

**One Town Hall Plaza  
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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

Those present at the May 13, 2014 Planning Board Meeting were:

Planning Board: R. Ferraro, Chairman, M. Hale, J. Koval, E. Ophardt,  
K. Paulsen, T. Werner

Those absent were: E. Andarawis, E. Prescott – Alternate Member

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

The chairman, Mr. Ferraro, called the meeting to order at 7:05pm. All stood for the Pledge of Allegiance. Mr. Ferraro reminded Planning Board members that this coming Thursday 5/15 is the deadline to register for the Planning and Zoning conference at HVCC and John Scavo has registration forms if anyone is interested in attending next week.

The chairman stated that the minutes from the last meeting will be voted for acceptance at the next meeting.

## II. Public Hearing

### **2014-019 Gleason/Campion 2-Family Residence Special Use Permit**

Proposed construction of a 2-family dwelling, Zoned: R-1, 6 Englemore Court, Preliminary public hearing for a Special Use Permit with possible determination.

Mr. Ophardt moved, seconded by Mr. Werner 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.

The secretary read the public hearing notice as it was published on May 8, 2014 in the Daily Gazette.

Chris Semenza represented the applicants, who propose to build an addition on an existing single family home to allow a family member to live nearby but still maintain her independence.

#### Staff Comments

John Scavo, Planning Director stated that comments from the Trails Subcommittee were forwarded to planning board members prior to the meeting. Mr. Scavo offered the following comments:

- Per the referral from the Town's Chief Zoning Officer – Steve Myers the proposed use is subject to the provisions of a special use permit detailed within §208-79 of the Town Code.
- The in-law dwelling addition will be serviced by public water and sewer.
- The application appears to be an unlisted action in accordance with SEQR.

ECC - no comments

Sheryl Reed - no comments

Steve Myers

- Fire separation will be required including basement.

Joel Bianchi - no comment

Public Comment - none

Mr. Ferraro moved, seconded by Mrs. Paulsen to close the public hearing at 7:20 pm. Ayes: all, Noes: None. The motion was unanimously carried.

#### Planning Board

Mr. Hale asked if it connected via a breezeway or shared wall. Mr. Semenza replied an existing laundry room would be shared and proper firewalls installed between the two units.

Mr. Ferraro asked if it would be an in-law apartment with conditions of family members only. Mr. Pelagalli stated that our Town Code did not have a restriction for in-law apartments. Mr. Scavo stated that because of the second kitchen, it would be a two-family residence by definition. Mr. Scavo then added that in other proposals, where restrictions were imposed, the residences were in neighborhoods with smaller lots and surrounded by single-family homes. Mr. Scavo stated that is not the case here. The Board did not appear to find it necessary to impose a restriction about that and found the plan and elevation design acceptable.

Mr. Koval offered Resolution #6 of 2014, seconded by Mr. Hale, to waive the final hearing for this application for the special use permit to allow a two-family residence at 6 Englemore Court, and to grant preliminary and final approval 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. Ayes: Paulsen, Ophardt, Hale, Werner, Koval, Ferraro. Noes: None.

Mr. Werner moved, seconded by Mr. Ophardt, to waive the final hearing for site plan review, and to grant preliminary and final approval 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.

### **2014-013 559 Grooms Road Duplex**

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

The secretary read the public hearing notice as it was published on May 8, 2014 in the Daily Gazette. Mr. Ferraro opened public hearing 7:28pm.

Scott Lansing, of Lansing Engineering represented the applicant, Ed Pogoda, for construction of a two-family dwelling located at 559 Grooms Road which is an allowed use in the R-1 zone. Mr. Lansing showed the location on an aerial map and outlined the additions to the plan which is relatively unchanged since it was last seen at concept. Mr. Lansing noted that the applicant proposes to build side-loaded garages on the units rather than the front-loaded garages as shown on the plan.

#### Staff Comments

ECC - no comments

Steve Myers –

- Separate sewer and water lines shall be provided due to potential subdivision in future.

JScavo –

- The project was forwarded to the SCPB in accordance with §239-(M)&( N) of General Municipal Law. The SCPB provided a recommendation which noted, “No significant county wide or inter community Impacts”.
- The special use permit is subject to the provisions detailed within §208-79 of the Town Code.

County looked at lot based on subdivision although the form referred to the old lot #.

#### Public Comment

Trisha Coyne, a resident who has just moved into the house next to this property, stated that she opposes this project for the following reasons:

- not in character with the neighborhood
- Overall footprint larger than typical size on lots of similar size.
- Tree clearing
- Profit driven
- No conditions, no HOA to maintain
- Rental property rather than owner-occupied

It is noted that Ms. Coyne sent a letter to the planning board members, which they acknowledged that they received, and it was filed with the project. Ms. Coyne also stated that she will appeal if the project is approved.

Mr. Pelagalli noted that it is a permitted use through a Special Use Permit, which is an allowed use if deemed appropriate by the planning board review process.

Ms. Coyne read from her letter in response to Mr. Pelagalli's statement.

Mr. Anthony LaFleche, member of the Trails subcommittee asked that a note be included on the plan indicating that a trail might be built, in the future, on the right-of-way. Mr. Ferraro stated that he felt that must be on the plans shown to the public and not just what is filed with the county and the planning department so there is no surprise to future homeowners.

Mr. Ophardt moved, seconded by Mr. Koval to close the public hearing at 7:47 pm. Ayes: all, Noes: None. The motion was unanimously carried.

#### Planning Board Discussion

Mr. Werner asked if the person who sold Ms. Coyne her house is also building the 2-family house. Mr. Lansing stated that the lots were both sold by the person who had subdivided the lots to two different owners. Planning board members then discussed the proposal and the surrounding neighborhood and agreed that they felt it was consistent with the area. Mr. Ferraro remarked that the photo on the subdivision plan was not appealing and would like to see a rendering of the side loaded garages and landscaping as a condition of the approval prior to stamping of the final plan. Board members asked for landscaping along the driveways and to maintain trees on the property to the extent possible within the bounds of the grading plan. Mr. Hale suggested a condition be that at least ONE of the garages be side loading. Board members appeared to agree.

Ms. Coyne questioned conflicts of interest because one of the Board Members had previously acknowledged that he himself was building a two-family rental property. Mr. Pelagalli, legal counsel, stated that a board member would have to have a direct interest in this particular lot to be a conflict and that is not the case here.

Mr. Koval offered Resolution #5 of 2014, seconded by Mrs. Paulsen, to waive the final hearing for this application for the special use permit to allow a two-family residence at 559 Grooms Road, and to grant preliminary and final approval 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. Ayes: Paulsen, Ophardt, Hale, Werner,

Koval, Ferraro. Noes: None.

Mr. Hale moved, seconded by Mr. Ophardt, waive the final hearing for site plan review, and to grant preliminary and final approval conditioned upon the following: at least one of the garages be side-loading, and a landscaping plan to be submitted and approved by the Planning Director, as well as 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.

Ms. Coyne then asked how she could proceed with appealing the decision. Mr. Pelagalli advised Ms. Coyne to consult with a personal attorney about filing an article 78.

## OLD BUSINESS

### **[2012-030] Crescent Woods**

Proposed construction of a 61-lot cluster subdivision, Zoned: R-1, 1567 Crescent Road, preliminary site plan review with possible SEQR determination.

Kevin Dailey presented the project known as Crescent Woods, a cluster subdivision. Mr. Dailey gave an overview of the project. The consultant stated that the intention in appearing tonight was to provide an opportunity to answer some questions regarding the plan. Mr. Dailey noted that the Highway Superintendent, per Section 179-36 D of Town Code, had indicated that he found the 50' right of way for the planned roadway to be acceptable and that street names have been proposed and submitted for review.

Mr. Dailey then stated that Mr. Scott wrote a letter to the neighboring town-home owners to offer an easement for access across the back of the newly proposed adjoining lots. The consultant also mentioned that the design shows responses to staff and professional comments regarding: sewer, roads, storm water, multi-use paths, hydrants, streetlights, and utilities.

### Staff Comments

ECC –

1. The ECC is concerned about drainage to the rear of Lots 51-61. The applicant should consider installation of a perforated pipe (e.g. French Drain) to ensure that water is not prohibited from draining to the wetland area.
2. The ECC is concerned that on several lots (e.g., Lot 44, Lot 61 and others) the building envelope encroaches into the wetland buffer area. This will be problematic during construction and future occupation of the homes.
3. Due to the numerous technical comments by the Town's Engineering Consultant, the ECC recommends no action be taken until these comments are resolved.

Steve Myers –

- The following lots are considered compromised due to conflicts with adjacent wetlands and/or buffers:
  - Lot 61 – Wetland crosses front corner and buffer very close to house and crosses driveway.
  - Lot 35 – Same as #61

- Lot 31 – Wetland rear corner and buffer close to garage. Room in rear of house for shed or other structure limited.
- Lot 2 – buffer close to house and crosses driveway.
- Roads A and B at connection with Crescent should be as close to property lines as possible to maximize separation.
- Permits for all wetland crossings shall be required.
- Submitted grading plan unacceptable due to crossed out contours, SWPPP map not legible resubmit both.
- SWPPP is incomplete since soils testing has not occurred to date (pg 8)
- Drywells are not recommended for roof runoff since they require maintenance by the homeowner who will not normally have that ability.
- Porous driveways are also proposed which will require maintenance they are also not aware of. Most homeowners seal their driveways and this cannot occur with porous pavement.
- As a result both the drywells and driveways should not be considered viable practices for green infrastructure.
- Retention basins are proposed which are a first resort and not a viable solution to the green infrastructure requirements.
- An evaluation of the proposed “Green Infrastructure” proposed reveals: 1. The majority of the “set aside open space” is unusable wetlands. 2. The stormwater retention ponds are not considered “green practices” although noted as such. 3. The wetland buffers are not maintained since they cross over driveways and are very close to the houses in several locations.
- The minimum roadway width allowed by the NYS Fire Code is 26’ not the proposed 22’. This must be changed to meet the code.
- The proposed sheet flow of yards to the wetlands will not allow the use of fertilizers and pesticides on the lawns. This should be a deed restriction.
- Using the drywells for sheet flow drainage as shown on page 12 is not allowed. Drywells can only be used for roof runoff.
- The planting of trees does not necessarily provide the tree box exception.
- The statement that porous pavements are not allowed by the town is not correct (pg 12).
- There is no reasoning given for why certain green practices are not being used.
- It is not believed the green infrastructure practice requirements have been met.

John Scavo - a map was created delineating problem areas perceived by staff who reviewed the proposal to show what could be conflicts with building setback envelopes and wetland buffers. Please see the attached image of the Crescent Road Subdivision. I have marked-up the following:

- Green - Wetland Buffer proposed by the applicant around ACOE Wetlands. As a cluster subdivision the applicant proposed this protective buffer to preserve the existing drainage/wetland corridors.
- Blue - Areas of ACOE Wetlands that fall within individual private lots.
- Brown - Building envelope setbacks as proposed by the developer.
- Orange - Conflict areas with the wetland buffers and building envelopes as pro-

posed.

- The applicant should mitigate these conflicts by adjusting the building setback envelopes to respect the wetland buffers on the shaded lots.
- Also, due to reduced building envelopes on these lots the applicant should provide individual plot plans showing specific grading and setbacks based on the maximum size (shown in sq.ft.) of a proposed dwelling for these lot in question.
- I am concerned that these lots as proposed are too restrictive for accessory structures, and lack functional back yards, and side yards.
- Any restrictive wetland buffer shown on the subdivision plat should be recorded within each individual lot deed and each plat plan at the time of building permit. A copy of this plat plan should be presented to each homeowner so they are fully aware of such restrictive covenants.
- The existing dwelling, driveway, and accessory structures should be shown on the proposed subdivision pages. Currently, these features are only shown on the existing features sheet.

Mr. Bianchi's letter has been sent to planning board and applicant. Mr. Ophardt questioned the 1% grade and Mr. Bianchi stated that the highway superintendent would have final say and needs to be consulted.

#### Subdivision Plans

1. Any existing utilities servicing the existing home to remain should be reconnected to the newly installed utilities associated with the subdivision. Notation to this effect need to be added to the plans.
2. There needs to be clarification if the existing home will be connecting to the proposed public sewers. It is recommended that it does since the public sewer will be reasonably close upon completion of the subdivision.
3. There needs to be clarification as to how access will be maintained to the existing residence during construction.
4. Upon creation of the subdivision, the existing lot will have what appears to be an existing swimming pool in the front yard of the lot. The Town's chief zoning officer should review this condition to verify that it does not create a lot non-conformity.
5. As previously noted in Comment 5 of our September 5, 2013 review, Section 86-6 of the Town's Subdivision Regulations does not permit any right-of-way to be less than 60-feet in width and the plans still show a 50-foot right-of-way. The plans need to be revised reflecting the minimum right-of-way width of 60-feet.
6. Substantial portions of the proposed roadways have vertical grades of less than 1%. Section 86-6(D)(2) of the Town's Subdivision Regulations do not permit any road grades to be less than

1% except in the extreme circumstances where the Planning Board may, as recommended by the Town Engineer, waive this requirement. The applicant has not provided any compelling facts to support the deficient road grades as proposed.

7. Streetlighting shall be provided at the intersection of subdivision streets with existing arterial or collector streets pursuant to Section 86-6(E) of the Town's Subdivision Regulations. The plans must show the location and type of fixtures to be installed.

8. The subdivision plat needs to include additional information in order to be deemed complete as follows:

a. Individual lot areas and property line metes and bounds.

b. 911 emergency response numbers.

c. All proposed easements with metes and bounds as well as the proposed recipient.

d. Proposed road names , which shall be coordinate with the Town.

9. A note shall be added to the plat indicating that no utilities shall be installed under proposed driveways.

10. The plans shall clearly show the extent of wetland impacts with individual areas of impacts noted.

11. For any proposed residential lots that will contain regulated wetlands, it is suggested that notation be added to the plat listing those lots, indicating that the wetlands shall remain and any further disturbances may be subject to additional reviews by authorities having jurisdiction.

12. Proposed lot 2 appears to have a small lot width both at the right of way and front building line and may need to be widened.

13. There have been discussions of providing an access easements to homes along East Haystack Road through proposed lots 7 through 10. The plat needs to note the limits of the proposed easement if still being offered.

14. There needs to be further clarification on how the proposed walking path south of Lot 14, between Lots 28 and 29 and near Sta 6+00 of Road B will be terminated and/or further routed off site.

15. The plans need to show the location of the Town's proposed multi-use trail along Vischer's Ferry – Crescent Road. There may be a need to provide linkage from the project's trails to the Town's proposed trail.

16. 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 grading plan as submitted substantially shows grading across lots without properly directing it along lotlines and/or towards the proposed drainage system or existing drainage ways. The plans need to be updated to demonstrate conformance to the noted section of Town Zoning.

17. 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 need to be updated to demonstrate conformance to the noted section of the Town Zoning.

18. It appears as though there are instances where the proposed lot grading results in surface drainage across multiple lots, most notably behind Lots 51 through 61. 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 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.

19. Additional detail should be included on the Grading and Drainage plans to verify the proposed site grading scheme. Such additional information should include, but not necessarily be limited to, finished floor elevations for the proposed buildings, spot elevations at critical grade breaks, top and bottom of proposed stormwater management facilities, etc.

20. The plans show grading at the intersection of Road B and Vischer's Ferry – Crescent Road, extending out into the existing road and needs to be corrected.

21. A phased grading plan needs to be provided to demonstrate that no more than 5-acres of land will be

disturbed at once. Alternatively a 5-acre waiver may be submitted for review.

22. A sediment and erosion control plan needs to be furnished for review.

23. There are instances where the proposed roads appear to require in excess of 5-feet of fill above existing grade. For these instances, there needs to be notation on the road profiles regarding fill and compaction requirements that may be more extensive than the Town's standard road specifications to account for site specific soil conditions.

24. The profiles provided for the proposed storm sewer system within the roadways need to be shown on the road profiles rather than independent profiles to review potential conflicts with other utilities and to ensure drainage structures are being placed appropriately.

25. Section 86-7(A)(2) of the Town Subdivision Regulations requires a minimum of 2-feet of cover over storm pipes. There are several locations where the minimum vertical cover is not being provided and need to be corrected.

26. Where two drainage pipes of different diameters enter a drainage structures, the pipes shall match pipe crowns to establish inverts. The inverts at CB 1A and CB 2B need to be adjusted to provide the stated conditions.
27. The first drainage structures located along Road A and Road B from the intersection of Vischer's Ferry –Crescent Road are in excess of 300-feet from the high points at the proposed intersection. Additional drainage structures need to be added closer to the intersection with Vischers Ferry – Crescent Road to prevent road runoff from becoming shallow concentrated flow within the roadway.
28. The locations of proposed traffic signage could not be found on the plans. The applicant should provide additional information regarding the types and locations for proposed signage. The final location(s) for all proposed street signs will be subject to approval by the Town Highway Superintendent. All traffic regulatory signage shall be in conformance with MUTCD (New York Version) standards and shall reference that appropriate MUTCD number(s).
29. Pedestrian cross walks with appropriate MUTCD signage should be added at all road intersections.
30. The method for extending water to the subdivision shall be clearly shown on the plans. It appears as though the intent is to extend water into the development from two locations (a source beyond the northeast corner of the parcel, and a source to the west of the parcel). The applicant should add additional information on the method for extending public water to the development and the location of the proposed tie-in point.
31. The location of proposed fire hydrants shall be included on the plans.
32. The method for extending sanitary sewer to the subdivision shall be clearly shown on the plans. The method and location for connecting the subdivision's sanitary sewer to the municipal sanitary sewer network must be included on the plans.
33. All proposed stormwater practices should incorporate a safe overflow mechanism in the event of failure of the practice. The overflow mechanism should be non-erosive, and convey runoff to an established drainage course while not impacting downstream properties.
34. Pursuant to Section 3.5 of the New York State Department of Environmental Conservation Stormwater Management Design Manual (NYSSMDM), each proposed stormwater practice needs to have a conspicuous and legible sign posted. The plans need to provide the standard sign with the applicable language as well as the location of each practice requiring a sign.
35. Construction detail(s) associated with each of the proposed stormwater management facilities is required to ensure compliance with Chapter 6 of the NYSSMDM which includes, but not necessarily limited to, outlet control structures, overflow weirs, access roads, perimeter fencing and access gate and cross section through each practice showing depths of water for various rain

events, benches, buffers, etc.

36. Each stormwater management practice proposed should be labeled on the plans, with consistent nomenclature used in the SWPPP.

37. A construction detail is required for the walking path that extends throughout the development.

38. Construction detailing is needed for the proposed on-lot dry wells being used for stormwater management.

39. The SWPPP indicates the proposed driveways and/or pathways to the homes will be constructed of porous materials. A detail and/or specification needs to be furnished and there needs to be clear notes on the plans to inform both the homeowners and builder of this provision, which is integral part of the proposed stormwater management design.

40. The SWPPP notes several runoff reduction techniques to be incorporated into the project design, however the plans lack sufficient detail to identify where such practices exist. Examples include:

a. Identify where conservation of natural areas exist. These areas need to be delineated on the plat and deed restriction need to be furnished with an acceptable conservation easement instrument that ensures perpetual protection of the proposed area pursuant to Section 5.3.1 of the NYSSMDM

b. Identify where sheet flow to riparian buffers or filter strips as it cannot be determined if the minimum design criteria outlined in Section 5.3.2 of the NYSSMDM are being satisfied.

c. Identification where tree planting will be located, species type and whether the minimum tree caliper is being provided.

41. The technical design and detailing for the proposed potable water and sanitary sewer systems have not been completed as they are subject to the review and approval of other authorities having jurisdiction. Any comments received from other agencies shall be incorporated into subsequent plan submissions.

42. Given the current phase of the Town's review of the project, we will withhold further comments on the technical and utility design elements of the project. Should the project proceed through the Town's regulatory review process, additional technical comments will be offered.

#### Stormwater Pollution Prevention Plan (SWPPP)

43. The SWPPP (and subsequent water quality calculations) reference a cluster subdivision composed of 70 new residential lots plus one (1) parent lot. The provided subdivision plan set indicates 61 new residential lots. This discrepancy regarding proposed new building lots between the

plans and SWPPP, and the stormwater management calculations, should be resolved.

44. The stormwater management strategy as described in the SWPPP includes utilizing a variety of stormwater practices for achieving runoff reduction, water quality, and peak rate attenuation in accordance with the NYSSMDM. The plan proposes to manage the stormwater associated with the developed lots on an individual lot by lot basis, while the remainder of the development will be managed via two infiltration basins. For this methodology to be in accordance with the requirements of the SMDM and SPDES General Permit 0-10-001, the following elements will be required for all proposed stormwater management facilities:

a. The practices must be sized based upon the entire area tributary to them, and each practice must meet the standard design criteria as outlined in the NYSMDM.

b. Site specific soil testing in accordance with the NYSMDM for all proposed stormwater management practices, identifying soil type, infiltrative capacity, and depth to boundary layer. The locations and results of all soil testing should be included in the Plans and SWPPP. It is noted that the design utilizes infiltration practices and absent in-situ soil information, the viability of their success may be limited, especially with the amount of wetlands within the project.

45. It appears as though the post development HydroCAD modeling was completed without inclusion of pervious (lawn, trees, etc) areas. The modeling should include all areas that are expected to drain to the proposed stormwater management facilities.

Note: The areas associated with each proposed lot should also be included in this modeling, unless the applicant can provide justification that the stormwater associated with each lot will be self contained including during a 100-year storm event.

46. In a prominent location, the plans and SWPPP should direct the contractor to amend and restore, to their original condition, any soils compacted as a result of construction activities as is required by Section 5.1.6 and Table 5.3 of the SMDM. The type and location of each soil restoration measure needs to be clearly outlined within the project area.

47. The SWPPP needs to provide information to demonstrate permit eligibility specific to the following:

a. That the site will not have discharges from construction activities that adversely affect a listed, or proposed to be listed, endangered or threatened species, or its critical habitat pursuant to Part I.D.4 of GP-0-10-001.

b. That the site does not propose construction activities that adversely affect a property that is listed or is eligible for listing on the State or National Register of Historic Places (includes archeological sites), unless there are written agreements in place with the NYSOPRHP or other government agencies to mitigate the effects pursuant to Part I.D.8 and Part III.A.8 of GP-0-10-001.

48. The proposed subcatchment boundaries appear to be missing from Figure 3 Postdevelopment Conditions map. The applicant should revise the plan to indicate the proposed subcatchments for review.

49. A revised NOI, MS4 SWPPP Acceptance Form, and NOT should be included in future submissions for review.

#### Public comments

Judy Puig, 11 Mystic Lane, in Aspenwood, stated that she has the following concerns:

- stormwater which drains to the west of the proposed subdivision
- mosquitoes.

Mr. Ferraro stated that stormwater regulations require the water to stay on the site and be designed and reviewed to do so. Ms. Puig asked how to address issues. Mr. Dailey explained that drainage corridors have been created, but acknowledged that they do get congested over time. Mr. Ferraro then expressed concern about maintenance of permeable driveway surfaces and the level of education required to keep green infrastructures working as designed.

Eric Hamilton, 67 Pico Road, lives adjacent to the parkland which contains a stream and expressed the following concerns:

- Capacity of sewer to handle the added usage
- Trail connecting Pico Road should be consistent with the rest of the trails
- Added Hayes Nature Park trails are stone dust

Mr. Scavo stated that stone dust trails are more maintenance intensive than asphalt and potentially subject to greater neglect although it appears more natural-like.

An unidentified resident stated that she pays her own lawn service to cut the land on the parkland because town doesn't cut it as often as she thinks it should be done and wanted to know who would take care of the proposed parkland.

Glen Chase, 30 E. Haystack in one of the townhouses, stated that an easement already exists across the back of the town homes and he questioned whether the added 10' easement would be deed restricted. Next, Mr. Chase asked about the proposed 40' buffer between town houses and new houses in Crescent Woods, wanted to know if that buffer would include the 10' easement within the buffer, what the terms would be for building and cutting in that area and whether that would limit access through said intended easement.

Mr. Ferraro stated that he felt that if the planning board agreed to any restrictions, they would need to be written into the deed. Mr. Pelagalli then stated that unless someone lived in Crescent Woods, they would not be able to enforce the deed restrictions and it is only those who live in the approved subdivision, taken from a common grantor, who could have legal standing. Discussion ensued regarding methods that could be instituted to make sure that future homeowners would know that the restrictions that exist.

Mr. Pelagalli advised that the enforcement officers be consulted as to whether restrictions would be practicable.

#### Planning Board Discussion

Board members questioned lots which had too much encroachment into the LC Zone: 1, 2, 31, 32, 35, 38, 44 and 61.

Mr. Dailey claimed that these were Federal wetlands and the buffer zone was not truly an enforcement zone but merely a guideline. Mr. Hale stated that a reasonable area of disturbance of 40' around a house was considered normal by ACOE. Mr. Koval asked if a split rail fence or sign could be posted. Mr. Dailey stated that he could make smaller lot sizes if allowed by the Planning Board in order to change the building envelopes.

Board members stated that there were a lot of comments from professional staff and review letters and that they would like to see them addressed before discussing any approvals for this project. Mr. Ferraro suggested that at the very least he felt that lots 2 and lot 61 might need to be eliminated.

#### **2014-014 Price Chopper Renovation**

Proposed renovation to existing Price Chopper for prescription drive-thru and facade renovation, Zoned: B-4, Park Avenue, preliminary site plan review.

Steve Duffy and Phil Koziol presented the proposed site plan renovations as they have been modified since the last time the project was presented to the Planning Board. Mr. Koziol showed the changes that had been made in response to the comments made at that time.

Mr. Ophardt asked if it was necessary to add the final row of parking along Park Avenue which would require moving mature trees which may or may not survive spading. The consultants replied that there was a critical need for parking near the front entrances of the shop.

#### Staff Comments

ECC –

1. The ECC requests clarification of the type, quantity and location of the fuel storage associated with the backup generators.

Steve Myers-

- Drywells are only suitable for roof runoff in a limited capacity. Plans omitting the proposed drainage configuration are required prior to approval.
- Setback and greenspace variances have been granted.
- Signage variance application has been received and will be on the 5/20/14 ZBA agenda.

John Scavo – no comments

Joel Bianchi issued a comment letter dated: 5/6/2014

## State Environmental Quality Review

1. No additional comments.

## Short Environmental Assessment Form

2. No additional comments.

## Site Plans

3. It is understood that conditional approvals have been granted for the variances requested for parking within the 30 ft front yard setback and green space deficiency. The site plan should list these variances as well as the approval date.
4. The number of new ingress/egress points to the adjacent parking area to the north has been reduced based upon comments provided. There remains no clear indication as to how pedestrians will be safely ushered between these spaces and the Price Chopper building if the intent is to have these spaces available to Price Chopper.
5. As noted in comment 11 of our March 24, 2014 review, a stormwater analysis shall be performed to confirm that the increase in impervious areas will not adversely affect adjacent properties or existing drainage systems.
6. As noted in comment 13 of our March 24, 2014 review, a site specific illumination plan should be furnished based on relocations of existing site lighting and/or installation of new lighting.
7. As noted in Comment 15 of our March 24, 2014 review, subsequent submissions shall include information as outlined in Section 208-115 of the Town zoning specific to lighting, site grading, landscaping, erosion control and stormwater management to fully assess the design and its compliance to the applicable standards.

Board members asked for some improvements to be shown which can reduce pedestrian/vehicle conflicts. The merits of speed tables were discussed, as well as clearly delineated walking paths in the auxiliary parking areas. Bob Miller, Jr. of Windsor Development stated that the redevelopment of the old K-Mart would require the parking to maintain the orientation of the striping in the existing lot but a couple lots could be restriped as walkways rather than parking spots to allow carts to get through the lanes. Consultants also showed the improved pedestrian lane in front of the store and the fire lane which has been increased and noted that bollards were added also.

Board members also asked for clarification about the drive thru lanes and vending areas. The consultants stated that much research had been done and that this layout was what was being proposed at this time.

Mr. Hale asked that warranties be provided to the Planning Director for the spading of the trees as condition of approval.

## **Quick Response**

### **2013-037 Quick Response**

Demolition of an existing office and construction of a new 9,000sf office with 66 parking spaces, Zoned: L 2, 2077/2079 Route 9, revised conceptual site plan review.

Scott Lansing, of Lansing Engineering, presented the revised conceptual review.

The proposal has changed quite a bit since it was last seen as the applicant has decided that they require more space than their earlier proposal. Mr. Lansing explained that the applicant was now seeking to build a two-story office space and added parking which was adjusted slightly since it was submitted to prevent some parking spaces from being in front of the front building line per town code.

### **Staff Comments**

Steve Myers –

- Rear setback requires variance for 25' buffer.
- A variance and/or planning approval is required for parking in the front yard.
- Erosion and sediment controls will be required during and post construction. Plans for this are required.

ECC – no comment

John Scavo

- The adequacy of the existing private on-site well to handle the additional flows will need to be evaluated.
- It appears my comment from the November 26, 2013 meeting have been addressed based on the revised concept.
- Any proposed exterior lighting (wall-mounted and/or freestanding) proposed for the building should be shown with the Preliminary Plan submittal. The Town prefers down-shielded directional lighting.
- Additional comments will be provided at t the time of preliminary consideration.

Joel Bianchi issued a review letter dated 5/6/2014.

### **General Comments**

1. Based upon the project information, the total site disturbance will still be below one-acre and therefore would not be subject to the NYSDEC Phase 2 Regulations or General Permit GP-010-001. As noted in Comment 1 of our November 26, 2013 review, there still needs to be an analysis furnished indicating that the proposed improvements and associated impervious areas can be adequately accommodated and there will be no adverse impacts to adjacent properties. This



analysis is necessary as part of the Town's SEQRA review.

2. The project will be provided with public sewers via an existing connection to the Saratoga County Sewer District infrastructure. As noted in Comment 2 of our November 26, 2013 review, the applicant should furnish the Town with confirmation that the SCSD can accommodate any increases in sewage being generated.

#### State Environmental Quality Review

3. Based upon our review of Part 617 of NYS Environmental Conservation Law, the project revised still appears to be an "Unlisted" action. Assuming the Planning Board is to request Lead Agency status under SEQRA, the need to undergo a coordinated review is optional. Under a coordinated review, involved /interested agencies to be engaged may include, but is not necessarily limited to the following:

- a. Saratoga County Sewer District: Additional reserve sewer capacity, if deemed necessary.
- b. Saratoga County Planning: 239m referral due to the parcel being within 500 feet of U.S. Route

9. Additional involved/interested agencies may be defined as the project proceeds through the Town's regulatory review.

#### Short Environmental Assessment Form

4. An updated SEQR short environmental assessment form needs to be supplied, reflecting the revised project.

#### Site Plans

5. Based upon a review of the concept plan, either specific bulk lot requirements are not being met or it cannot be determined if they are being met as follows:

a. The revised concept plan shows proposed customer parking spaces within the front yard setback along U.S. Route 9 which does not comply with Section 208-65(E)(1) and Section 208-98 of the Town Code. As noted in Comment 8c of our November 26, 2013 review, the site plan needs to be revised to meet the minimum lot requirements or the applicant would have to seek relief in the form of an area variance from the Town Zoning Board of Appeals.

6. The project information indicates that the site uses an on-site well. As noted in Comment 12 of our November 26, 2013 review, provide documentation (i.e. well drawdown test results) confirming that the well has sufficient capacity to meet the additional daily water demands from the increased usages proposed.

7. As noted in Comment 14 of our November 26, 2013 review, there needs to be a determination if the proposed building construction and use will warrant automatic sprinklers as prescribed in the Building Code of New York State. This information is needed to determine if site specific

measure are needed to provide fire protection since there are no hydrants or public water mains in close proximity to the site.

8. As noted in Comment 15 of our November 26, 2013 review, subsequent submissions shall include information as outlined in Section 208-115 of the Town zoning specific to lighting, site grading, landscaping, erosion control and stormwater management to fully assess the design and its compliance to the applicable standards.

#### Public Comment

Anthony LaFleche, of the Trails subcommittee, asked for a bike rack to be added to the plan.

#### Planning Board discussion

Planning Board members appeared to find the current site plan generally acceptable.

#### **2014-015 St. Peter's Health Medical Campus**

Proposed development of a medical campus within Northcrest Park PDD, Zoned: PDD, 1 Tallow Wood Dr., preliminary site plan review with possible determination.

Joe Dannible, Environmental Design Partnership, represented the applicant, St. Peter's Health Partners along with Susan McDonough, David Cesare and Mike Tierney. Mr. Dannible gave an overview of the changes that have been proposed for parking, layout and pedestrian connections on the site plan. Next, the consultant explained that in a meeting with DOT, the representatives stated that they would not allow any fences in the right-of-way, but landscaping such as trees and shrubs could be planted to provide a buffer between the sidewalk and parking lot which would include: Boxwoods, Hornbeam, and Summerwine Nine Bark.

#### ECC-

1. The ECC would like to see a cross-section that depicts the elevation of the sidewalk relative to the plantings and parking area.
2. Given the potential visual impact of the proposed parking configuration, the applicant should consider mitigation with additional green space.
3. The applicant should indicate both the proposed green space and the allowable green space as defined by the existing PDD.
  - Steve Myers - All site signage and setback issues have been approved by the PDD legislation. No action will be required by the ZBA.
  - A maintenance agreement will be required as the stormwater practices will remain privately owned.
  - Soils data is needed to support proposal.

Sheryl Reed - no comments

John Scavo recommended that approval could be granted conditioned upon obtaining SHPO

sign off on the project.

Joel Bianchi, issued a comment letter 5/6/2014, but stated that most comments have been addressed at this time.

#### State Environmental Quality Review

1. No additional comments.

#### Site Plans

2. Proposed pedestrian cross walks should be indicated for crossings to the west, southwest of the building including the entrance from Tallow Wood Drive.
3. The plans appear to incorporate changes to the front property boundary which includes more substantial landscaping. The Planning Board needs to provide direction, indicating whether these improvements are satisfactory.

#### Stormwater Pollution Prevention Plan

4. It is understood that EDP has sent a screening letter to the New York State Office of Parks, Recreation and Historic Preservation (OPRHP) requesting a determination of “no effect” for the project and is currently awaiting response. Once correspondence from OPRHP is received, please furnish it to the Town to confirm that the project will be permit eligible consistent with Part I.D.8 of GP-0-10-001.

#### Stormwater Management Narrative

5. As previously noted in Comment 13 of our April 7, 2014 review, infiltration testing must be completed to support design assumptions made. While it was previously suggested that field testing could be completed prior to the applicant submitting a Notice of Intent or requesting the MS4 Acceptance Form, it is strongly urged that the testing be done immediately as weather is no longer prohibiting testing.

Anthony LaFleche, asked for sidewalk to show from property boundary to boundary.

Mr. Dannible explained that DOT agreed to the current layout and the PDD legislation stated that it was to be agreed upon by them and that site topography would not allow connectivity throughout. Mr. Ferraro remarked that the Open Space Coordinator should be requested to review the internal sidewalks for final input.

Mr. Ophardt asked who would be maintaining the sidewalk and that a maintenance agreement be recorded with the project and noted on the site plan. Board members appeared to find the landscaping favorable and asked for assurance that the landscaping would be maintained. Mr. Scavo noted that a landscaping escrow account would be held for one year after completion of the site

plan in order to allow replanting of any vegetation that would not survive. Beyond that, the planning director explained that the site plan would have a landscaping and planting plan that would be enforceable should plants not be maintained in the future.

Mr. Ophardt moved, seconded by Mr. Werner to establish the Planning Board as Lead Agency for this application, an unlisted action, and to issue a negative declaration pursuant to SEQRA conditioned upon signoff from the State Historic Preservation Office. The motion was unanimously carried.

Mr. Hale moved, seconded by Mr. Werner to waive the final hearing and grant preliminary and final approval conditioned upon establishing a maintenance agreement for snow removal and landscaping maintenance and satisfaction of the comments issued by professional staff in a final review letter from the Planning Director. The motion was unanimously carried.

### **2014-023 Boni Office Building Site Plan Renewal**

Proposed renewal of an expired site plan (Project 2011-021) for construction of a 2,966 sf office building. No changes to prior approval, 313 Vischer Ferry Road, preliminary site plan review with possible determination.

Larry Boni, of Boni Builders, presented his project which is a resubmission of a site plan which had received approvals in 2011 but expired before the applicant was able to build it.

Mr. Scavo noted that the applicant did submit an updated EAF form. The adjacent landowner Mark Ashman, expressed his support of the project.

#### Board Review

Mr. Hale asked for clarification about a Maple Tree shown on the plan which Mr. Boni stated came down in a storm a couple years ago.

Board members found the plan acceptable as previously approved

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

Mr. Werner moved, seconded by Mr. Koval to waive the final hearing and grant preliminary and final approval conditioned upon satisfaction of the comments issued by professional staff in a final review letter from the Planning Director. The motion was unanimously carried.

### **2014-024 Peck, Lands of**

Proposed (2) lot subdivision with septic and public water, Zoned: CR,50 Bradt Road, conceptual subdivision review

Gil Vanguilder of Vanguilder and Associates, presented the project, a (2) lot subdivision in a CR zone. Mr. Vanguilder described the proposal which consists of creating a 10 acre lot for the owner's daughter and son-in-law from a +/- 76 acre lot with a 400' driveway which will conform to requirements for driveways longer than 150'.

## Staff Review

### ECC –

1. The limits of (the LC Zone and 100 foot buffer zone, DEC Wetlands, Federal Jurisdictional Wetlands) shall be identified on the plot plan.
2. The parcel (subdivision) is located in an area which may be impacted by rail and aviation activity (i.e., Schenectady Airport). Impacts may include noise or vibration.

### Steve Myers –

- The proposal appears to meet the code requirements.

### John Scavo –

- The applicant will add a note to the plan which states, “the subdivision plat is in conformance with the Development Option prescribed by §208-16(E)(2)(b) of the Town Code.

Joel Bianchi issued a comment letter on 5/6/2014

### State Environmental Quality Review

1. Based upon our review of Part 617 of NYS Environmental Conservation Law, the project appears to be an “Unlisted” action. If the Planning Board is to request Lead Agency status under SEQRA, the need to undergo a coordinated review is optional. Under a coordinated review, involved / interested agencies to be engaged may include, but is not necessarily limited to the following:

a. Clifton Park Water Authority – public water supply.

b. Saratoga and Schenectady County Planning – 239m referral potentially due to the project being within 500-feet of the municipal boundary of the Town of Glenville.

Additional involved/interested agencies may be defined as the project proceeds through the Town’s regulatory review.

### Short Environmental Assessment Form

2. No comments.

### Subdivision Plans

3. The project is located within the Town’s Conservation Residential (C-R) District. The proposal for a single family home is a permitted principal use within the C-R District as noted in Section 208-16 D (1) (b) [1] of the Town’s Zoning.

4. In reviewing section 208-16(E) of the Town’s Zoning and that Bradt Road is a local traffic road, the project layout generally appears to meet the minimum requirements for bulk lot dimensions as identified in Section 208-16 of the Town’s Zoning for the C-R District. As the project

progresses and more detailed site plan is provided, proposed lot dimensions will be confirmed. With the current proposal for a two lot subdivision, it is presumed that the development option outlined in Section 208-16(E)(2)(c) is being followed which permits a one-time single-lot exception. Confirmation is required from the applicant that this is the development approach being pursued.

6. Percolation tests and deep test holes should be performed prior to final subdivision approval to ensure that the on-site septic system for Lot B is feasible at the location indicated. Percolation testing shall be in accordance with the NYSDOH Residential Onsite Wastewater Treatment Systems Design Handbook.

7. The SEAF form indicates an estimated site disturbance of 0.6 acres, which is below the 1-acre threshold, where a SWPPP would be required. Subsequent plans need to clearly delineate the limits of disturbance to validate the preliminary number offered.

8. The SEAF notes the presence of regulated wetlands within the project boundaries. Subsequent plans need to note their location, when and by whom the delineations were completed and whether impacts are proposed.

9. The available sight distance at the proposed site driveway should be reviewed due to the potential steep grades of the proposed lot as it approaches Bradt Road. If there is a need to clear the adjacent right-of-way of trees and shrubs to improve sight distance, the plans need to show the extent and location of such clearing.

10. A note shall be added to the plat indicating that no utilities (i.e. water service) shall be installed under the proposed driveway.

11. It appears that the single family house on Lot B is located more than 300 ft away from Brandt Road. In accordance with Section 511 of the Fire Code of New York State, the proposed driveway for Lot B must provide a minimum unobstructed width of 12 feet and a minimum unobstructed height of 13 feet, 6 inches. Further, if the proposed driveways length exceeds 500 feet, turnarounds and/or turnouts may be required per Section 511.2.2 and 511.2.3 of the Fire Code of New York State.

12. The new lot will require a permit from the Town Highway Superintendent for activities within the Town right-of-way. Notation regarding the need for such permits should be added to the subdivision plat.

13. Prior to approval or filing of the subdivision plat with the Saratoga County Clerk, the appropriate 911 emergency response number must be obtained for and assigned to Lot B created and placed on the filed plat.

Mr. Anthony LaFleche asked for verification of right-of-way along Bradt Road for a possible future trail.

Mr. Ophardt asked that the driveway be leveled more for the first 10-15 feet by the road as it was shown to be fairly steep.

Planning Board members found the plan generally acceptable. The next step would include a public hearing.

**V**     **Discussion Items** – Mr. Scavo noted he would send a link to eCode 360 to Planning Board Members so they could access the most current and up-to-date town code from their digital devices.

Mr. Ferraro noted that in response to a letter that a resident sent to planning board members, he would like to continue planning board efforts to be proactive in asking details for proposed subdivisions so homebuyers doing due diligence should not be surprised in the future when changes occur in their neighborhood.

Mr. Koval moved, seconded by Mrs. Paulsen to close the planning board meeting at: 11:20 pm. The motion was unanimously carried.

Respectfully submitted,

Margaret Springli