

Town of Clifton Park

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PLANNING BOARD

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Emad Andarawis
Denise Bagramian
Jeffery Jones
Andy Neubauer
Eric Ophardt
Greg Szczesny

(alternate) Teresa La Salle

Planning Board Minutes February 27, 2018

Those present at the February 27, 2018 Planning Board Meeting were:

Planning Board: R. Ferraro, Chairman, E. Ophardt, D. Bagramian, E. Andarawis,
A. Neubauer, J. Jones, T. LaSalle – Alternate Member

Those also present were: J. Scavo, Director of Planning
A. Morelli, Counsel
M. Springli, Secretary
J. Hakes, Town Designated Engineer

Absent: G. Szczesny

Mr. Ferraro, Chairman, called the meeting to order at 7:03pm
All in attendance stood for the Pledge of Allegiance.

The chairman noted that Teresa LaSalle would be a voting member for this evening's proceedings in the absence of Greg Szczesny.

I. Minutes Approval - February 13, 2018

Mr. Ophardt moved, seconded by Mr. Jones, to approve the minutes of the meeting on February 13, 2018 as written.

Ayes: All Noes: None. Abstained: None Motion carried.

II. Public Hearings

2018-004 Firehouse Rd Associates Subdivision

Applicant proposes to subdivide a 6.11 acre parcel into 3 commercial lots. Project also involves Tax ID # 272.9-1-10,11,12.1 & 38.1, 1712-1718 Rt 9, Zoned: B-4, Status: PB Preliminary Review w/ possible determination.

The secretary read the public hearing notice as it was published in The Daily Gazette on February 14, 2018 at 7:05

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

Consultant presentation: Gavin Vuillaume, described the project which was approved as a site plan and construction has begun. The consultant noted that the applicant would like to apply for financing to continue the project and the financial institutions prefer that the buildings each be situated on their own parcel. Mr. Vuillaume also noted that variances have been granted by the Zoning Board of Appeals in February of 2018, and notations regarding the variances have been added to the plan, as have any of the necessary easements.

Staff Comment ECC

- The ECC requests that the applicant provides the total greenspace percentages for each individual proposed subdivided lot within the Town of Clifton Park to verify that each meets the zoning requirements.
- The Zoning Board should require that the applicant demonstrate that there is a workable operations plan for stormwater management prior to granting the variances for subdivision.

Recommendations:

- The Planning Board should verify if the two recommendations above were addressed by the Zoning Board.

Scott Reese, Stormwater

- Will Firehouse Road Associates II, LLC continue to be the entity responsible for the long-term Operation and Maintenance for all three commercial lots?

MJ Engineering

J. Hakes stated that most of the technical comments from the review letter that was issued on 2/9/2018 had been answered. The consultant added that

- The applicant should provide proof of approval for subdivision of lots within Halfmoon prior to filing the stamped plan with the County Clerk.

Roy Caspar, Trails Subcommittee, stated that his comments were addressed.

J. Scavo

1. The subdivision is associated with the approved site plan for Planning Board Project #2016-005. The applicant should add a note to the plan which states, "This subdivision plan is bound by all covenants, restrictions, and conditions of the site plan approval for Planning Board Project #2016-005."
2. The applicant is scheduled to appear before the Clifton Park Zoning Board of Appeals (ZBA) at the February 6, 2018 meeting, for consideration of the following three area variance:

- 1) From Section 208-46A which requires a minimum lot size of 43,560 SF in the B-4 Zone; 34,756 SF available for Lot #2; 8,804 SF variance required; and
- 2) 30,492 SF available for Lot #3; 13,068 SF variance required.
- 3) Section 208-46D which requires 30' rear yard setback in B-4 zone; 15' proposed for Lot #2; 15' variance required.

If relief is granted for the above referenced variances it should be noted on the site statistics table and reference Area Variance Permit #81150, with the date granted by the ZBA.

3. The applicant should verify that the 35% Green Space shown within the Site Statistics Table is met by each lot on its own merits.
4. A notation should be added to the Subdivision Plan which states, "The proposed perpetual ingress-egress easements shown hereon shall be used in common by the owners of lot(s) numbered 712, 714 & 714 Route 9. All such easements shall be in effect and binding upon the owners of said lots, their heirs, successors, and assigns and all future owners of said lots, their heirs, successors, and assigns, upon filing of this subdivision plat in the Office of the Saratoga County Clerk.
5. Since the project is adjacent to NYS Route 9, a referral to, and recommendation from the Saratoga Co. Planning Board is required. The Saratoga Co. Planning Board is scheduled to consider this project on February 21, 2018.
6. The assigned 911 Addresses must be added to each of the 3 proposed subdivided lots.
7. Provide proof of the 500' mailings prior to the public hearing being scheduled for preliminary consideration.

Public Hearing

None wished to speak.

Mr. Ferraro requested comment from the planning board members prior to any motion to close or continue the public hearing.

Planning Board Review

Mr. Neubauer noted that this area was in the Town Center form based code expansion area being studied by a committee and felt the applicant should be sure that this project would be able to fit into that potential plan. Ms. Hakes responded that the committee was just in the beginning stages of considering the expansion plan. Discussion ensued. Mr. Scavo explained that it could be an administrative process with the assessor or a lot line adjustment, if an adjacent lot were to be acquired and merged with the existing lot. Mr. Andarawis asked if cross access easements could be added to the plan. Mr. Neubauer questioned the easements as drawn on lot one and said he would prefer a straighter line to come closer to "complete streets". Ms. Hakes stated that the regulating plan for future streets would be part of the expansion plan. Mr. Vuillaume stated that he felt that was possible. Then Mr. Neubauer questioned the addition of Lot 3 which left Lands of Sousa as a land locked parcel. Mr. Vuillaume explained that the owner did not pay taxes in Halfmoon and it went to auction

and then, Firehouse Road Associates purchased it and Lands of Sousa taxes were paid in Clifton Park so it was a self-created landlocked lot.

Board members noted that they felt that the concerns were addressed. Mr. Ferraro asked the Planning Director to work with the applicant on locating the road easement. It was noted that if the Planning Director was not satisfied with the alignment, the applicant might have to return for further planning board review before being stamped

There being no additional public comment, Mr. Ferraro moved, seconded by Ms. Bagramian, to close the public hearing at 7:38p.m. The motion was unanimously carried.

Mr. Ophardt offered Resolution #3 of 2018, seconded by Ms. LaSalle, to waive the final hearing for this application for the 3-lot subdivision of Firehouse Road Associates, and to grant preliminary and final subdivision approval conditioned upon satisfaction of all comments provided by the Planning Department, Town Designated Engineer, and all items listened in the final comment letter issued by the Planning Department.

Conditions: The applicant/consultant shall work with Planning Director to align the road easement prior to stamping of the plan, or in absence of his satisfaction, appear before the Planning Board.

Roll call:

Ayes: D. Bagramian, E. Andarawis, A. Neubauer, J. Jones, E. Ophardt, T. LaSalle, R. Ferraro
Noes: None

III. Old Business

2017-035 Riggi Miller Road Subdivision

Applicant proposes the construction of 79 single family residential lots, new roads, and associated water, sewer and stormwater. The proposed lots will include carriage lots (10,000 SF min.), executive lots (16,000 SF min.) and estate lots (20,000 SF min.) Water and Sewer will connect to Clifton Park Water Authority and Saratoga County Sewer District 1. SBL 270.-2.32.112 and 270.-2-38.12 are also included, Miller Rd, Zoned: R-1, Status: PB Preliminary Review SBL: 270.-2-51.2

Mr. Ferraro explained that this was not a public hearing, although a public comment period would be allowed at this meeting. The chairman noted that this was an information gathering session and that a public hearing would be held in the future.

Scott Lansing a consultant with Lansing Engineering presented the project stating that there had been some changes since it was last seen on 9/12/2017. Mr. Lansing described the current plan as a cluster subdivision with a variety of home styles and lot sizes. The consultant stated that the allowable density in the R-1 zone was 1 unit per 40,000 sf or 79 units and that the proposed number of lots conforms to the 79 homes allowed under conventional design. Next, Mr. Lansing stated that it was determined that a cluster design was preferable at the last planning board meeting with more open space and connections to adjoining neighborhoods. These connections were indicated between Tisdale Lane and Miller Road on the northern node and Gloucester Street and Miller Road on the southern node. Mr. Lansing stated that a multi-use trail through the wetlands in the middle portion would offer a connection between the two nodes.

Staff Comment

Don Austin, CPWA

- Both sections of this proposed subdivision will be required to loop the water main back to the existing water system to the north and south on Miller Road.
- A gate valve should be placed at the point of connection to the existing water main on Tisdale Lane.
- The hydrant shown at property line between Lots 28 and 29 should be moved to the property line between 27 and 28 to make chlorination and pressure testing of the water main easier.
- The hydrant in front of Lot 73 should be moved to the property line between Lots 73 and 74.
- A note should be included on the plans stating that there needs to be a minimum separation between curb stops and driveways of 4 feet.
- It is noted that much of the water and force sewer main is installed at the same depth. This is likely to create some issues running laterals, as they will need to change depth to provide allowable separation as they cross over one another. It will avoid a lot of issues in the field if the plans are adjusted to install these mains at offset depths.
- The Water Service Detail should show thaw nuts on the curb stop as well.
- Please remit plans to this office (CPWA) reflecting the comments above.

ECC

- The ECC requests that the applicant extends the Conservation Easement to include the stream (drainage corridor) between the ACOE Wetland and the NYSDEC wetland at the northwest corner of the roads C and D. so as to ensure that there is no alteration or obstruction that can directly impact the drainage corridors physical characteristics and biological properties.
- The ECC recommends the applicant install signage along the borders of the Conservation Easement.
- ECC Minutes, February 20, 2018 Town of Clifton Park, NY
- The standard for R-1 Zoning requires a minimum of 20,000 square feet per dwelling. Although on average the lot size per dwelling exceeds this standard many of the lots are 10,000 square foot lots or less. This has impacts in terms of setbacks, traffic, and other factors. This undermines the intent of the R-1 Zone.
- The ECC recommends that all lands not included in the cluster subdivision building lots, be set aside as permanent open space or dedicated to the town.

In response to a comment from the ECC, the Planning Director responded that he would explain that the cluster design did not result in any increase in density.

Steve Myers

- Again 10,000 sf lots are too small. The setbacks on the lots varies with the lot size proposed (from 5' to 18' +/-). Not only does this allow the possibility of houses to be 10' apart, it will create significant issues in the field trying to ensure the correct setbacks are used on the correct lot. We have significant history of variances being required when houses are built in the wrong location with 10' and 20' setbacks required. 5' setbacks could result in extremely close houses. Houses less than 5' from the lot line would require one hour rated exterior walls which if not found until after construction, would require retro-fitting a brand new house with additional fire protection. If each house were equipped with sprinklers, the separation distance to the lot line is reduced to 3'.
- Steep slopes are noted on many of the lots. These have been problematic in previous subdivisions for many reasons and should be avoided.

Stormwater

- Tree planting is the only green infrastructure being used in this proposal.
- The density of this proposal does not seem to encourage runoff reduction techniques (ie 10,000 sf lots). Using several basins (end of pipe) as stormwater treatment does not seem to follow the intent of the NYSDEC regulations. With the significant wetlands in and around this proposal and the dramatic increase in impervious area and resulting runoff, I would expect more green infrastructure techniques to be employed.

S. Reese

Sent a letter with comments technical in nature and similar to comments provided by the Town Designated Engineer.

- For Stormwater Management Basin 1 (SMB 1), test pit #3 is at approximately 354.5±, mottling is at 351.7±, bottom of test pit is at 347.0±. The proposed basin bottom is at 338.0 or 9 feet deeper than the test pit. The proposed permanent pool elevation is at 342.0 or 9.7 feet deeper than the mottling (seasonal high ground water) elevation.
- For SMB 3, test pit #8 is at approximately 352.0±, mottling is at 350.0±, bottom of test pit is at 345.3±. The proposed basin bottom is at 332.0 or 13 feet deeper (in shale) than the test pit. The proposed permanent pool elevation is at 336.0 or 14 feet deeper than the mottling (seasonal high ground water) elevation.
- No test pits located at SMB 4.
- Applicant shall provide adequate measures to prevent erosion from the piped outlets of the stormwater management areas to the NYSDEC wetlands and to the Dwaas Kill. Details should follow NYS Standards and Specifications for Erosion and Sediment Control for Rock Outlet Protection.
- Question 10 of the NOI should be marked yes as the Dwaas Kill and its tributaries are identified as a 303 (d) segment.
- Question 11 of the NOI should be marked.
- On Table 1 in the NOI, the total contributing impervious area should be moved from (P2) to (P-1).

J. Scavo stated that there had been some discussion about the possibility of cooperation between the developer and the Water Authority about extending public water to the south along Miller Road in lieu of GEIS fees. The Planning Director added that many current landowners have expressed a desire for public water access in the area.

Trails

Roy Casper stated that the committee liked the trail shown on the plan and that the committee would like to see a connection to the trail in Brookhaven. Mr. Lansing responded that there are alternatives with the road connections too but that there were some significant wetlands in the area. Asked for 15' right of way along the road.

MJE.

General Comments

- Comments 3 and 7 of our July 7, 2017 review remain open and are to be addressed as part of subsequent submissions.

State Environmental Quality Review

- No additional comments.

Full Environmental Assessment Form

- Comments 12 of our July 7, 2017 review remain open and are to be addressed as part of a subsequent submissions.

Subdivision Plans

- Comments 18, 19, and 21, through 23 of our July 7, 2017 review remain open and are to be addressed as part of a subsequent submissions.
- There are various easements shown on the engineering plans not depicted on the subdivision plats. Update the plat and ensure all easements planned for conveyance are shown.
- On the Cover Page, under General Notes, complete note 45.
- On the Cover Page, under General Notes, confirm Note 48 is applicable to this project.
- The separation distance between homes is minimal in areas. The Town's Chief Zoning Officer has raised valid point regarding this topic. There should be consideration of increasing distances between adjacent homes as a life safety measure.
- The project proposed disturbances to both state and federal wetlands as well as impacts in the NYSDEC adjacent area. Appropriate permitting is required from the agencies having jurisdiction. Copies of all wetland permits shall be furnished to the Town as a condition of approval and shall be in-place prior to site disturbances. Should any mitigation be required and be within the project boundaries, mitigation plans shall be provided and the location of the mitigation area(s) shown.
- The proposed mail kiosks are understood to be under the jurisdiction of an HOA. An access easement within the Town right of way that is conveyed to the HOA may be warranted as well as a maintenance agreement for the area and pavement outside the travel way of the future Town road.
- The land grading on the north side of the right of way of Road A from the approximate intersection with Miller Road and continuing east for approximately 300 feet needs to be adjusted to meet the Town's requirements.
- An additional catch basin appears necessary on the south side of Road B, where it intersects Tisdale Lane. This may need to connect to the existing drainage structure on the north side of the intersection. Absent an additional structure, runoff would continue west and may be problematic causing downstream flooding.
- The proposed drainage easement between Lots 27 and 28 measures 15 feet in width. This is a minimal distance to allow proper access for maintenance. The Highway Superintendent should review this width to ensure it is acceptable.
- The intersection of Road C and Miller Road has an angle measurement of approximately 71°. Section 86-6 of the Town Code indicates that an angle of intersection of less than 75° shall not be permitted. The alignment of Road C may require modifications to meet the minimum angle stated.
- Road C shows a retaining wall from Sta 1+75 to Sta 3+50. The location of the retaining wall within the right-of-way needs to be reviewed with the Highway Superintendent. It may be required that the retaining wall be placed outside of the right of way and be under private ownership of an HOA, if one is formed.
- Confirm the guide rail shown along Road C from Sta 1+75 to Sta 3+50 is offset from the edge of pavement by no less than 4 feet pursuant to Section 86-6(J)(1) of the Town Code.
- Provide guide rails within the right of way adjacent to the box culvert along Road C at Sta 17+00.
- The access road to Basin 2 crosses Lot 30. Provide an easement or modify the lot configuration such that the road is not on the lot.
- ES2A extends into the NYSDEC wetland adjacent area. Indicate if there will be any restrictions on future maintenance imposed by the wetland adjacent area disturbance permit
- Provide a conspicuous sign at the end of Road D where the future extension onto the adjacent lands to inform future land owners of the probability of a future through road. This sign shall be posted immediately following the placement of binder course.

- Provide a turnaround for the access to Basin 4 pursuant to Section 6.1.6 of the NYSSMDM.
- For any road fill section more than 5 feet shall have a descriptive performance specification for appropriate fill and compaction requirements.
- The erosion control plans indicate multiple phases with no single phase exceeding 5 acres. This plan appears feasible. This phasing plan shall be reviewed in detail at the pre-construction meeting. Should any changes occur, the plan shall be updated as a SWPPP amendment to ensure full permit compliance is achieved.
- At each pond, provide a warning signs must be posted prohibiting swimming, wading, and skating, warning of possible contamination or pollution of pond water, and indicating maximum depth of pond pursuant to Section 6.1.6 of the NYSSMDM.
- The test pit data indicated seasonal high groundwater is located anywhere from 18-inches to 34” below existing grade. All P-1 practices employ an impermeable liner as an equivalent means to provide separation from a boundary condition. The plans shall specify the liner type and confirm that the liner will line float due to some of the pond bottoms being well below the observed seasonal high groundwater elevation.
- With apparent shallow groundwater conditions as indicated by the mottling observed at shallow depths, it may be necessary to reexamine all grading and finished floor house elevations. Further discussion with the chief code official of the Town is warranted to discuss how the potential placement of homes with basements at or below seasonal high groundwater elevations may be reviewed and approved.
- The SWPPP indicates that tree plantings are being claimed as a green infrastructure practice. Confirm the species size noted on Landscaping Plan meet the minimum size requirements of Section 5.3.4 of the NYSSMDM.
- Provide details of the boardwalk associated with the multiuse path for review by the Town’s trails committee.
- All proposed trail routes and points of connection shall be reviewed by the Town’s trails committee.
- Coordinate with the Clifton Park Water Authority regarding the potential extension of the proposed water mains along Road A and Road C closer to Miller Road in case additional future extensions are likely.
- Review the alignment of the sewer pipe between SMH1 and SMH2 along Road B. The sewer lines appear to terminate in the middle of the road.
- The proposed sanitary connection that crossing NYS Route 146 will require a Utility Work Permit from the NYSDOT. Letters of approval for this utility crossing shall be provided to the Town as a condition of approval.
- Detail 10/DT-1 does not show the trail materials of construction. The selection of trail material shall be approved by the Town’s trails committee and shown within the plan set.
- Detail 12/DT-1 shall note that the end terminus of all guide rails shall be in conformance with the NYSDOT specification.
- Detail 7/DR-2 and detail 4/DR-3 appear to show the same condition for end sections but have contradictory information regarding rip rap type and dimensional placement.
- Detail 7/DT-3 is for a CDS pretreatment unit however this unit could not be found within the site.
- Detail sheets DT-4 through DT-6 have not been reviewed ad they are under the jurisdiction of Clifton Park Water Authority and Saratoga County Sewer District No. 1.
- On Detail 9/DT-7, specify the gravel using a NYSDOT specification reference.

Stormwater Pollution Prevention Plan

- The SWPPP shall include documentation that supports permit coverage pursuant to Part I.F.5 of the General Permit.

- The SWPPP shall include documentation that supports permit coverage pursuant to Part I.F.8 of the General Permit. A site specific cultural resource survey has been completed. Upon receipt of the NYSOPRHP no effect” letter, it shall be referenced within the SWPPP.
- Provide a tabular summary of all drainage pipes to illustrate that all pipes can convey the design storm without surcharge.
- Edit Appendix H to include maintenance requirements of only those stormwater management practices proposed with the project.
- Any maintenance requirements for decompaction and tree plantings shall be included in the SWPPP. The decompaction requirements shall be the responsibility of the operator. Tree planting maintenance requirement shall be each homeowner’s responsibility.
- Question 10 of the NOI shall be corrected to “yes” with a discharge to the Dwass Kill.
- Table 1 of the NOI under Standard SMPS, the impervious acreage is on the incorrect line.

Public Comment

The following residents expressed that they were concerned that the new subdivision would worsen traffic conditions for the existing neighbors:

- Jeff Miller, 1 Skybrook Circle
- Shaowen Gao, 17 Tisdale Lane
- Tao Wang, 8 Skybrook Circle
- Bin Yang, 15 Tisdale Lane
- Gary Hendrick, 527 Miller Road
- Corey Reed, 498 Miller Road
- Shan Wu, 14 Skybrook Circle
- Amy, Shan Wu’s daughter, 14 Skybrook Circle
- Yun Han, 13 Tisdale Lane
- Greg Beam, 46 Gloucester Street
- Will Boght, 519 Miller Road
- Christine Izzo, 478 Miller Road
- Carol Malary, 476 Miller Rd

Joan Gamino, 62 Gloucester Road, stated that she was in favor of the trails to connect the neighborhoods and wanted to know about possible crosswalks to ensure pedestrian and bicycle safety.

Discussion ensued about options to install some good traffic calming measures in the design of the neighborhood, as well as the pros and cons of connected streets. Improvements for traffic at the intersections in the area were discussed as well, such as a right hand turning lane at Miller Road. Mr. Ophardt remarked that he felt another curb cut onto Route 146 would be another collision point. Mr. Ferraro added that a traffic study would be completed and that New York State DOT was currently studying the intersection of Routes 146 and 146A for traffic improvements to be implemented in the near future.

Ms. Malary also noted that she was concerned with the possibility of headlights directed toward their house from the northern intersection of the subdivision opposite her property.

Mr. Ferraro explained that the Planning Board reviews projects on a case by case basis and that the applicant is only required to mitigate those issues that it is directly involved in.

Joe Vitale, 481 Miller Road, stated that he felt the Planning Board could reduce the number of lots allowed.

Mr. Ferraro stated that the subdivision met the zoning code regulations as proposed since the builder was not asking for any more lots than the law would allow, and it would be the developer's discretion to build fewer homes. The chairman also explained that there was an overlay district on the parcel which had already reduced the number of lots arrived at in the final calculation of dwelling units.

The Planning Director added that each new lot would be subject to Vischer Ferry GEIS fees or an equivalent value in public amenities.

Anthony Lafleche, 21 Wheeler Drive asked if potential homeowners of the new development would be made aware of possible future connectivity to the undeveloped land to the south.

Mr. Ferraro stated that the Planning Board was requiring a sign and barrier installed that would state that it was a location for a future road.

Nearby residents also stated that they would like more information regarding extending the public water access down Miller Road, and what their responsibility would be for connecting to public water, or whether existing wells would be impacted or disrupted. Residents also stated that they were concerned with possible flooding, wetlands impact and stormwater issues.

Planning Board Review

Ms. Bagramian then asked about the setback lines on the smaller lots based on concerns expressed by the Director of Building and Development. Other Board members also asked about setback lines and how they might affect landscaping. Discussion ensued.

Mr. Neubauer noted that the Traffic engineers should consider the intersection improvements on 146 and 146A and that the DOT, the Town and the planning board are all aware and sensitive to traffic issues.

Mr. Jones stated that the board members all live in town and take very seriously the traffic issues with all projects.

Mr. Lansing stated that the traffic study should be available for the next review.

Mr. Ferraro stated that he would like a better plan showing the trail network and connections on the next submittal, as well as details about the park which is being proposed. Mr. Ferraro added that any lots that have conservation areas should be required to have posted signs.

2017-044 CPC Regal Out Parcel Mixed Use Building (aka Park Tower) - Site Plan

Applicant proposes to construct a 6,600 sf footprint mixed use four story building. The project will reconfigure a portion of the existing parking lot (16 spaces total). The building will connect to public water and sewer. Stormwater will be managed on-site. Total Acreage 5.33; 42 Clifton Country Rd, Zoned: TC2, Status: PB Preliminary Review SBL: 272.-1-45.2

Joe Dannible, a consultant with Environmental Design Partnership, on behalf of DCG Development Co., described the application with some changes since it was last seen on 9/12/2017. Mr. Ferraro stated that the applicant has received approval for four stories from the Zoning Board of Appeals, then he noted that the proposal had been reviewed by the TAC (Technical Advisory Committee). Mr.

Dannible noted that the proposed project is located at the Regal Cinema entrance to the Clifton Park Center Mall, a mixed-use building with retail on the first floor and 5 apartment units on each of floors 2-4. The consultant showed pedestrian connections to adjacent commercial properties and neighbors with sidewalks and crosswalks. Mr. Dannible confirmed that parking and lane widths for fire safety vehicles had been reviewed to address concerns that had been noted by Fire Safety officials. Next, the speaker showed elevations of the building from each direction. It was noted that a traffic study showed that the current proposal would still be significantly below the allowable trip generation calculation which was established in 2006 prior to the refurbishing of the mall, and that ample parking was available at the mall, per an existing agreement.

Mr. Dannible summarized the waivers needed per the Town Center Form-based Code as follows:

- front yard setback is 9.1' instead of 10-15'
- building façade in build-to zone only at 10% instead of 50%.
- side yard setbacks 5ft minimum instead of 8ft.
- green space goal of 12% instead of 15%,
- ceiling heights 8'9" instead of 9' on residential,
- ceiling heights 12' clear separation instead of 14' on ground floor
- side street setback 15' instead of 35'
- one-way road 22' instead of 15'

Staff Comment

ECC letter

- The ECC is concerned that the design as shown undermines the intent of the TC6 boulevard zone to show case the large lawns, shade trees, planted medians and a multiuse path as a park like setting. The ECC outlined their concerns relative to implementation of the Town Center Plan in a previous letter to the Planning Director on February 12, 2018.
- The ECC recommends that applicant create a bicycle, pedestrian friendly commercial center with connection to adjacent neighborhood.
- The ECC notes that the Town Center TC6 Boulevard Zone has a stated green space goal of a minimum of 10%. It appears that the plan does not address this. The ECC requests the applicant provide a continuous tree buffer along Clifton County Road.
- The ECC recommends that the Planning Board carefully review the visual impact of the 4-story tower element and consider possible modification in order to ensure that the aesthetics will be acceptable.
- CPC Regal Out Parcel Mixed Use Building is located at one of the primary vistas in the Boulevard Zone. ECC is concerned that the project as proposed detracts from a park like setting as envisioned on the Town Center Plan.

S. Reese

- Preliminary SWPPP was submit on February 23, 2018 at 2 PM, was not reviewed at the time of this memo.
- Applicant is proposing to provide a water quality treatment on site and to use the existing stormwater pond that is located off-site. This project will be an addition of impervious area and the existing pond does not have adequate storage for additional runoff. On site stormwater management for quality as well as quantity will need to be provided.
- A thorough sub-surface investigation should be performed with the past history of sink holes, addition of flowable fill and the intricate location of large storm conveyances and structures.
- The applicant should verify if foundation footings, frost slabs, and / or signage posts will interfere with the existing 60" CMP Storm Sewer Drainage Pipe.

Steve Myers

- A variance for the height increase to four stories was granted.
- It is still believed parking will be an issue between the apartment residents, customers to the commercial first floor and the skate park, especially with the new parking lot configuration.
- Handicapped parking is required to be along the shortest route. The parking proposed appears to be along one end of the building and not in proximity to the commercial entrances.
- There are details for an underground stormwater storage area but I cannot find a location for the system on the plans. A full SWPPP may be required due to the facilities currently in this area.

The Planning Director stated that he felt that waivers highlighted by Mr. Dannible was a good summary of the results of the TAC meetings, and that the Planning Board had the ability to grant those if it agreed

Trails

Roy Casper, concerned with how the property integrates with existing trails and the Town owned parcel to the south. Mr. Dannible indicated the connections on the aerial view. Mr. Casper also asked if it would be possible to add a crosswalk across Clifton Country Road. Next, he asked for a bike rack to be added to the site. Ms. Hakes pointed out that it was a problematic corner, and that it might not be the safest location for a crosswalk, but that it would be looked at in the future as more development occurred.

MJE

Ms. Hakes stated that most items from the comment letter appeared to have been addressed, but she reiterated the following:

- With the proposed use being in close proximity to the existing skate park, there should be disclosure to future tenants of this existing use, hours of operation and expectations in regards to background noise levels.
- Pursuant to Comment 16 of our September 7, 2017, show on the plans any require snow storage areas or how it will be managed if there is lack of storage space.
- The landscaping proposed as shown on Sheet 7 of 11 is minimal and should be enhanced. This may include landscaping beds at the building face, landscapes areas in the adjacent concrete areas to break up the mass impervious areas and/or trees or low height shrubs along the project frontage.
- The project is proposing porous asphalt. It is suggested the detailing and associated specifications be expanded to include the following:
 - a. A 6-inch depth of chocker course is excessive. Review the recommendations provided in the current NYSDOT porous asphalt specifications for recommended thickness.
 - b. For the reservoir stone, utilize NYSDOT No. 4A stone, meeting the requirements of NYSDOT specification 703-02.
 - c. Use of a stabilization course Type 2 stone below the reservoir stone that shall be double washed.
 - d. Ensuring fabric is highly permeable.
 - e. Defining plant inspection requirements for washing of the aggregate stone.
 - f. Qualifications of the installing contractor and/or inspection by qualified individuals.
 - g. Provide a list of any special equipment that shall be utilized in the installation of the porous pavement or reference the current NYSDOT specifications for the same.

Ms. Hakes added that she felt the TAC discussions were productive and that although this was a unique parcel, the Town has learned some things about the need for flexibility in addressing development options in the Town Center area.

Mr. Ferraro stated that he and the Planning Director would be meeting with ECC to inform them of the intent of the form-based code.

Mr. Dannible responded to concerns about handicapped parking and felt that the location adjacent to the sidewalk was appropriate rather than a location that would require crossing a travel lane. Snow storage was shown in the southern portion of the mall parking area and Mr. MacElroy from DCG stated that the bulk of snow storage issues typically happen well after the heavy Christmas shopping season, but if needed, they would ship excess snow offsite.

Public Comment

None

Planning Board Review

Mr. Neubauer stated that he was involved in the TAC, and he complimented the architect on the design. Mr. Jones asked why the ceilings needed waivers, and Mr. MacElroy explained that it was a narrow building and that he felt the scale was appropriate as proposed. Mr. Neubauer stated that he agreed that it was architecturally balanced, and that he did not object to the waivers.

SEQR: Ophardt, Andarawis

Neg Dec

Lead Agency PB

Action Type: unlisted

Motion to approve with conditions, granting of the waivers

Moved by Jones

Seconded by Bagramian

All in favor

IV. New Business 10:39

2018-009 Muller Ashdown Rd 3 Lot Subdivision

Applicant proposes to create 3 single family residential lots with associated water, sewer and stormwater infrastructure. One lot will contain the existing single family residence. The two new lots will be used for new single family residences. Septic and well services will be used for each new lot. The parcel to be subdivided is 9.84 acres. Access to the lots will be provided by private and shared driveway, 84 Ashdown Rd, Zoned: CR Status: PB Concept Review SBL: 263.-2-16

Scott Lansing, Lansing Engineering, representing Bill Muller, the applicant, introduced the proposal, a 3-lot subdivision on Ashdown Road in the CR zone. Mr. Lansing noted that the proposal met all area requirements and setbacks. Then, the consultant stated that he would like to have DOH removed from the list of involved agencies in comments 1&14 of MJ Engineering. Ms. Hakes agreed, that because it was only a 3-lot subdivision, that it would be appropriate. Next, Mr. Lansing explained that Lot 3 had 200 feet of frontage and that the applicant preferred to position the house farther away from the D&H railroad track, and that they did not consider it as a flag lot. Mr. Lansing added that he had removed a reference to an HOA from the statements for stormwater. Finally, the consultant

requested that the applicant would like to schedule its public hearing for the 3/27/2018 meeting, if possible.

Staff Comment

ECC

- The applicant should indicate what will happen with the unconstrained lands (e.g. public or private deed open space).
- The applicant shall demonstrate that the proposed plan conforms with the Western Clifton Park Land Conservation Design Guidelines.

It was noted by the Chairman and the Planning Director concurred that there was no permanent open space requirement for this 3-lot subdivision.

S. Myers

- Allowed use in the CR zone.
- A full SWPPP will be required.
- The driveway for the new lots will be required to be 20' wide to lot #2 and 26' wide to lot #3. The turnaround needs to meet the requirements of the NYS Fire Code and be within 100' of the house.
- Proof of viable well and septic will be required prior to issuing any building permits.
- Site distance at new driveway needs to be evaluated.

S. Reese

- Project is a single family residential subdivision that will be disturbing more than 1 acre, but less than 5 acres of land. The applicant shall prepare a SWPPP that only includes Erosion and Sediment Controls as outlined in the NYSDEC SPDES General Permit for Stormwater Discharges from Construction Activity Permit No. GP-0-15-002 Part III B.1.

J. Scavo

- Since the parcel is directly adjacent to the Saratoga County Consolidated Agricultural District #2, a referral for a recommendation has been made to the Saratoga County Planning Board.
- The applicant should clarify if the last sentence of page 4 of 4 from the Project Narrative – Stormwater Section is accurate.
- The minimum front building setback shown within the site statistics table should be updated to reflect 30' rather than 75', in accordance with the CR Zone.
- Add the following note to the preliminary plan, "This subdivision is in an area which may be negatively impacted by railroad activity. Impacts may include noise or vibration associated with active railroad line operations during any given day or night."
- Add a note to the plan that states, "The proposed driveway will not be dedicated to the Town of Clifton Park now or in the future, also any future maintenance or improvements of the driveway are the sole responsibility of the private land owners."
- Add the following note to the subdivision plan, "Clifton Park is a Right to Farm Community. Residents should be aware that farmers have the right to undertake farm practices which may generate dust, odor, noise, smoke and vibration associated with farming practices."
- Add a note to the plan stating, "Prior to work commencing within the public right-of-way, the property owner shall obtain a curb-cut permit from the Town of Clifton Park Highway Department."
- Add a note to the Plan stating, "New and replacement Individual Water Supply Wells are required to be in compliance with the New York State Residential Code (which references NYS DOH Appendix 5-B "Standards for Water Wells"), installed by a certified NYS

Department of Environmental Conservation (DEC) registered water well contractor (driller) and have groundwater as the water source.”

Trails

Roy Casper asked for a 5-10’ right of way for future road widening along Ashdown Road.

Mr. Scavo noted that parkland fees per new lots created could be waived in lieu of the granting of the right-of-way.

MJ Engineering

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 parcel being within 500 feet of an agriculture district.
 - NYS Dept of Environmental Conservation –potentially NYSDEC Phase II Stormwater Regulations, and identification of threatened and endangered species and permanent.
 - NYS Dept of Health – potential permitting for the on-site septic systems. Additional agencies may be identified by the Town during its review of the project.

Short Environmental Assessment Form

- Under I.15, confirm the response provided accounts for federally listed species and habitat as the NYSDEC Environmental Mapper does not have access to the USFW Ipac database.
- ##### Subdivision Plan
- The project is located within the Town’s Conservation Residential District (CR). The proposal for single family homes is a permitted principal use within the CR District as noted in Section 208-16(D)(1)(b) of the Town’s Zoning.
 - A review of the proposed lot configuration appears to meet the minimum requirements of Section 208- 16(E), 5 through 12 of the Town’s Zoning
 - Lot 3, as proposed may be considered a flag lot. This should be confirmed with the Town’s chief zoning officer.
 - The existing parcel is less than 10 acres in size. Pursuant to Section 208-16(E)(2)(a) of the Town Zoning, the parcel may be developed at a maximum density of one dwelling unit per three acres of unconstrained land. The applicant has prepared a conservation analysis consistent with Section 208-16(E)(13) of the Town Zoning, yielding a maximum of 3 lots. The analysis completed appears to support the lot count proposed.
 - Indicate whether any permanent or protected open space is proposed with the project. If proposed, the method of protection in perpetuity needs to be provided.
 - The proposed point of access to the project appears to provide adequate site distances for entering and exiting. Notwithstanding, there should be indication on the plan what the required and provided turning site distances are based upon the posted speed limit of Ashdown Road.
 - Any new access proposed onto Ashdown Road is subject to the review, approval and permitting from the Clifton Park Highway Department. Provide notation on the plat to that effect.
 - There may be a need to provide a drainage culvert at the new driveway to support existing drainage along Ashdown Road. The applicant will need to coordinate with Clifton Park

Highway Department for any such improvements. If required, show the location, size and materials of construction.

- The project proposed a shared drive. The applicant shall provide a draft maintenance agreement for review by the Planning Board's legal counsel.
- The proposed shared driveway shall comply with the IRC and New York Supplement. Details or description of the proposed drive materials of construction shall be provided, confirming it will can support the load of the responding emergency vehicles.
- 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.
- On-site septic systems are proposed. It appears percolation tests and test pits have been conducted at each proposed location. Subsequent submissions shall include the test results. If engineered systems are required, they would be subject to the review and approval by the NYSDOH.
- Private wells are proposed. Subsequent submissions shall show suggested locations. In locating the proposed wells, they shall account for the location of the existing septic system on the lot to contain the existing home.
- The Short Environmental Assessment Form notes a total disturbance of 2.87 acres. Any disturbance between 1 and 5 acres will require the preparation of a Basic Stormwater Pollution Prevention Plan (SWPPP) pursuant to Part III.B of the general permit. Subsequent plans shall include the required information as well as a draft NOI for review.
- The project narrative indicates that the proposed stormwater management facilities will be owned by an HOA. Subsequent plans shall show the extent of the jointly owned facilities. The HOA will be required to execute a maintenance agreement with the Town.
- Prior to approval or filing of the subdivision plat with the Saratoga County Clerk, the appropriate 911 emergency response numbers must be obtained for and assigned to each lot created and placed on the filed plat.
- The final subdivision plat shall be signed and sealed by a surveyor licensed to practice in New York State.
- Considering this plan is conceptual in nature, subsequent comments will be provided with a preliminary plan submission.

Public Comment

Anthony Lafleche, resident of 21 Wheeler Road, asked about slope of land on southern portion along the roadway.

Planning Board Review

Mr. Andarawis asked for clarification if Lot #3 could be subdivided again in the future. Mr. Scavo explained that the Planning Department would be able to flag in the parcel id system that it was part of a master parcel and not subject to further subdivision. Then the board member asked if the treeline could be maintained as much as possible to keep separation of homes on lots 2 & 3.

Mr. Ferraro noted that he felt 4, 5, & 6 from Mr. Scavo's notes be incorporated into the property deeds. (Railroad, driveway and right-to-farm)

V. Discussion Items -none

Next Meeting Date: March 13, 2018 – No Submittals – meeting canceled.

Next Submittal Date: March 5th for the March 27th meeting

Mr. Jones moved, seconded by Ms. LaSalle to adjourn the meeting at 11:04pm. The motion was unanimously carried.

Respectfully submitted,


Meg Springli

NOTICE OF DECISION

Resolution #3 of 2018

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 February 27, 2018, there were:

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

Absent: G. Szczesny

Mr. Ophardt offered Resolution #3 of 2018, and Ms. LaSalle seconded, and

Whereas, an application has been made to this Board by Firehouse Road Associates, LLC, for approval of a (3) lot subdivision consisting of 6.11+/- acres on 1712-1718 Route 9 and Old Rt. 146;

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 February 27, 2018;

Whereas, pursuant to Section 276 of the Town Law, a public hearing was advertised and was held on February 27, 2018;

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 amendment to the subdivision entitled Firehouse Rd Associates Subdivision consisting of 6.1+/- acres on 1712-1718 Route 9 and Old Route 146 is granted preliminary and final approval conditioned as outlined per a final comment letter based upon satisfaction of the comments offered provided by the Planning Board and professional staff.

Resolution #3 approved

Ayes: Ms. Bagramian, Mr. Andarawis, Mr. Neubauer, Ms. LaSalle, Mr. Jones, Mr. Ophardt, Mr. Ferraro

Noes: None

Rocco Ferraro,



Chairman