferry Road appears to be about 50 years old but seems to be sufficient and flooding of the driveway culvert should not be an issue.

Mr. Andarawis asked if the culvert would require periodic maintenance and the consultant replied, "Not necessarily". Mr. Ferraro asked Mr. Scavo if a note should be specified on the plan referencing the maintenance agreement regarding ownership and shared maintenance of the driveway and the arch culvert. Mr. Neubauer recommended that a split rail fence should be added to the plan along the driveway to delineate boundaries of the wetlands. Mr. Ferraro asked for the disturbance boundaries to be shown on Lot 2 and Mr. Rabideau showed where the boundaries for the silt fence were, as well as the boundaries around the archaeological area on the site plan.

Based, on conversation with the County Planning staff, the Planning Director felt that further review by the County and the town designated engineer would be needed before the project would be approved. Mr. Scavo also added that the septic area needed to be reviewed for potential disturbances and the driveway configuration needed approval.

## **2016-015 Bezio Accessory Use SUP**

Applicant requests SUP per section 208-10 B(9)(a)[3], accessory use within a portion of a residential building for a barber shop; 511 Clifton Park Center Rd, Zoned: R-1, Status: Preliminary Review with Possible Determination SBL: 271.19-1-63

Mr. Ferraro stated that the prior special use as a daycare carried with the land, and that the owner or prospective owner of the property would be allowed by right to open a new daycare in that space without necessitating neighbor notifications, public hearing or any review at all by the Planning Board. It was further explained that the applicant was submitting this application for a different use, which is an allowed use by right in the R-1 district pending Special Use Permit approval.

Mr. Andarawis moved, seconded by Mrs. Bagramian, 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 7:48p.m. The Secretary read the public notice as published in the Daily Gazette on March 11<sup>th</sup>, 2013.

### **Consultant/Applicant Presentation:**

Mr. Rabideau, with Gilbert Vanguilder Associates, represented Mr. Lindsey Bezio for this special use permit and site plan review which was last seen on 3/8/3016. Mr. Rabideau described the changes since it was last seen by the Planning Board which included adding two parking spaces for personal use. The consultant then stated the intensity was far less than the previous day care facility which had been allowed per the existing special use permit. Mr. Rabideau also indicated that an easement for a future trail was added to the plan.

### **Staff Comments:**

#### **Environmental Conservation Commission**

The ECC held a meeting on March 15, 2016 to discuss the project and issued the following recommendations for consideration:

- The ECC was informed that the existing stream is approximately 150 feet from the project and feels that the existing vegetative buffer will suffice for stormwater runoff water quality

**Stormwater – NONE**

**Fire Prevention - NONE**

**Building and Development - NONE**

#### **Planning**

John Scavo stated that:

- Written comments from adjacent property owners were received and forwarded to the

planning board members and will be kept in the project file.

**Professional Comment:**

NONE

**Public Comment:**

Roy Casper, 8 Turnberry Lane, Clifton Park, representing the Trails Subcommittee noted the following:

- Busy intersection at this location
- Pedestrian access and safety concerns
- Seek provision of 6 ft. wide asphalt multi-use path from intersection to the parking lot
- Seek cross walk provided on north side of the Clifton Park Center Road and Moe Road intersection
- Seek sidewalk from parking lot to entrance of business
- Bike rack at business
- Alternatively – access from Clifton Park Center Road along the parking lot to the front entryway

Janice Bariteau, 2 Center Court stated that she felt traffic was terrible at this intersection and that she would prefer exiting only one-way (right out) from the driveway. Ms. Bariteau also asked where the sign was proposed for the business, which would be in a residential area. It was stated that unless the applicant received a variance from the Zoning Board of Appeals, it would be a 2x2 unlit sign that would be attached to the house. Mr. Rabideau stated that the business owner had not yet decided whether he would seek a variance for a sign. Mrs. Bariteau stated that she wondered if the property could ever be leased.

Mr. Pelagalli stated that as a home use, by definition, the owner would have to reside on the premises.

Lindsey Bezio, 44 Pico Road, stated that he would be the barber and that he, personally, intended to live at the house.

Mr. Pelagalli noted that this proposed use is an allowed use in the R-1 zone, by right, subject to conditions as set forth per 208-79 of Town Code.

Anthony Lafleche, 21 Wheeler Dr. Clifton Park, explained that this intersection is a critical linkage in the trail system in Clifton Park and thanked the applicant for providing the easement along Clifton Park Center Road.

Jim Ruhl, 168 Wood Dale Dr., Ballston Lake, a Clifton Park resident expressed the following comments/concerns:

- Not speaking for any committee but as a town resident
- Busy intersection
- Ingress and egress congestion
- Asked for a crosswalk on Moe Road
- Continuation of 10' trail on Moe Road

- Right-of-way along Clifton Park Center Road
- Right in and right out entrance only
- Bike rack
- Refer to Highway Safety Committee

There being no additional public comment, Mr. Ferraro moved, seconded by Mrs. Bagramian, to close the public hearing at 8:15 p.m. The motion was unanimously carried.

### **Planning Board Review:**

Mr. Koval noted that this is a small neighborhood barber relocating from a location just down Moe Road and that it is not a big box store. The board member added that he felt it would be likely that there would only be 2-3 cars in the parking lot at a time. Mr. Koval added that it was not necessarily appropriate to ask this business to support building of trails, crosswalks, and other improvements, adding that would be too much of a financial burden for a home occupation and other planning board members agreed. Mr. Ophardt felt that the bike rack was a good suggestion.

Mrs. Bagramian asked if many people walked to the current location of the barbershop, which is nearby, and Mr. Bezio stated that they did not, and he did not anticipate a change.

Mr. Neubauer added that he felt the applicant had addressed comments from the last meeting including the addition of a proposed easement, and that he would support the addition of a bike rack.

Discussion ensued about the practicality of a right-in right-out driveway access and that it might actually create more problems and that, they preferred the one-way traffic in the parking lot as shown on the plan.

Mr. Koval offered Resolution #5 of 2016, seconded by Mrs. Bagramian, to waive the final hearing for this application and to grant preliminary and final special use permit approval conditioned upon satisfaction of all items listed in the final comment letter prepared by the Planning Department.

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

Noes: None

Mr. Ophardt moved, seconded by Mr. Neubauer to approve the site plan conditioned upon a right-of-way for a future trail and a bike rack to be shown on the plan and satisfaction of all items listed in the final comment letter prepared by the Planning Department. All members were in agreement, and the motion was unanimously carried.

### III. Old Business

#### **2015-047 Connie Lake Properties (aka The Mill)**

Proposed (3) lot subdivision in Clifton Park. 4th lot entirely in Village of Round Lake with pre-existing business (The Mill). Private wells and public sewer; 97 English Rd, Zoned: R-1 and, Status: Revised Concept Review SBL: 250.-2-27 last seen in September 2015

Matt Chauvin, consultant for Connie Lake Properties presented the project. Mr. Chauvin explained that the project spans parcels, both in the Village of Round Lake and Clifton Park. The consultant noted that the applicant was requesting the rezoning of Lot 3 as a commercial property, adding that Lot 2 and Lot 1 would remain as residential properties. Mr. Chauvin then stated that the portion located in Round Lake was zoned commercially. Next, he stated that if Lot 3 were zoned commercially, it would bring it all lots into conformance with the town codes and conflicts would be eliminated. It was acknowledged that in order for lots to be rezoned, it would require Town Board approval. Mr. Chauvin stated that planning board conditional approval would need to be granted, which would issue a Notice of Decision with conditions, and then the Town Board could take action. Next, the speaker stated that the stamped plan and Town Board action could then be filed at the same time with the County Clerk. Mr. Chauvin also noted that additional landscaped screening would be added to the plan as requested by the planning board.

Discussion ensued regarding lots, which are partially in one town and partially in another and the potential for coordinated review under SEQRA. The Planning Board should take action to conditionally approve the subdivision, and issue a notice of decision prior to the Town Board rendering its decision.

Mr. Koval then questioned the setback from the garage since it was a commercial property adjacent to a residential property. Mr. Chauvin indicated that it would be addressed and change as needed.

Mr. Scavo spoke to the rationale for the rezoning and noted that the Town Attorney has done some research on this location and that he recommended this course of action. Mr. Pelagalli will follow up with the Town Attorney's office to clarify questions that the Planning Board would have about the process.

Mr. Ophardt asked about the potential use of Lot 2 for overflow parking. Mr. Chauvin stated Lot 2 would not be used for commercial use, it would be strictly a buffer between the residential and commercial lots and that Lot 1 would be residential. Mr. Andarawis asked if Lot 2 would be allowed to have a residence by right once it was created, and Mr. Chauvin stated that a home is not currently proposed but that in the future, it would be a buildable lot. The planning director added that buffering and landscape berming would need to be addressed during the subdivision process.

**Staff Comments:** all have been forwarded to the Planning Board members and will be added as a permanent part of the record for this project and will be shown below.

#### **Environmental Conservation Commission**

The ECC held a meeting on March 15, 2016 to discuss the project and issued the following recommendations for consideration:

- It appears that the commercial development has directed runoff directly into a NYSDEC wetland. There are existing catch basins shown on the plans that are within the Town of Clifton Park. The ECC is concerned if the existing structures are interconnected and flow into the NYSDEC wetlands. The applicant shall show the locations of the piping and outlets of the existing catch basins.
- The ECC notes that Lot 1 is a buffer zone and should be designated as a non-buildable residential lot via deed restriction, in order to achieve the stated objective of noise reduction from the adjacent commercial business.
- The existing garage whether it is used for commercial or residential purposes appears to be a non-conforming use, due to the proximity of the proposed property line of Lot 2.

### **Stormwater Technician**

Scott Reese issued the following recommendations on March 21, 2016:

- It appears that the commercial development has directed runoff directly into a NYSDEC wetland. There are existing catch basins shown on the plans that are within the Town of Clifton Park. The ECC is concerned if the existing structures are interconnected and flow into the NYSDEC wetlands. The applicant shall show the locations of the piping and outlets of the existing catch basins.

### **Fire Prevention**

Sheryl Reed issued a memo dated 3/17/2016 with the following comment(s):

- The garage on lot 3 was issued a building permit for “residential use only”. If the building use is to change to “commercial” a change of use permit would be required.
- If the existing stage which is located in the Town of Clifton Park has not been issued a permit and a Certificate of Occupancy from the Village of Round Lake, then a permit would need to be issued from this Town.
- To alleviate any overflow parking onto English Road, “No Parking Fire Lane” signs would need to be maintained and/or installed.

### **Building and Development**

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

- Lot configuration revised since last submittal.
- Lots 1 & 2 to remain residentially zoned, one to be improved as a buffer, the other to be used for future home construction.
- A portion of the property in the town is proposed to be re-zoned as commercial to allow the current use to continue. The physically closest commercial use is Light Industrial which is along Route 9. Light Industrial is silent on the current use of restaurant/bar room. B3 is the zone where this use is noted as allowed.
- The garage that was constructed previously “for residential use only” would be included in this new configuration as “commercial” if approved.
- The extension of the stage into the town will require a building permit if it is to remain. Unless, verification that Round Lake permitted and approved construction.
- The overflow parking that currently uses the area behind the garage cannot continue as that area will remain zoned residential and on a separate parcel.
- Some type of penalty should be included in site plan approval to ensure parking along Route 9 and other areas does not occur.

**Professional Comment:**

Joel Bianchi, MJ Engineering issued a letter on 3/18/2016 with the following comment(s):  
**Those in BOLD were emphasized by the Town Designated Engineer at the meeting.**  
State Environmental Quality Review

- No additional comments at this time.

Short Environmental Assessment Form

- **An updated short environmental assessment form has not been provided for the modified application. Therefore, we are unable to confirm whether Comments 5 through 9 of our September 18, 2015 review have been addressed.**

Subdivision Plan

- The project is located within the Town's R-1 Residential District. The proposal for single family homes on lot 2 is considered a **permitted principal use within the R-1 District** pursuant to Section 208-10(B)(2)(b) of the Town Zoning.
- In regards to Lot 1, the proposal is for the construction visual and sound buffers, which is not regulated under zoning. It should be noted that if this lot is created, **unless the Town places a deed restriction upon it, the lot could potentially be utilized for the construction of a single family home at some point in the future.** We would defer to the Chief Zoning Officer on whether this could occur upon the creation of Lot 2.
- In regards to Lot 3, it is now proposed to consolidate the pre-existing accessory structure and parking that was previously its own lot with the principal use (tavern / restaurant). The manner in which Saratoga County Clerk's office creates tax parcels may prohibit this since they create tax parcel boundary that do not cross municipal boundaries. This matter may need to be examined further to ensure new Lot 3 is feasible. **If it is determined that the newly created Lot 3 is not achievable, then the lands that reside within the Town of Clifton Park would need to meet the minimum bulk lot requirements and uses pursuant to the R-1 Residential District.**
- The project narrative suggests that the subdivision be approved conditioned upon a rezoning of Lot 3 to "commercial" by the Clifton Park Town Board. **Procedurally, it is believed that the Planning Board does not have the authority to approve a subdivision that has a non-conforming use and this rezoning must be approved prior to the Planning Board acting on the application.** We would defer to the Planning Board's legal counsel on this matter.
- There has been no review of the remaining improvements or bulk lot statistics of the portions of Lot 3 that is within the Village of Round Lake.
- In reviewing Section 208-11 of the Town's Zoning, **the minimum bulk lot requirements appear to be met for Lots 1 and 2.** It should be noted that the building line for Lot 2 has been setback 115-feet from the front line to meet the minimum lot width. We would **defer to the Town's Chief Zoning Offices as to whether or not this is permissible.** For lot 3, the existing garage, which is considered an accessory use, is within 5 feet of the proposed lot line. Pursuant to Section 208-12 of the Town's Zoning, **no detached barn, garage or other accessory building shall be placed closer to a side or rear property line than 10 feet.**

- Pursuant to Comment 15 of our September 18, 2015 review, the **plans need to provide 5-foot contours.**
- Pursuant to Comment 16 of our September 18, 2015 review, **the plans need to show the location of the existing sanitary sewer main** intended to service the newly created parcels.
- Pursuant to Comment 17 of our September 18, 2015 review, **the plans need to provide proposed lot development plans to substantiate the area of disturbances** stated on the SEQRA Short Form that was previously provided.
- Pursuant to Comment 18 of our September 19, 2015 review, provide notation on the plan including:
  - The expected area of disturbance with an outline of the disturbance.
  - That the parcel has or has not been evaluated for regulated wetlands.
  - Any other designated notation directed by the Town.
- Pursuant to Comment 19 of our September 18, 2015 review, **the applicant needs to obtain the 911 emergency response address and show on the final plat**

**Public Comment:**

Sue Thompson, 91 English Road, indicated the location of her property as a star on a map which she handed to Planning Board members, and had the following concerns:

- Resident of 91 English Road for 28 years
- Parking violations impact her safety
- County Sheriff conducted decibel readings over 6 weeks last summer in excess of 80 db.
- Bands playing into December late at night impact quality of life
- Vibrations in her house, effecting her foundation
- Headlights from parking cars shine in her house

Mr. Ferraro stated that he felt her issues were zoning issues and that they needed to be addressed at the time it would be rezoned by the Town Board. The chairman also added that Lots 1 & 2 as proposed would be residential lots and he felt that that would eliminate the possibility of using them for commercial parking. Next, Mr. Ferraro noted that the landscaped buffering would be required and should be designed to make it difficult for patrons to drive back to the restricted area for parking.

Ms. Thompson stated that she felt rezoning would be spot zoning only benefiting one person. Then, she added that she felt that crossing the road was dangerous, and she was concerned that she has open complaints that have not been addressed.

Mr. Chauvin responded that to his knowledge there were no open tickets.

Peter Loyola, a landscape architect, showed a plan with the landscaped buffering between the commercial lot and the residential lot, and he stated that the proposed earthen berm would be about 3 foot high with 8-10' trees along the top of it.

## **2010-038 Windhover Farms**

Proposed (25) lot subdivision with additional emergency access. Revised from 2008-014 Windhover Farms. Also formerly Curnyn Meadows subdivision (2002-073) as well as Windhover Park SUP, Grooms Road, Zoned: CR, Status: Revised Preliminary Review SBL: 276.-1-9

John Stevens, Consultant, with Infinigy, presented the project, with proposed changes since it was last seen on 12/8/2015, public hearing on 8/11/2016. Revisions included:

- Second entrance cannot be conveyed to Town as a public road and that limits the development to an 18-lot subdivision.
- Phase 1 will include only one road in and out
- Phase 2 would require further Planning Board approval should the second road access ever be attained, and additional residential lots requested
- Addressed comments from MJ Engineering comment letter regarding storm water management and easements
- Sidewalk plans have been revised
- Dedicate at least 10,000 sf of property (showing 37,000 sf) adjacent to subdivision for Open Space
- Erosion Control Plan sheet C9
- Stormwater comments addressed as pointed out by Stormwater Technician

**Staff Comments:** based on submittal on 3/2/2016

### **Environmental Conservation Commission**

The ECC held a meeting on March 15, 2016 to discuss the project and recommend the following:

- The ECC has concerns that there were no Erosion and Sediment Control Plans to review.
- The northern portion of Suffrage Way encroaches into the NYSDEC Wetland Buffer. The roadway should be diverted to avoid construction within the buffer.

### **Stormwater Technician**

Scott Reese issued the following recommendations on March 21, 2016:

#### **Erosion and Sediment Control Plans**

- The Sediment and Erosion Control Plan, was not in the submittal or any other submittal. All SWPPPs prepared shall include erosion and sediment control practices designed in conformance with the technical standard, New York State Standards and Specifications for Erosion and Sediment Control, dated August 2005. The specific locations, sizes, and lengths of each erosion and sediment control practice should be shown.
  - Proposed limits of disturbance, 100-year floodplain boundary, labeled discharge points, storage areas, will need to be shown on the plans.
  - Show the locations of the temporary sediment traps and the dimensions of the practice.
- Town of Clifton Park Planning Department One Town Hall Plaza | Clifton Park, New York 12065 | (518) 371-6054 | FAX: (518) 371-1136 Page 2 of 3

## Stormwater Management Report

(reviewed Stormwater Management System Engineering Report – last revised December 2015)

### Stormwater Pollution Prevention Plan

- Provide description of the pollution prevention measures that will be used to control litter, construction chemicals and construction debris from becoming a pollutant source in the stormwater discharges.
- Show the two trees per lot as mentioned on page 13 of the SWPPP last revised December 2015.
- Comments regarding Runoff Reduction Techniques under item no. 5 pages 13 and 14.
  - Back side of 14 homes are directly connected to sheet drain towards a designated area. The contributing area of rooftop to each disconnected discharge shall be 500 square feet or less. The front of the homes area directed to a closed piped system and should not be included in the runoff reduction calculations.
  - New tree plantings can only have 100 square feet of impervious reduction credit per tree.
  - If porous pavers are being used for impervious reduction then it must be shown that infiltration is greater than 0.5 inches per hour and that the base of the pavers is 3 feet above seasonally high groundwater. The porous pavers application must overly highly permeable soils (A or B).

### Fire Prevention - NONE

### Building and Development - NONE

### Professional Comment:

Joel Bianchi, MJ Engineering issued a letter on 3/18/2016 with the following comment(s):

**Those in BOLD were emphasized by the Town Designated Engineer.**

#### Subdivision Plan

- As noted in Comment 3 of our August 10, 2015 review, the following comments from prior review are reported as being worked on. The next submission for this application shall include information that fully addresses the following:
  - Preliminary Subdivision plat developed in accordance with Section 179-11 of the Town Subdivision Regulations including any standard notes required of the Town. This includes consolidation Sheets C4 and C6 of the plan set.
  - 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 Town is not willing or capable to accept.
- As noted in Comment 18 of our July 9, 2015 review, the proposed sidewalk along Grooms Road needed to be coordinated with the proposed emergency overflow from the stormwater management area. The current plans no longer show this sidewalk. If this

sidewalk is to be included and there is still an emergency spillway from the stormwater pond crossing it, this condition shall be reviewed by the Town to ensure it is acceptable.

- As noted in Comment 24 of our July 9, 2015 review, the plans need to (1) delineate Conservation of Natural Areas and note that it is within a restrictive easement (2) 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 our July 9, 2015 review, the final plan set shall include the noted information as a single approved drawing set. This includes the Sediment and Erosion Control Plan and Stormwater management Area plans prepared by Advanced Engineering.

#### Stormwater Pollution Prevention Plan (SWPPP) / Stormwater Management Report (SMR)

- As noted in Comment 31 of our July 9, 2015 review, Appendix D of the SWPPP does not include the referenced correspondence from the NYS Office of Parks, Recreation and Historic Preservation. The applicant has furnished this information. The final SWPPP must include this document and all other appendices not included in the current version of the SWPPP.
- **Provide written responses to the latest set of comments from the Town's SMO.**

Ms. Hakes stated that the revised plans needed to be reviewed, in particular changes regarding the pump station and crosswalk. She added that there was not enough time to do so between the times the revisions were submitted and the time of the meeting.

[Writer's note: The review period of 20 days prior to a meeting has been used for years in order to allow review of project submittals by Professional Staff, Town Designated Engineers, Consultants, Planning Board Members and the public.]

#### **Planning Board Review:**

Mr. Ferraro asked if the Phase 2 would change the SWPPP documentation or would that still be considered as a whole to avoid being considered segmentation under SEQR. Mr. Scavo said that the project as a whole should be considered.

#### **Public Comment:**

Mr. Pat Popolizio, 891 Grooms Road adjacent to the proposed project has some concerns:

- SUP of 1984 – sports fields under private ownership
- Clifton Park Soccer Club listed as Contract Vendee
- Only public lands can have active use
- Questioned whether a special use runs with the land even though it has not been used that way for 30 years.
- Asked if the special use would still be allowed if there are changes in configuration of appurtenances, use per the original conditions of the SUP
- Questioned the CR Density and SUP bought by a private individual to be exchanged as Open Space which is required per zoning

- Can developer substitute incentive program for private use?
- Showed old Windhover Park Plan for 1984 SUP approval
- SUP runs with land if it has not been modified
- Asked if the lot was modified, would that null the original SUP?
  - Parking being altered from the original SUP

Mr. Ferraro stated that he felt that a legal opinion had been given in 2010 that as long as conditions can be met by the Clifton Park Soccer Club consistent with the original SUP that the use could be continued. Then, the chairman remarked that if the resident was not satisfied with the decision, the neighbor is allowed to get his own legal counsel.

Mr. Ferraro asked about the utility right-of-way and the materials proposed. Mr. Ferraro also stated that he felt that some notes that had been added to the plan needed to be added to the individual deeds, as well as future marketing materials so that potential buyers would be aware of the potential use of the surrounding property. Mr. Pelagalli then suggested that the applicant might request to modify the original SUP.

### **2012-030 Crescent Woods**

Proposed 57 lot cluster subdivision, 1567 Crescent Rd, Zoned: R-1, Status: Revised

Preliminary Review to determine if a complete SEQR and Preliminary Application has been established to schedule a Public Hearing on the preliminary plan. SBL: 283.-2-8

John Stevens, Consultant, with Infinigy, presented the project, and addressed comments that were submitted by review letter:

- Trails- A meeting has been planned to meet with members of the Trails Sub committee
- Pool on existing lot needs referral to ZBA
- Encroachments on property have been highlighted and need to be resolved
- Cross walk and pump station plans have been revised and submitted to MJ
- Wetland buffer
- Lots 16 & 26 do not conform with 40' buffer and have been noted
- The difference between drainage easements vs. drywells
- Stormwater
- SWPPP
- Monitoring wells need to be discussed for maintenance and future ownership/responsibility

### **Staff Comments**

#### **Environmental Conservation Commission**

The ECC held a meeting on March 15, 2016 to discuss the project and issued the following:

- Since the December 1, 2015 ECC review of the project, no response to the above

recommendations has been received. Therefore, the ECC reiterates its previous recommendations and respectfully requests that this information be provided in order for the ECC to make a proper assessment of this project.

- The jurisdiction of the wetlands shall be indicated on the plans for clarification. (ie ACOE or NYSDEC).
- If they are NYSDEC wetlands it seems that the 100 foot wetland buffers should be shown on the plans and adjustments shall be made.
- In addition the limits of the 50 foot LC zone for the existing stream should also be labeled.
- The ECC would like to be copied on the Joint Application Permits and associated plans and details for the proposed wetland disturbance and mitigation as noted on drawing numbers C-23 & C-24.

### **Stormwater Technician**

Scott Reese issued the following comments:

#### **Erosion and Sediment Control Plans**

- If drywells are no longer planned along Fairmont Drive then please remove sheet C-33
- Verify that two dry wells are no longer being proposed for each lot and remove sheet C-36.
- Provide information on the symbols along the storm line with a circle with a D inside and labeled with SWMH, are these drywells or stormwater manholes?
- Test hole information is provided with assumed depth of water table, was there any evidence of mottling of the soils that show the seasonal high water table?

#### **Stormwater Management Report**

(reviewed Stormwater Management System Engineering Report – last revised Dec. 2015)

- Stormwater sub-catchment boundaries are shown to end at the property lines. Subcatchment areas should include offsite drainage areas.

#### **Stormwater Pollution Prevention Plan**

- Please submit a revised SWPPP to reflect the changes on the construction drawings, last revised February 3, 2016. The post development subcatchment areas are modeled after the plans from January 20th, 2015.
- Show the two trees per lot as mentioned on page 15 of the SWPPP last revised December 2015.
- Comments regarding Runoff Reduction Techniques under item no. 5 pages 14 and 15.
  - Calculate the number of homes that directly connected to sheet drain towards a designated area. The contributing area of rooftop to each disconnected discharge shall be 500 square feet or less. The front of the homes area directed to a closed piped system and should not be included in the runoff reduction calculations.
  - New tree plantings can only have 100 square feet of impervious reduction credit per tree.
  - If porous pavers are being used for impervious reduction then it must be shown that infiltration is greater than 0.5 inches per hour and that the base of the pavers is 3 feet above seasonally high groundwater.

## **Fire Prevention - NONE**

### **Building and Development**

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

- SWPPP provided. Section II, page 26, “open areas when possible will be kept to 5 acres or less.” This is not a “when possible” option, this is a mandatory requirement. If found to be exceeded, work will be stopped until corrected.
- A mandatory 60-day review will be required for any requests to disturb 5 acres or more.
- States roadway construction will disturb 6.5 acres. This must be completed in phases less than 5 acres each.
- Pocket ponds are not allowed.
- Many lots depict steep slopes between and around many of the houses. Since this grading issue does not appear to be getting corrected, review and approval of each lot’s grading will be required prior to the issuance of a permit. This may result in changes to the proposed home’s elevation to minimize these slopes. Since the water table is expected to be high in this area this review may result in some lots being unbuildable.
- Plans still need to state they will comply with the NYS Uniform Fire Prevention and Building Code.
- There is still concern about variances being required if houses are proposed larger than will fit into the depicted buildable envelope since many are very restrictive.
- Drainage easement at rear of #35 to #47 Fairmont not addressed.
- Still no sewer and water connections shown.
- Still no explanation or detail on wetland mitigation or of drywells on Sheet 33.
- Seem to be same plans as previously submitted with no changes.

### **Planning**

John Scavo stated that he met with the applicant on 3/22 to review staff comments and the applicant has addressed many of them with his most recent set of plans but the planning board has not had the opportunity to review those plans at this time. Mr. Scavo made the following comments based on the meeting:

- Trail design – would like input from the planning board regarding the different trail surfaces
- Possibility of extending the shoulder on the part of the trail next to roadway
- Steep slope adjacent to stormwater area might need a guard rail

### **Professional Comment:**

Joel Bianchi, MJ Engineering issued a letter on 3/18/2016 with the following comment(s):

#### **Subdivision Plans**

- As noted in Comment 4 of our May 6, 2014 review, 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 13 of our 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 need to be addressed. If the encroachments are not reconciled, it may prevent approvals from occurring.
- Prior discussions with the Planning Board was that the cross walk near the pump station would be realigned to reduce the skew angle of the crossing. The subdivision plans show a modified alignment however, the pump station plans at the same location do not.
- The current plans show the proposed pump station and fence enclosure within the future Town right-of-way. It is recommended that the entire structure be outside of the Town right-of-way and resides 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.
- Confirm with the Town Trails Committee that the surface treatment of the proposed trails is acceptable.
- MJ has provided marked up plans to assist in addressing comments. In our review of the latest submission, there remain comments that need to be addressed. Included with this letter are plans that still need to be revised.

#### Stormwater Pollution Prevention Plan (SWPPP) and Stormwater Management System Engineering Report

- No additional comments, however, we would ask that written responses to all outstanding comments be provided.

#### **Planning Board Review:**

Mr. Ophardt asked why two entrances only 300' apart was not considered one entry for purposes of the maximum number of houses allowed on a cul-de-sac. Mr. Ferraro noted that the planning board had not been given the opportunity to review the revised plans and that the applicant should come back at another meeting. Then, Mr. Ferraro stated that he felt the sidewalks that were shown as contiguous and parallel to the road should have a separation or barrier. Near the wetlands, the Chairman stated that he would prefer that the trail be stone dust. Mr. Ophardt asked for trail profiles to be shown on the plan. Mr. Scavo pointed out that the contours in the field might actually dictate layout of the trail rather than what is shown on the plan.

Mr. Ophardt observed that #11 Spencer showed a 20 foot easement and he questioned the need for one. The consultant stated that was for a drainage swale and might be altered once in the field.

#### **Public Comment:**

Eric Hamilton, 67 Pico Road, had emailed written concerns, which were distributed to the planning board members. He stated that his comments were based on the 3/2/2016 set of plans and that he was not certain they were still relevant.

- The location of the pump station as shown on the plan was questioned. Pico Road neighbors would like it moved away from the wetlands. Mr. Stevens explained that the

location was based on being in a low spot and it appears to be about 30 feet from the wetlands. The consultant also noted that DEC permits were going to be reviewed and approval was mandatory and any disturbance to the wetlands would have to be mitigated. Discussion ensued about the application to the State, which has been initiated.

Mrs. Hamilton asked where the maintenance entrance to the pump station would be and it was explained that it would be near the existing park rather than from Pico Road. Another resident asked for an explanation about the location of the pump station and Mr. Stevens explained that it was the low elevation on the site and that was the best place for it to be situated.

Pat Long, 71 Pico, stated that he had concerns about trails not being consistent throughout the project. The resident explained that he felt that somebody pushing a stroller or a wheelchair would not be able to continue if his or her wheels suddenly hit trail dust. Then, Mr. Long stated that he felt they become overgrown and unusable.

Mr. Ferraro stated that stone dust that is well maintained is manageable and that it might be more important to make sure it is maintained. Mr. Scavo suggested visiting Hayes Park to see what a well maintained stone dust compacted trail is like.

Mr. Ferraro added that on C-4 and C-5 notes should be consistent with the labels Open Space and/or Preservation Area. The chairman noted that properties on E. Haystack appeared to have a 10 foot easement across all those properties and that was confirmed by the consultant.

Next, the Chairman stated that he felt the applicant should be able to apply for a variance for the setback for the existing pool at this point. The board members stated that they felt that as long as the road was staying where it has been denoted, they would support applying to the ZBA. Mr. Scavo stated that for the next step, the applicant could submit one copy for review and once the TDE has time to review and the Planning Staff have said comments are addressed, then the applicant can submit all copies for Planning Board members, and professional staff having the 20 day review period prior to a scheduled Public Hearing.

#### IV. New Business

##### **2016-017 Callender, Lands of 2 - Lot Sub**

Existing 14.37 +/- acre lot with one single family home to be subdivided into 2 lots. Proposed "Lot" A" to be 5.07 +/- acres and to include existing residence. "Lot B" to be 9.30 +/- acres and to be used to construct a new single family home and garage, 311 Miller Rd, Zoned: R-1, Status: Concept Review SBL: 276.-2-34.1

Tom Andress, ABD Engineers, Consultant and Scott Callender, Owner, presented the project, which is a proposed two-lot subdivision with one existing home and construction of a new single-family residence on the newly created lot. Mr. Callender currently raises deer at the location and as such, the site has been cleared for agricultural purposes. Mr. Callender explained that the pond was exempt per Environmental Conservation Law. Then, Mr. Andress stated that a raised septic system would be used for the new parcel similar to the system in use on the first.

## **Staff Comments:**

### **Environmental Conservation Commission**

The ECC held a meeting on March 15, 2016 to discuss the project and issued a comment letter with the following recommendations:

- With the close proximity of the NYSDEC wetland buffer zone the ECC recommends that the buffer zone should be delineated by split rail fencing or signage.
- The ECC is concerned with the installation of the pond, and the resulting disturbance within the NYSDEC wetlands and requests the applicant to provide a valid permit prior to subdivision approval.
- The ECC is concerned with the amount of fill that has been deposited on the property into the close proximity of the NYSDEC buffer zone.
- The applicant shall supply a grading plan for the proposed new home and relocation of the deer pens.

### **Stormwater Technician**

Scott Reese issued a memo with the following comments:

- The proposed project is located adjacent to NYSDEC wetlands and the 100 foot buffer. Large amounts of fill have been brought onto the site. The applicant shall show in the next submittal the limits of grading and limits of disturbance. The plans should show the proposed grading of the site to show positive unimpeded drainage flow. If the disturbance is over an acre then a NYSDEC SPDES General Permit for Stormwater Discharges from Construction Activity Permit NO. GP-0-15-002 will need to be applied for.
- The plans should show the drainage route along Miller Road and the location of the existing culverts under Miller Road that this project will drain to.
- The property has existing fencing on the property that may be relocated. The existing and the probable relocation of the fencing should be shown on the next submittal.

### **Fire Prevention**

Sheryl Reed asked for postal verification addresses to be added to the plan.

### **Building and Development**

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

- Parcel zoned R-1.
- Significant work already underway prior to any approvals including clearing.
- Ditch line along Miller Road compromised by installation of new access road and excavation of driveway area without any approvals including curb cuts from Highway.
- Current activity limits not shown on submittal. It is expected that ongoing activity is impacting LC zone limit.
- Other activities known to be ongoing on property that should be discussed prior to approval.

### **Planning**

John Scavo, Planning Director issued a letter on 3/20/2016. **Those shown in BOLD were emphasized at the meeting.**

- **The property is within the Saratoga Co. Consolidated Agricultural District #2 and as a result a recommendation from the Saratoga Co. Planning Board to the Clifton Park Planning Board is required prior to any consideration for preliminary plan approval.**
- **Add a note to the plan that states:  
This parcel is located in an area where aviation activity occurs. Such activity may include, but is not limited to periodic noise, vibration, hours of operation, and other associated activities. A study describing this impact in detail is available for inspection in the offices of the Albany International Airport.**
- **An approval from the Clifton Park Water Authority is required for the proposed lateral connection to the water main.**
- **Add a note 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.**
- **Add a note to the plan indicating:  
Any work within the Miller Road public right-of-way will require a right-of-way work permit from the Town of Clifton Park Highway Department prior to construction. Contact the Highway Superintendent at 518-371-7310 to obtain such permit.**
- Test pit and percolation test results must be provided to confirm that the proposed parcel is acceptable for an individual septic system. The septic system should be designed by a licensed New York State Professional Engineer and included with the final plans.
- The limits of disturbance should be clearly identified on the plan to ensure the project is below the one-acre threshold that would trigger mandatory NYS DEC regulation compliance for erosion and sediment control plans. If any area of the property will be utilized to stock pile soil material, such area should be delineated on the plan to ensure the one-acre threshold is not exceeded.
- Since fill material was recently brought to the site and spread by mechanical means a grading plan should be provided to ensure proper drainage to the NYS DEC wetlands and along the Miller Road Right-Of-Way.
- Add a note to the plan that states, "The borders of all land that is to remain undisturbed shall be clearly marked on the site before site preparation begins. These on-site boundary

markers shall remain until construction is completed and soils are stabilized.”

- Portions of Miller Road have road side drainage ditches. If ditches are present in this area, an adequately sized driveway culvert should be provided.
- Contours at a minimum of 5 foot intervals should be shown on the plan.

**Professional Comment:**

Joel Bianchi, MJ Engineering issued a letter on 3/18/2016 with the following comment(s):

**Those shown in BOLD were emphasized at the meeting.**

State Environmental Quality Review

- 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:
  - Saratoga County Planning Board – 239m referral due to the parcels being within the Consolidated Agriculture District No. 1.
  - Clifton Park Water Authority - Water service connection
  - NYS Dept of Environmental Conservation –potentially NYSDEC Phase II Stormwater Regulations, identification of threatened and endangered species and permanent and temporary impacts within a regulated wetlands and its 100-foot adjacent area.
  - NYS Office of Parks, Recreation and Historic Preservation – If the project is subject to the NYSDEC hase II Stormwater Regulations then identification of cultural or historic resources.
- Additional agencies may be identified by the Town during its review of the project.

Short Environmental Assessment Form

- Part I.3.b.indicates a land disturbance of 0.90 acres. **Subsequent plan submissions shall substantiate the stated value.**
- Part I.12.b notes that the site is within an **archeologically sensitive area. Additional information may be warranted on this topic if subsequent plans indicate that 1 acre of more of land will be disturbed,** to demonstrate permit eligible for coverage under GP-0-15-002.

Subdivision Plan

- The project is located within the Town’s R-1 Residential District. The proposal for single family homes is considered a permitted principal use within the R-1 District pursuant to Section 208-10(B)(2)(b) of the Town Zoning.
- In reviewing the proposed lot configuration, each lot appears to meet the minimum bulk lot requirements outlined in Section 208-11 of the Town’s Zoning.
- Provide notation on the plan as follows:
  - **No Utilities shall be installed beneath the proposed driveways.**
- **There may be a need to provide a drainage culvert at the new driveway** to support

existing drainage along Miller Road. If required, show the location, size and materials of construction.

- 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.
- The submitted plans provide no existing or proposed contours. Therefore, the noted area of disturbance of 0.90 acres cannot be validated. Subsequent submissions shall include sufficient data to support the area of disturbances noted. **The plans at a minimum shall show 5' contour intervals.**
- The plan shows conceptual locations for on-site septic systems for each lot. A review of the USDA soil survey suggests moderately poor soils subject to flooding. Further, the existence of wetlands on the parcel suggests groundwater may be at a relatively shallow depth. **It may be necessary to advance some soil testing to ensure that site soils can support on-site septic systems** and adequate room exists for on-site septic systems.
- The applicant needs to **obtain the 911 emergency response address** and show on the final plat.

The applicant stated that he was offered the fill from the Price Chopper project for free and he has taken that and used it on his site.

**Public Comment:**

Roy Casper recommended

- 15' right of way or easement in lieu of parkland fee (\$1250 per new lot)

Mr. Callender stated that he was concerned because he had seen many instances of grass clippings being dumped across trails at Settlers Hill.

**Planning Board Review:**

Mr. Andarawis asked if the agricultural use would be extended to Lot 1. The owner stated that he intended to keep it on Lot 2, however new owners of Lot 1 would be able to use it for agriculture based on the acreage of the parcel. Mr. Andarawis added that notes should be added to the plan that disturbance in the wetlands on Lot 1 is limited to agricultural use.

V. Discussion Items - none

Mr. Koval moved, seconded by Mr. Jones, to close the meeting at 11:24 pm.

Ayes: all

Noes: none

The motion was unanimously carried

Respectfully Submitted,

Meg Springli

**NOTICE OF DECISION**

**Resolution #5 of 2016**

**Preliminary and Final Approval**

At a meeting of the Planning Board of the Town of Clifton Park, Saratoga County, New York, held at the Town Office Building, One Town Hall Plaza, on March 22, 2016, there were:

Present: R. Ferraro - Chairman, J. Koval, D. Bagramian, A. Andarawis, E. Ophardt,  
A. Neubauer, J. Jones – Alternate Member

Absent: E. Prescott

Mr. Koval offered Resolution #5 of 2016, and Mrs. Bagramian seconded, and

Whereas, an application has been made to this Board by the Town of Clifton Park, for approval of a Special Use Permit consisting of an accessory use within a portion of a residential building for a barbershop;

Whereas, pursuant to Section 276 of the Town Law, a public hearing was advertised and was held on March 22, 2016;

Whereas, the Planning Board was granted status as Lead Agency for this application, an unlisted action, and a negative declaration was issued pursuant to SEQRA on March 22, 2016;

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

Now, therefore, be it resolved that the final hearing for this application is waived, and that the Special Use Permit entitled Bezio SUP, consisting of a barbershop within a portion of a residence at 511 Clifton Park Center Road, is granted preliminary and final approval, conditioned upon satisfaction of all items as outlined per a final comment letter based upon satisfaction of the comments offered provided by the Planning Board and professional staff, and be it further

Resolved that a stamped site plan will be required within 180 days of this Notice of Decision.

Resolution #5 passed unanimously

Ayes: Mrs. Bagramian, Mr. Andarawis, Mr. Ophardt, Mr. Jones, Mr. Neubauer, Mr. Koval, Mr. Ferraro.

Noes: None

Rocco Ferraro,

Chairman