

One Town Hall Plaza  
Clifton Park, New York 12065  
(518) 371-6054 FAX (518)371-1136

PLANNING BOARD

ROCCO FERRARO  
Chairman

PAUL PELAGALLI  
Attorney

MARGARET SPRINGLI  
Secretary



MEMBERS

Emad Andarawis

Michael Hale

Joel Koval

Eric Ophardt

Kim Paulsen

Tom Werner

(alternate) Eric Prescott

**Planning Board Meeting Minutes  
February 11, 2014**

Those present at the February 11, 2014 Planning Board Meeting were:

Planning Board: R. Ferraro, Chairman, M. Hale, J. Koval, E. Ophardt, K. Paulsen, E. Andarawis  
E. Prescott – Alternate Member

Those absent were: T. Werner

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

Mr. Ferraro, Chairman, called the meeting to order at 7:04pm. All in attendance stood for the Pledge of Allegiance. Mr. Ferraro announced that Mr. Prescott would be a full voting member of the Board in the absence of Mr. Werner.

**Minutes Approval**

Mr. Koval moved, seconded by Mr. Ophardt, to approve the minutes of the meeting on January 28, 2014 as written. Ayes: Ophardt, Prescott, Koval, Hale, Paulsen. Noes: None. Abstain: Andarawis

## **II Public Hearings**

### **2013-011 Brooks-Grooms Road**

*Proposed 104-lot cluster subdivision, Zoned: R-1, 504 Grooms Road, Preliminary public hearing and possible determination. SBL(s):277.-3-9*

In attendance representing the project were:

Scott Lansing, Lansing Engineering

Wendy Holsberger, Creighton Manning Engineering

Geoffrey Brooks, Heritage Custom Builders

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

Mr. Ferraro called the public hearing to order at 7:10p.m. The Secretary asked that residents who wished to speak, please add their names to the list provided and come up to the microphone in the order signed. Mrs. Springli explained that this would allow her to publish names and address accurately in the minutes. The Secretary read the public notice as published in the Daily Gazette on February 4, 2014.

Scott Lansing of Lansing Engineering presented the project located at 504 Grooms Road on the southern side of Grooms Road between Lapp Road and Moe Road. The consultant described the existing conditions as having one existing residence and much vegetation with some cleared areas. Mr. Lansing stated that the wetlands have been delineated and added that there are both ACOE and DEC jurisdictional wetlands on the lot. Mr. Lansing clarified that the applicant is actually proposing 103 residential lots in this cluster subdivision with 15,000 SF minimum for each lot, 40' front setbacks and 10' side yards, and 25' rear yard setbacks. The consultant noted that there are planned connections on Grooms Road, Lincoln Avenue, Jarose Place, and Balsam Way and the neighborhood would include sidewalks throughout, a park area in the center and rear open space as well as a buffer along Grooms Road. Mr. Lansing stated that Jed Hayden from the New York State DEC verified on June, 2013 that the wetlands had been re-delineated and he determined that the prior wetlands buffer along the boundary with Jarose Place did not extend into the parcel that would be the Brooks subdivision any longer.

John Scavo read comments from his review letter dated 1/22/2014:

1. Sheets SV-1 & SV-2 show 104 proposed building lots which are inconsistent with SWPPP and other plan set pages that show 103 proposed building lots.
2. Sheets LMG-1, LMG-2, and LMG-3 don't agree with the residential lot numbers designated on sheets SV1 and SV2.
3. Proposed roadway names must be submitted and approved by Sheryl Reed. Once approved the roadway names will have to be added to the plan set.
4. The final subdivision map should display assigned 911 addresses for each lot.
5. It should be noted that Balsam Way, Jarose Place, and Lincoln Avenue should not be used as construction entrances. The primary construction entrance should be off of

Grooms Road.

6. A notation should be added to the plan that states, "If a certificate of occupancy is issued during months not conducive to planting the approved trees for the dwelling lot a certificate of occupancy may be issued. However, the developer will ultimately be responsible to ensure the trees have been planted and installed per the approved subdivision plan prior to the Town of Clifton Park accepting dedication of the public infrastructure.
7. Highway Cross Section – Sheet DT-1, Note 6 should eliminate reference of filter fabric in the example since it is a town standard detail requirement that is not discretionary.
8. A detail for the sidewalk terminations should be shown.
9. Provide for an approved United States Postal Service cluster mailbox detail and design location on the plan and provide verification that it is to the satisfaction of the Clifton Park Postmaster.
10. A notation should be placed on the plan noting the subdivision is located within Stony Creek Park District #1.
11. The notes below should be added to the subdivision plan:  
STANDARD NOTE FOR LOTS IN PROXIMITY TO THE CLIFTON PARK FISH AND GAME CLUB:  
The applicant is aware of the location and operation of the Clifton Park Fish and Game Club, and of the noise generated by the club's normal activity.  
STANDARD NOTE FOR LOTS IN PROXIMITY TO AVIATION ACTIVITY:  
This parcel (Subdivision) 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.
12. A notation should be placed on the plan which notes prior to construction street opening permits shall be obtained from the Clifton Park Highway Department and Saratoga County Department of Public Works.
13. Can the retaining wall identified along Road C into Lincoln Avenue be eliminated through a design change? Since the retaining wall is adjacent to town parkland there is a concern about the long term maintenance responsibilities the Town would assume associated with owning a retaining wall.

Mr. Scavo also noted that comments from the Trails Subcommittee have been forwarded to the Planning Board members and would be held in the project file. The Planning Director also noted that the ECC reviewed the project on 2/3/2014 and had no additional comments.

Mr. Myers submitted comments in a memo dated 2/3/2014

- Discrepancy in site size, 70.6 acres Section 2.1 of SWPPP, 71.03 in Section 5.2
- Fencing will be required around retention basins.
- Gravel access roads are required to provide maintenance at basins.
- Infiltration Basin 1 has no road and road at detention basin 1 does not provide access to all areas of the basin. Access roads to stormwater facilities must be able to hold equipment up to 75,000 lbs.

- All reference to inspections to be done by the town must be removed from the SWPPP.

Joel Bianchi of MJ Engineering and Land Surveying read comments from a review letter written on 2/10/2014

Documents received for our review included the following:

Subdivision Plans entitled, "Grooms Road Residential Subdivision," as prepared by Lansing Engineering, PC, last revised January 6, 2014; "Stormwater Pollution Prevention Plan Brooks-Grooms Road Residential Subdivision," as prepared by Lansing Engineering, PC, last revised January 2014; Response to MJ comment letter as prepared by Lansing Engineering, PC, dated January 8, 2014 and; Response to Town comment letter as prepared by Lansing Engineering, PC, dated January 8, 2014.

Based upon our review of the above documents, we offer the following comments for consideration.

**State Environmental Quality Review**

1. No comments

**Full Environmental Assessment Form**

2. No comments

**Subdivision Plans**

3. The end owner of the proposed drainage easement between lots 83/84/85 and lot 86 should be added to the subdivision plat.

4. As noted in Comment 3 of our November 12, 2013 review, grades at street intersections shall be held to a maximum of 3% for a distance of 100 feet from edge of pavement of the intersecting street, per Section 86-6 D (2) of the Town Code. Detail 4 on Drawing DT-4 and Details 2 & 4 on Drawing PP-5 show the proposed grade for Road C exceeding this requirement.

5. Include a standard detail for the proposed Speed Limit signs and proposed Crosswalk signs, both of which should follow MUTCD standards.

6. A construction detail for the access paths to the gazebo should be added to the plans.

7. As noted in Comment 13 of our November 12, 2013 review, there remains instances where the proposed lot grading results in surface drainage across multiple lots, most notably behind Lots 34 through 44, Lots 47 through 59, and Lots 80 through 82. In order to prevent adverse activities by future land owners that could impact these drainage course(s) and because they are part of the project's overall drainage system, the Brooks-Grooms Road Subdivision entire length of these drainage courses should be contained in easements conveyed to the Town. The easements should extend to a proposed R.O.W. such that the Town can gain direct access for maintenance.

8. The Town's "Typical Loop Road Cross-Section for Cluster Subdivision" calls for subbase to be compacted to 100% maximum density (ASTM D698) whereas the details on DT-1 call for the subbase to be compacted to 95% maximum density (ASTM D598). Please revise.

9. There needs to be a detail showing the interface between the ADA accessible ramps at the wing gutters. The Town's standard wing gutter dimensions do not allow for appropriate design parameters and need to be adjusted at every proposed accessible ramp.

10. The grading associated with the entrance to the development (Road B) appears to result in runoff sheet flowing directly off the pavement and across the sidewalks. This grading should be revised.

11. Please include depth and type of stone for the access roads to the stormwater basins.

12. Detail 3 on Drawing DT-5 is for wood split rail fencing, however Details 1 & 2 on DT-4 call for chain link fencing. Please revise for consistency.

13. Provide an anti-clogging mechanism on Detail 8 of Drawing DT-5.

14. Each stormwater management practice proposed should be labeled on the plans, with consistent nomenclature used in the SWPPP. The infiltration basins are referred to as Trench North, Trench South, and Trench Roads on Drawing DT-5 but not elsewhere; there are also two “Trench South’s” which should be differentiated. Please be consistent with the basins as well.

15. Please reaffirm whether or not the NYSDEC mapped wetland N-8, located to the west and its associated 100-foot buffer is or is not within the project boundaries. If the wetland or 100-foot buffer is within the project boundaries it must be shown to determine if any wetland or buffer disturbances result and/or permitting required.

### **Stormwater Pollution Prevention Plan (SWPPP)**

16. Section 5.2 of the SWPPP references “two distinct drainage points”, while the table in Section 6.2 and EC-1 reference and show five discharge points. The discrepancies in discharge points within the SWPPP need to be resolved.

17. Appendix D of the SWPPP contains the stormwater management calculations associated with WQv, RRv, and Green Infrastructure practices. It is unclear what GI Practices in Appendix D correspond to which stormwater management practices on the plans and elsewhere in the report. Please be consistent with labels, whether it is adding a label to the GI worksheets (i.e. “Trench North”) or adding a label to the labels (i.e. GI “Practice #4”).

18. The “Infiltration Trench Worksheet” for GI Practice #6 within Appendix D indicates a length of 480 ft however Drawing DT-5 indicates a length of 475 ft. The “Infiltration Trench Worksheet” for GI Practice #7 within Appendix D indicates a length of 90 ft however Drawing DT-5 indicates a length of 475 ft. Please revise.

Mr. Ferraro remarked that a number of emails had been sent in to the Planning Department and were forwarded to the Planning Board members for consideration with this project. It was also noted that the emails would be held in the project file during the review process.

### **Public Comment**

Meg Springli read (2) e-mails which had been sent to the Planning Board. The residents were unable to attend the Public Hearing but requested that their concerns be read into the record in their absence.

From Elaine Neiss, 21 Balsam Way, January 23, 2014:

Subject: Statement for Public Hearing on Brooks Grooms Road Development

I request that this statement be read and entered into the public record on the public hearing on the Brooks Grooms Road Development slated for January 28, 2014.

I apologize for not being present for this meeting as I am out of state and appreciate the reading of this statement at the public hearing. Thank you.

Comment:

I would like to state that I am against the connection of the Brooks Development into Balsam Way (Carlson Farms) for the increased traffic and safety issues it would bring into the Carlson Farms development. First, it would most certainly become a thoroughfare and shortcut to Moe Rd as it will cut off the light at the Grooms Rd. intersection. Since 2010, when we moved to Balsam Way there have been at least 4 accidents at the Englemore Rd/Moe Rd curve entrance that I know of. Two of which knocked out our street sign and the utility box. Increasing traffic at that corner is not a wise decision. Even though I live on Balsam, I typically use the Carlson Rd entrance because it is safer when turning. Secondly, I am concerned with the density and quality of homes in the new development and how that would negatively impact our property values. Our lots in Carlson are typically 19,000 sq ft or more and the Brooks Development proposes 15,000 sq ft lots. The Balsam cul-de-sac lots were sold at a premium cost due to the wooded area and privacy they afforded. It is certainly not fair to change the complexion of our neighborhood at the expense of another.

Third, I see the entrance configuration has changed from 4 to 3 points of access. I think it makes more sense to maintain the two Grooms Rd access points and the Lincoln Ave access as that provides a better traffic disbursement to Exit 8.

I would like to see a new plan eliminating the Balsam Way access which leaves the cul de sac in place, perhaps allow a one lane emergency vehicle access point with a gate (similar to the Vistas development) which would also provide a connection to our existing walking trail. This would provide our neighborhood with minimum impact and maintain the quality of life of our residents and I believe still adhere to the town master plan goals.

Thank you.

The second email read:

From: Florence and George Palange, residents of 23 Balsam Way, Clifton Park, NY 12065

February 9, 2014

Subject: Statement for Public Hearing on Brooks Grooms Road Development

Please read and enter this statement into the public record on the public hearing on the Brooks Grooms Road Development slated for February 11, 2014.

We apologize for not being present for this meeting as we are out of town. We appreciate the reading of this statement at the public hearing.

We have been residents and taxpayers of Clifton Park for over forty years. We have resided in Carlson Farms since October 2010. We selected to reside in Carlson Farms for its quiet, uncrowded location. Furthermore, we selected a lot on Balsam Way because it was a cul de sac which is even more desirable for us. Now, the atmosphere of our neighborhood may all change.

We have great concern that our neighborhood will be negatively impacted by connecting Balsam Way to the Brooks Development. We fear that Balsam Way will become an attractive short-cut for motorists wanting to avoid the traffic light at Moe and Grooms Road which backs up with vehicles daily during the rush hours. We are sure we would not only have the additional traffic from the Brooks neighborhood, but would also attract commuters taking short-cuts to and from the Northway. This increased traffic poses a serious danger for our children and seniors who walk on our narrow (25 foot) road. Additionally, vehicles parked on the road and winter snow piles will pose dangers for the commuter traffic that we will unquestionably attract. This especially impacts the intersection at the curve on Moe Road where Balsam Way enters. There have already been accidents at that location and if this connection is approved, it will definitely exacerbate an already unsafe intersection.

It seems unnecessary to have so many road connections from the Brooks development. This has not been done in other new developments. We feel that the proposed connection through Carlson Farms is extremely dangerous and the worst of the proposed choices. As evidenced by our petition submitted previously, the Balsam Way connection is clearly against the will and wishes of the residents and voters of Carlson Farms. The Planning Board members, as our representatives, must consider the opinions and wishes the Carlson Farm voters and not connect Balsam Way to the Brooks Development.

The following residents provided verbal comments at the Public Hearing:

Richard D'Aleo, a resident of 6 Evergreen Avenue expressed the following concern(s):

- Traffic on Grooms Road (especially since opening of 8A)
- Traffic at Evergreen Avenue and Grooms Road intersection
- Traffic management from adult care facility

Alan Burke, resident of 13 Jarose Place, expressed the following concern(s):

- Loss of home quality
- Loss of privacy
- Less community bonding, change in neighborhood character
- Traffic on Grooms Road
- Construction traffic
- Loss of Real estate value
- Loss of cul-de-sac
- Clear cutting and plan to replace trees

- Alternatives to connector roads (suggested bike path or emergency vehicle access gate)

Diane Sautter, resident of 31 Balsam Way in Carlson Farms, directly adjacent to rear of subdivision, expressed the following concern(s):

- Largest buffer possible between her lot and the nearest residence in the Brooks subdivision
- Loss of privacy
- Loss of cul-de-sac
- Questioned applicability of Town Code Chapter 179C regarding local through traffic
- Accidents on the curve on Moe Road
- Cluster mailboxes - prefer location not near her yard

Paul Coons, resident of 4 Balsam Way in Carlson Farms, expressed the following concern(s):

- Chapter Town Code Chapter 179C
- Sidewalks - destinations, maintenance and snow removal plan
- Forever wild section
- No connection between multi-use paths in Carlson Farm and Brooks subdivision
- Gazebo maintenance
- Loss of cul-de-sac
- Accidents on the curve on Moe Road
- safety and security of existing homeowners
- LEED practices with new homebuilding not evident

Joanne Coons, resident of 4 Balsam Way in Carlson Farms submitted a folder from Mary VanNess to be filed with the project and summarized the following concern(s):

- Traffic
- Emergency vehicle only connector on Balsam Way
- Traffic calming measures on Balsam Way
- Two egresses on Grooms Road.

Chris Klucka, resident on 8 Maryanne Drive stated that he loves the location and the small community in Presidential Estates with the town park and expressed the following concern(s):

- Park safety with added road at Lincoln Avenue
- Traffic increase

Mike Bayer, resident of 20 Greenlea Drive, expressed support for this type of project and expressed the following concern(s):

- Difficulty downsizing and staying in Clifton Park



- Prefer smaller lot, near their church and friends
- Prefer empty nester home, one floor living

James Seaman, resident of 5 Evergreen Ave. stated that many of his concerns were already addressed by previous speakers, but emphasized the following:

- Traffic at Grooms and Evergreen
- Clear-cutting of trees
- Loss of animal habitat
- Blowing sand and dust from clear-cutting and loss of topsoil
- Construction noise and vibrations

Douglas Conlan, resident of 36 Huntwood Dr. since 1976 expressed the following concern(s):

- Questions raised, but no answers given
- Opportunity to look at all the information
- Questioned traffic studies
- Questioned notification letter and process
- Negative declaration pursuant to SEQRA adopted before public hearing tonight
- Requested that the Planning Board review comments, concerns and review them carefully prior to decision making.
- Cut-through traffic
- Preferred no trails in Open Space
- Clear-cutting of trees especially in Open Space

Yutao Zhou, resident of 25 Balsam Way expressed the following concern(s):

- Negative impact to safety
- Negative impact to security
- Negative impact to property value
- Traffic shortcuts
- Attractiveness to criminals
- Prefer trail connections
- Prefer emergency vehicle access only

Lauren Gay, resident of 17 Jarose Place, in Sunset Woods expressed the following concern(s):

- Clear-cutting of trees
- Requested added trees near the existing homes.
- Traffic
- Road connections

- Loves connection of trails.
- Being mindful of existing homeowners and taxpayers

Sam Sopok, resident of 23 Jarose Place in Sunset Woods, expressed the following concern(s):

- Commuter traffic
- Wait times
- Left turns
- Evergreen Dr. intersection
- Grading in traffic study as "FAILED ", asked Board to acknowledge that the intersection would be made worse not merely maintained.
- Questions Town Code Rule 179C discouraging cut-throughs
- Clear-cutting of trees
- Questioned contour lines and drawings
- Asked for easement to be clarified on plan
- Requested added trees near the existing homes.

John Piekarski, resident of 13 Balsam Way in Carlson Farms expressed the following concern(s):

- 100% opposed to neighborhood connection
- Loss of cul-de-sac
- Questioned the studies
- Commuter traffic during peak hours
- Accidents at corner of Moe
- Existing residents and voters desires to be considered

Anthony LaFleche, resident of 21 Wheeler Drive, and member of the Trails Subcommittee, suggested a trail along Grooms Road in addition to internal trails. Mr. LaFleche added that he would like to see the applicant keep sidewalks on both sides of the internal streets and make sure they meet up all the way to the external connections. Then, the speaker stated that there is a need for crosswalks and signage for a pedestrian right of way. Next Mr. LaFleche asked if there could be a bike rack installed near the gazebo. Lastly, he proposed that the Carlson Farm trail should have a connection to the sidewalks.

Mr. LaFleche stated that as a Clifton Park resident he had the following concern(s):

- Traffic on Grooms Road
- Bikepaths should connect to adjoining neighborhoods
- Clear-cutting of property from 75% wooded to 15% wooded
- Loss of value, beauty, cooling and privacy
- would like one straight road to Brooks rather than the curved entry

Scott Herman, resident at 21 Jarose Place expressed the following concern(s):

- Clear-cutting of trees
- Drainage problems increasing in his yard which is lowest in neighborhood
- Loss of animal and bird habitat

The Planning Board Chairman asked for response from the engineer before closing the public hearing.

Scott Lansing stated that a full SWPPP plan has been prepared and stated that any new development cannot be designed in such a way that it would worsen existing drainage. Next he stated that runoff reduction and infiltration should occur at the upper reaches of the water which should lead to added infiltration areas. Mr. Lansing also stated that the applicant will try to retain as much vegetation as possible.

Wendy Holsberger, of Creighton Manning Engineering said that the traffic study does not state there will be no increase in traffic on Grooms Road and then she stated that the study concluded that the magnitude of volume did not warrant offsite mitigation for this project. Ms. Holsberger explained that the study assumed a worst-case-scenario of 100% of the traffic exiting onto Grooms Road in order to project the maximum number of trips possible at those intersections and added that that does not mean that it is accurate to quote that no traffic would go to the local neighborhoods.

In response to Mr. Ferraro's question regarding the impact at Evergreen Drive, Ms. Holsberger stated that there would be some increase in delays to Evergreen and added that the intersection is already rated "F" and that level would be maintained. The traffic analyst next stated that left turns will be more impeded. Board members asked if the study included traffic going through connected neighborhoods, such as residents of Jarose Place making right hand turns or even cutting through to Lincoln Ave. Ms. Holsberger again stated that the study assumed all traffic would exit on to Grooms Road, but that from an access management standpoint, connectivity is desired and added that traveling slower through neighborhoods would not become the preferred route but would benefit existing neighborhoods when looking at the bigger picture. Mr. Ferraro stated that when surrounding subdivisions were approved, those connections were designated as paper streets in anticipation of future development there and for purposes of interconnectivity. The chairman noted that those stamped subdivision plans surrounding this parcel stated that there would be connections at each one of these points at the time the subdivisions were approved and if due diligence was done, a look at the subdivision maps regardless of the neighborhood would indicate that these connections were to take place upon development of this particular parcel under review.

Mr. Lansing added that stop sign controls could be added to the plan as desired by the planning board and staff and stated that the Highway Superintendent had agreed to leaving the circle on Balsam Way.

Douglas Conlan, 36 Huntwood, repeated his concern regarding:

- Traffic study assumption of 100% of traffic on Grooms Road
- Change of road type definitions

Ms. Holsberger responded that it was to study maximum worst case scenario of the most critical roadway and that the internal intersections do not meet the minimum thresholds for analysis in a traffic study.

Mr. Ferraro inquired about safety issues on a cul de sac versus connecting roads between neighborhoods. The chairman mentioned a study he believed was undertaken in Niskayuna a number of years ago that concluded there was more of a safety issue with children living on cul-de-sacs, because the children thought of the streets as an extension of their yard and that accidents might be more likely to happen than on a through street. Mr. Ferraro stated that he felt that kids should not be playing on streets regardless of the type of street. Ms. Holsberger responded that she did not have any statistics readily available to quote but that she had read similar reports that a false sense of safety could exist when there was a lack of through traffic.

Mr. Hale stated that he thought these roads would be avoided as a cut-through. Ms. Holsberger said that the curvatures and winding nature of the roads lend themselves to slowing and calming traffic.

Lauren Gay, spoke again and asked

- How to keep connections secret to those outside the neighborhoods

Mr. Koval stated that residents within the neighborhoods would benefit the most, not an outsider driving through, adding that Meadow Estates, Summerhill, The Oaks, and Four Leaf Manor are four neighborhoods that are connected through the efforts of the Planning Board and developers so people living in the neighborhoods could move amongst the neighborhoods without having to travel out into the busy main road to do so. Mr. Koval then said that they were not talking about a through street that was originating from the outside to drive into a neighborhood and continuing to somewhere else outside of the neighborhoods.

Mr. Hale stated that he felt there was a tendency to seek the easiest most direct routes rather than something that curves and turns through small streets.

Rose Sopok, resident of 23 Jarose Place expressed the following concern(s):

- Safety of children from Daycare Center who play on the street all the time, in the parking area and the building, Mr. Ferraro questioned why children were playing in the street.
- Loss of cul-de-sac
- Excessive speed with connections

Lynn Faranaccio, one of the owners of the property, has lived in Clifton Park for more than 50 years, stated that when the property was put on the market, the developers of Presidential Estates and Carlson Farms approached the owners about possibly continuing their neighborhoods and connecting to them. Ms. Faranaccio commented that there had been concerns about the traffic, loss of trees, habitat and safety when their neighborhoods were in the planning stages as well.

Several residents repeated their earlier concerns that peak hour traffic on Grooms Road was dangerous and left hand turns were particularly problematic.

Mr. Ferraro stated that he had not experienced that issue when he used it although he did not drive it at that exact time on a daily basis adding that when there are accidents he said that he had witnessed the problems of backing up and he felt left hand turns would be a problem.

Mr. Conlan, spoke again, stating that he worked for the Federal Highway administration as a highway engineer, and stated the study was fundamentally wrong and that it does not take into account traffic going through the neighborhoods that is generated or destined outside the neighborhood.

Mr. Alan Burke, a resident on 13 Jarose Place, expressed the following concern(s):

- Traffic backing up
- Shortcuts
- Police monitoring

Pat Rostadt expressed the following concerns:

- Right hand turns onto Grooms
- Left hand turns onto and off Grooms
- Plans at the county level to make improvements on Grooms?
- Where are the 25 acres of trees to remain mentioned in SEQOR

Mr. Lansing stated that 14 acres in the back Open Space area and 1 acre buffer along Grooms would remain.

Joanne Coons asked if additional scientific traffic study impacts could be done with the other roads considered.

Mr. Ferraro stated that the proposal is less than the present zoning would allow 122 vs. the 104 units proposed and that neighborhood connectivity should actually decrease some of the traffic onto Grooms Road.

Ms. Holsberger readdressed those present and stated that the engineering study mentioned that the level of traffic through those connections did not meet NYSDOT thresholds for detailed traffic analysis and stated that even at Evergreen it would not change the current level of service. Mr. Ferraro stated that based on feedback obtained from the public during the concept phase of the subdivision review, some traffic calming measures are being instituted such as retaining the circle at Balsam Way which should cause drivers to slow down and the addition of some stop signs at intersections.

Mr. Seaman asked for the results at the Evergreen intersection. Ms. Holsberger stated that there was a failed level of service in the morning and that poor level would be maintained. Mr. Seaman responded that it would be made worse not maintained. Mr. Ferraro stated that there is a right to develop on that land per the zoning, and that it could be up to 122 homes and the

developer is requesting 103. Mr. Seaman stated that doesn't help the residents of Clifton Gardens who all exit at Evergreen Avenue and adding hundreds more cars. Mr. Seaman asked what could be done for the existing residents.

Mrs. Sopok asked if a traffic light could be put in at Evergreen. Then she questioned why 103 houses were being crammed in and suggested that the developer could build only 50 and that it should fit without problems.

There being no more comments, Mr. Koval moved and Mr. Hale seconded closing the public hearing at 9:18pm.

### Planning Board Discussion

Mr. Koval replied to the last comment that our town is a town of laws regarding property rights. The board member added that Town Zoning allows 1/2 acre lots and per Town Code could allow up 120 lots in a much less attractive subdivision with straighter roads and the Planning Board felt this was a much more reasonable fit with fewer homes on this parcel.

Mr. Hale stated he was involved as a consultant in the planning process of Presidential Estates and Countrymen Estates and the loss of trees was just as contentious then as it is now. Mr. Hale stated that he researched the amount of trees lost from the 1940's through the 1980's . Since Clifton Park had been mostly farmland, most of the forest we see today is relatively new forest. In fact, he stated that the amount of trees had increased dramatically because subdivisions replaced farmfields and the trees planted in backyards were no longer new but mature trees. Mr. Hale also questioned the stormwater drainage practice that requires removal of trees and asked that the project engineer reexamine the necessity of the perimeter of trees being lost.

Mr. Lansing stated grading had to be done in this fashion so that green infrastructure requirements were met for the SWPP. Mr. Lansing stated that the applicant can try to preserve as much as possible.

Mr. Ferraro stated he was concerned about the buffer, adding that he thought trees would absorb water, a natural way to address stormwater. The chairman further stated that he understood that it was required with new regulations that stormwater runoff from one property could not affect the neighboring property but he felt that there was also a need to balance the natural landscape with the designed drainage. Mr. Ferraro also commented that in the concept sketches previously submitted, he had preferred the proposed cluster layout that preserved more of the natural environment than what the current submittal is showing. Mr. Ferraro added that he would not ask for a permanent buffer and that the homeowners would have rights to use and even clear their yard just like their neighbors, but would like for the clearing limits to be delineated to provide for more of a protective buffer along the rear property lines than is presently shown during the building process.

Mr. Lansing stated that forest would have a higher infiltration rating than grass, but that grading depressions would require trees to be cut. Mr. Lansing also stated that the engineers

would examine the area to see if some of the drainage basins could be combined to save more of the trees.

Mr. Ferraro asked about the existing topography relative to Jarose Place and Mr. Lansing replied that a channel with a swale was designed in the rear of the yards which would require clearing periodically to maintain drainage. Mr. Lansing explained that homeowners would own the properties but that easements would be conveyed to the Town so that drainage could be maintained, adding that homeowners would not be allowed to fill in or build in those easements. The restrictions associated with the easement would be identified on the subdivision plans as well as spelled out in each individual deed

Mr. Ferraro indicated that not all the submitted plans stated the purpose of the access road to the stormwater area and therefore abutting homeowners purchasing those lots may not know that it is not their property and that it is for public access to the stormwater area and the adjacent open space. Mr. Ferraro said it was imperative that the developer designate and make clear, on any maps that might be shown in marketing the property, the purpose of those parcels of land. The chairman also stated that, although it did not directly pertain to this subdivision, in the review of future subdivisions, any time there is a proposed stub street that there should be a physical barrier on the site indicating that a future road would go in and that all plans clearly identify the future street connection. This should eliminate the surprise to anyone purchasing a home in an abutting subdivision about a future road connection when the adjacent parcel is developed in the future.

Next, Mr. Ferraro asked about trail connections to existing trails in surrounding neighborhoods and said he would like to see that identified on the plan, in particular, the connection of the open space area to the Balsam Way Trail. Mr. Lansing replied that they could connect to the stormwater trail and to sidewalks.

Mr. Ferraro asked about ownership responsibilities of the sidewalks, gazebo and Open Space and Mr. Lansing replied it could be dedicated to the town possibly for a future multi-use trail. The consultant also stated that the town, the park district or an HOA could be responsible.

Mr. Scavo said Stoney Creek Park District #1 already includes this parcel and that there had been no discussion to date regarding this subdivision but as a general rule park districts are not opposed to adding users.

Mr. Lansing stated that the park district or the HOA could maintain the sidewalks. Mr. Scavo noted that there were no park districts that were currently responsible for sidewalks but the highway maintains some trail systems that is then billed to park districts, or it could be contracted to a private entity and then billed to the park district. Mr. Pellagalli stated that HOA's can fold so that he felt that the park district is the best vehicle and that the town does not have a law addressing sidewalk maintenance and liability. Mr. Ferraro then asked if any children's play equipment was planned in the park near the gazebo. Mr. Lansing said if it was in a park district that it could be considered and he would discuss it with the developer. Mr. Ferraro asked for a couple small pieces to be placed there.

Mr. Hale followed up on the trees and asked for some native plantings on the open spaces rather than just turf or grass alone. The board member suggested considering white oak, red maple, willow or dogwoods which can grow rather quickly, and are native trees that are readily available.

Mr. Koval asked what the challenge would be of pulling homes in closer to increase the buffer on the outer edge. Mr. Lansing said he will look at increasing landscape buffers on the edge before changing the configuration of the lots and relocating the roads because the drainage is important.

Mr. Ophardt asked for some clarification of the drainage basins which were described as overland flows. Mr. Ophardt also noted that relative to the marking detail for a crosswalk on sheet 19, detail 8 that he would prefer a ladder style rather than the diagonal crosswalk for better durability.

Mr. Ophardt asked about posting speed limits at 20mph noting that was allowable only in a school area. Mr. Lansing said the plan shows 30 although a resident requested 20. Mr. Ophardt suggested one sign stating all area 30 mph rather than multiple signs.

Mr. Ferraro asked about the cluster mailboxes. Mr. Scavo stated that there are some standard notes that can be put in the plan regarding the maintenance and responsibility for the structure that is being mandated by the US Postal Service..

The applicant was then asked by the chairman to come back with its next submittal with responses to the comments made at the meeting. Mr. Ferraro stated that the Planning Board would like the connections to be maintained as well as some of the existing tree coverage.

Mr. Conlan asked if answers would be published. Mr. Ferraro commented that there would be at least another meeting before any decision is made on the project. Mr. Scavo stated that minutes would be published on the website and the applicant will review the minutes as well as comment letters in trying to develop his next plan. Mr. Koval mentioned that there were no more notification letters required to be sent out and that residents should check [www.cliftonpark.org](http://www.cliftonpark.org) for the Planning Board Agendas to determine the next time the project is submitted for planning board review and attending the meetings would be the best way to find out how concerns have been addressed as it moves through the review process. Mr. Ferraro stated that he felt that although not everyone liked the replies, that everyone had been heard and that each comment had been given consideration. The chairman added that the members would not be responding to each email individually but that they would be reviewed with the Director and the applicant while addressing the proposals, and added to the file. The secretary then explained that final agendas were posted the Thursday or Friday prior to each planning board meeting.

The planning board took a 10 minute break and resumed at 10:05pm.

**2013-018 Park View Estates** – proposed (4) lot subdivision, zoned R-1, Longkill Road, preliminary review with possible determination.



Elliott Fishman with Santo Associates, stated that he was filling in for the Project engineer Drew Schauffert, as he located the proposal on the map. Mr. Fishman stated that a multi-use path was being added along Longkill Road by the developer of Kain Terrace with easement agreements for the path and also that an easement was granted for access to the sewer main on Kain Terrace for the Park View Estate residents as it has not been conveyed to the town at this time. Mr. Fishman also noted that the grading plan had been revised slightly and that there is confirmation of an agreement being reached for the encroachment by one of the abutting neighbors.

#### Staff Review

John Scavo read the following comments from a letter dated 1/22/2014:

1. The final subdivision map should display assigned 911 addresses for each lot.
2. Based on new standards promulgated by the Postmaster General a cluster mailbox may be required for the new homes. Prior to stamping the final plan provide written verification from the Ballston Lake Postmaster if cluster mailboxes will be required or not for this project. If required, Provide for a cluster mailbox detail and design location on the final plan and provide verification that it is to the satisfaction of the Ballston Lake Postmaster.
3. Add a note to the plan which states, "Prior to work within commencing with a public highway and its Right-Of-Way the applicant shall obtain a Right-Of-Way (ROW) Work Permit from the Town Highway Superintendent.
4. The final review letter will outline the process of conveying a R.O.W. for the proposed multi-use pathway.
5. It is recommended that the parkland fees be waived for the project since the developer has worked with the adjacent property owner to accommodate a multi-use pathway desirable to the community.
6. A note should be added to the final plan which states, "The parcels are to be included within Longkill Park District #1".

The ECC issued minutes from its meeting on 2/4/2014 with the following comment:

- The ECC recommends that the applicant limit the removal of existing vegetation and grading at the rear of each lot in order to mitigate stormwater runoff as shown on the proposed drainage and grading plan.

Steve Myers issued a memo on 2/3/2014 with the following comments:

- Soil restoration at the front of the houses where the driveways are not installed should also occur
- Address of lot 4 will be Kain Terrace. The rest will be Longkill.
- Should sewer tie in to manhole rather than three lines adjacent to each other or perhaps a new manhole.
- Lots 3 & 4 show foundation drains towards Longkill. It is unclear where they discharge. Lots 1 & 2 do not show drains other than around house. All foundation drains are required to discharge to storm

Mr. Ferraro asked if parkland fees should be waived in lieu of the easement for the multi-use path. The planning board members indicated that they felt that was reasonable.

Joel Bianchi of MJ Engineering and Land Surveying issued a review letter dated 2/10/2014 with the following comments:

**State Environmental Quality Review**

1. No additional comments.

**Short Environmental Assessment Form**

2. No additional comments.

**Subdivision Plans**

3. As noted in Comment 11 of our July 5, 2013 review and Comment 5 of our September 5, 2013 review, all lot grading shall be such that drainage is directed away from the homes and towards lot lines and ultimately to an approved drainage course as required by Section 86-7(A)(5) of the Town Code. The submitted grading plan substantially conforms to this requirement with the exception of the grading between Lots 1 and 2. The grading between the lots needs to be modified such that surface runoff is substantially directed along lot lines and not onto an adjacent lot.
4. As noted in Comment 12 of our July 5, 2013 review and Comment 6 of our September 5, 2013 review, should any basement sump pumps be deemed required under the criteria stated in Section 86-7(A)(6) of the Town Code, their end discharge locations need to be noted on the plans. The plans now indicate the proposed locations of foundation drains with lot 3 and 4 deemed acceptable. However, Lots 1 and 2 discharge to the rear of the yards and potentially onto adjacent properties. Lot 1 and 2 should attempt to discharge in the same manner as Lot 3 and 4.
5. As noted in Comment 11 of our September 5, 2013 review, Town staff previously noted that Kain Terrace, while planned for conveyance to the Town as a public right of way, is still privately owned and that the applicant may have to secure an access easement for the proposed driveway accessing Lot 4. The applicant should provide the Town an update regarding discussions with the private land owner of Kain Terrace to ensure access is retained over the private roadway if not conveyed to the Town as a right of way in the near future.

**Stormwater Pollution Prevention Plan**

6. No additional comments.

**Public Comment**

Bill Lorensen, resident of 14 Hearthiside Drive expressed the following concerns:

- SWPPP was incomplete
  - J. Bianchi replied that it now is
- Quoted minutes of 9/11/2013 regarding the runoff from Kain had not been resolved and asked for an update before these four homes add to it.

- Mr. Scavo responded that drawings had been reviewed and approved and that once the town designated engineer has field-verified it, the design detail would be added to the plans.

Mr. LaFleche remarked that he was pleased to see the trail and asked if the width was 8 feet and it was confirmed.

Gayle Gendron asked for assurance about her utilities during the construction as had been made during the Kain subdivision. Mr. Scavo said Dig Safely will mark it and the contractor has to take measures to ensure that any work is done properly. After discussion with staff and board members, Mr. Ferraro concluded that there could be no guarantees to ensure that it would never be interrupted temporarily, but that if it was, the party responsible for the interruption will repair it, and a note would be carried forward from the Kain Subdivision plan to this one.

Mr. Koval asked about pavement markings and Mr. Fishman stated that Kain development will have that detail as they are installing the trail and crosswalk. Mr. Scavo stated that this project only shows the easement and Kain Preserves will be submitting the trail detail which will be reviewed administratively and attached to the Kain project file.

Mr. Ferraro asked if the trail would be done prior to homes being built. Mr. Scavo stated that the builder wants it to be done this year.

Mr. Ferraro asked how much of the site would be cleared. The applicant agreed to clearly delineate the clearing boundary on the plans prior to final submittal and approval. Mr. Fishman submitted a proposed grading and drainage plan.

There being no further comment, Mr. Ophardt offered Resolution #3 of 2014, seconded by Mr. Andarawis, to waive the final hearing for this application for a (4) lot subdivision to be known as Park View Estates, and to grant preliminary and final subdivision approval condition 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. Ayes: Mr. Prescott, Mr. Hale, Mrs. Paulsen, Mr. Koval, Mr. Ophardt, Mr. Andarawis, Mr. Ferraro. Noes: None.

Mrs. Paulsen thanked the people who stayed through the earlier public hearing meeting.

**2013-039 1750 Route 9 Retail** – Proposed 12,000 SF commercial plaza, Zoned: B-4A, 1750 Route 9, preliminary site plan review with possible determination.

Robert Osterhoudt of Bohler Engineering representing the applicant, David Green, described the proposed project as being located on a pad site in front of Tractor Supply which is largely the same as it was presented last in December 2013. Mr. Osterhoudt stated that variances were granted by the Zoning Board of Appeals, the SWPPP had been submitted, and utilities have been planned as previously approved with the Tractor Supply project. Mr. Osterhoudt stated that a shared access drive with Tractor Supply and Cap Comm would be used internally and the

project was not proposing a direct access drive to NYS Route 9. The proposal is a for 12,000 SF multi-tenant building with a drive through potentially depending on future tenants which are not yet definite. The consultant stated that the footprint of the building would not change but the exact bumpout for drive-up might be adjusted and that there was enough parking on site for proposed uses, as well as some land-banked spaces toward the rear of the site. Next, Mr. Osterhoudt stated that a public sidewalk along Route 9 was proposed for the project site and in the DOT right-of-way and sidewalk connections to the building will be privately owned and maintained while the Route 9 sidewalks will be maintained by the Town. The consultant noted that there was over 35% green space in the overall project although not on this particular lot, so variances were sought and granted.

## **Staff Review**

The ECC held a meeting on February 4, 2014 and issued the following comments:

1. The ECC recommends, as outlined in the Town Comprehensive Plan, that the Applicant use landscaping and grading to provide visual and auditory buffering between the project and Route 9 roadway.
2. In the event that the property is utilized for food service, the ECC recommends the applicant enclose the area (i.e. roof) on an impervious surface with a berm surrounding the dumpster(s) that accept food and liquid wastes. If necessary, the tenant will need to periodically pump out the accumulated wastes within the bermed area to avoid any overflow. In addition, special application for planning board approval would be required in the event a rendering dumpster is needed onsite.
3. The landscaping plan should be reviewed to ensure that it meets the minimum acceptable size for visual buffering.
4. Due to the concerns of maintaining adequate landscaping, the applicant should review with the Planning Board the plan for snow storage onsite or offsite removal.

Mr. Ferraro asked what a rendering dumpster was and Mr. Scavo stated it was a small dumpster where fat and grease would be disposed and prevents any chance of it getting into stormwater drainage.

Steve Myers issued a memo on 2/3/2014 with the following comments:

- Building permit including asbestos abatement as needed will be required for the existing structure.
- Although not noted, the proposed full basement for the building may require the building to be sprinklered.
- A maintenance agreement with the town will be required since the property owners will maintain the stormwater facilities.

MJ Engineering

State Environmental Quality Review

1. No comments

Short Environmental Assessment Form

2. No comments

#### Site Plans

3. It is understood that the Zoning Board of Appeals has granted area variances for the project. If not noted on the plans, please list all area variance granted for reference.
4. A construction detail for the proposed prepackaged sewer pump station should be included with the plan set.
5. A construction detail for the proposed sanitary sewer manhole should be included with the plan set.
6. The proposed temporary sediment trap shown on the Soil Erosion & Sediment Control Plan has been shown with a top elevation of 336. This elevation is higher than the surrounding existing elevations (335±) which will make directing surface runoff during construction into the trap difficult. The applicant should add to the plan temporary swales conveying runoff to the trap, and demonstrate how the elevation of the trap will function throughout the duration of construction.
7. The applicant's comment response letter, response no. 16 to MJ Engineering's letter, indicates that sprinklers are not required within the building. However the proposed 6" DIP waterline servicing the building is labeled as a domestic and fire service line on the Utility Plan. This discrepancy should be resolved.
8. The proposed sanitary lateral and storm line crossing to the west of the building, between the proposed pump station and building, may be in conflict once accounting for pipe thicknesses. The applicant should ensure adequate vertical separation exists for construction and compaction around the pipes, as necessary.
9. The plans need to indicate the proposed location for a Knox Box or notation indicating final location shall be reviewed and approved by the responding fire department as part of the building permit process.
10. Appropriate cross walk markings may be appropriate at the southern most section of the sidewalk along Route 9, even though there is no sidewalk that continues. Further, either the accessible ramp needs to be moved east or the stop bar within the entrance moved west such that the crosswalk is not in conflict with vehicles waiting to exit the parcel.

#### Stormwater Pollution Prevention Plan

11. The applicant should verify the designed stormwater management facilities shown in the provided Tractor Supply Company (TSC) project's SWPPP match the as-built condition. Any field changes to the previously approved infiltration basin dimensions should be accounted for in the proposed project's stormwater calculations.
12. The SWPPP provided with this application indicates post construction stormwater controls are not required as the stormwater management facilities associated with the previously constructed TSC project had been designed to accommodate the build-out of the proposed project site. Upon review of the proposed impervious cover indicated on the provided NOI (1.2± acres) and referenced in the previously prepared SWPPP for the TSC project (1.4± acres), it appears as though the future impervious cover associated with this project has been adequately accounted for by the TSC project's stormwater facilities. However, the applicant should provide a calculation indicating that the WQv (and RRv) associated with the proposed project have been adequately met in the TSC's infiltration basin. The calculation should demonstrate how the total WQv associated with the TSC project plus the proposed project's total WQv (increased by 10%) are being infiltrated

through the existing infiltration basin using its as-built dimensions. Note, the 10% increase on the proposed WQv is because infiltration practices receive RRv credit at a rate of 90% of the WQv. Any unreduced portion of the required WQv must be accounted for through additional green infrastructure measures or by acceptable justification stating why the entire WQv could not be reduced in accordance with the requirements specified in the NYSDEC Stormwater Management Design Manual.

13. Due to the nature of the project utilizing previously approved and constructed stormwater management facilities, the applicant should make note on the proposed NOI to such effect. The stormwater sizing criteria (Questions 27 through 39) should be completed as if the TSC project and this project were being proposed as one single project. Therefore the combined WQv, RRv, CPv, 10-year, and 100-year rates and volumes for both the TSC and this project should be input into the NOI. Additionally, the applicant should add notation in question 39 stating the following:
  - (a) Provide a brief summary stating the proposed project is a “later phase” of a previously approved project.
  - (b) Indicate the previous TSC project’s name and SPDES number.
14. The TSC SWPPP has been provided as an appendix in the proposed project’s SWPPP. However, the postconstruction HydroCAD calculations appear to be incomplete. There are portions of the 1-, 10-, and 100- year routing events that are not included. The applicant should add these pages to the SWPPP.
15. There needs to be confirmation that the existing stormwater maintenance agreement for the on-site stormwater facilities also includes the owner/developer of this project. If it does not, it is recommended that it be amended to do so.

### **Public Comment**

Anthony LaFleche asked who the tenants would be. Mr. Osterhoudt said that he was not authorized to disclose that at this time, then he showed some architectural facade renderings with front elevations from different perspectives.

### **Board Comments**

Mr. Ophardt asked if NYSDOT had approved the sidewalk, and Mr. Osterhout stated that DOT was in agreement with the plan.

Mr. Andarawis remarked that it might be nicer to land-bank some of the parking spots on Route 9 and add some landscaping. Mr. Osterhout stated that the tenants would need parking close to their front doors and added that by not having the curb cut there, they have a substantial amount of greenspace up front. The consultant felt that changing parking might hinder retailer and future tenants being attracted to the site. Mr. Ferraro would like to see added landscaping in the lawn area with some trees. Mr. Osterhout showed where it might be possible to add some. The chairman asked that Mr. Hale and Mr. Scavo could possibly review it with the design consultant. Mr. Hale provided some recommendations and agreed to review the revised landscape plan with Mr. Scavo prior to final approval.

Tom Werner sent in a comment email questioning the egress and ingress on the two drives suggesting that the consultant consider making it one way on each drive. Mr. Osterhoudt responded that after examining that option, they would actually have to change the parking

layout and end up with greater impervious surface. Mr. Ophardt stated that he also preferred the one-way flow. After discussion other members of the board stated that if the building was much larger, that it would be desirable but that for this project it did not seem as though it would be that much traffic. Mr. Scavo stated that he liked the flow and dual cross access easements. Several members indicated that they preferred less impervious surface.

Mr. Hale moved, seconded by Mrs. Paulsen, 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. Andarawis moved, seconded by Mr. Ophardt, to grant preliminary and final site plan approval to this application conditioned upon satisfaction of all comments provided by the Planning Department, Town Designated Engineer, and all items listed in the final comment letter issued by the Planning Department. The motion was unanimously carried.

### **New Business – None**

### **Discussion Item**

The Town Board passed a resolution to refer a PDD application from Nigro Companies to the Planning Board for recommendation purposes. It will be considered at the planning board review meeting on March 11, 2014 and would be the first item heard under New Business.

Mr. Koval moved, seconded by Mrs. Paulsen to adjourn the meeting at 11:15pm. The motion was unanimously carried. The next meeting of the Planning Board will be held as scheduled on February 25, 2014.

Respectfully submitted,

Margaret L. Springli  
Secretary