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PLANNING BOARD

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Joel Koval

Eric Ophardt

Kim Paulsen

Tom Werner

(alternate) Eric Prescott

**Planning Board
June 24, 2014**

Those present at the June 24, 2014 Planning Board meeting were:

Planning Board: R. Ferraro, Chairman, M. Hale, J. Koval, E. Ophardt, T. Werner
E. Prescott – Alternate Member

Those absent were: E. Andarawis, K. Paulsen

Those also present were: J. Scavo, Director of Planning
J. Bianchi, M J Engineering and Land Surveying, P.C.
P. Pelagalli, Counsel
J. Viggiani, Open Space Coordinator
D. Hartnett, Chairman, Trails Subcommittee of the Open Space,
Trails, and Riverfront Committee
J. Dean, Secretary

Mr. Ferraro, Chairman, called the meeting to order at 7:00p.m. All in attendance stood for recitation of the Pledge of Allegiance.

Mr. Ferraro announced that Mr. Prescott would be sitting as a full voting member at this evening's meeting in the absence of Mr. Andarawis and Ms. Paulsen.

Minutes Approval:

Mr. Ophardt moved, seconded by Mr. Werner, approval of the minutes of the June 10, 2014 Planning Board meeting as written. Ayes: Ophardt, Hale, Koval, Werner. Noes: None. Abstained: Ferraro, Prescott.

Public Hearings:

There were no public hearings scheduled for this evening's meeting.

Old Business:

[2010-038] **Windhover Farms** – Proposed (25) lot subdivision, Grooms Road – Revised conceptual review. SBL: 276.-1-9

Mr. Kevin Dailey, applicant, presented this application that was last considered by the Planning Board at its April 8, 2014 meeting. The proposal calls for the subdivision of 131.12 acres of land situated on the easterly side of Grooms Road west of its intersection with Miller Road and located within the CR (Conservation Residential) zoning district into (25) single-family residential parcels. Designated wetlands comprise 53.36 acres of the total acreage. The area of permanently preserved open space totals 91.62 acres. Tax map parcel number 276.-1-77 is an existing separate parcel with access to Miller Road. Mr. Dailey addressed three specific issues of concern that were raised during the last review. The first involved the proposed water line extension. In accordance with directives from the Clifton Park Water Authority, the line will be extended from its current terminus at the Miller Road - Grooms Road intersection to the new subdivision. Design plans and narratives will be submitted to the Planning Department and Town Engineer. The second issue involved approval from the Saratoga County Sewer District. After consulting with sewer district representatives, it was determined that the line could be extended via directional bore beneath the wetlands from the existing pump station at Settler's Hill to the subdivision. Two manholes would be provided in the run to provide for clean-out and proper maintenance. The third item to be resolved concerned the revision of fire district boundaries since the parcel is bisected by the boundary that separates the Rexford and Vischer Ferry Districts. Describing the process involved in establishing new boundaries, Mr. Dailey stated that it was a "lengthy process" that required public hearings conducted by the respective fire districts as well as approval by the Clifton Park Town Board. He expects that it will take two to three months to receive final approvals.

Mr. Scavo reported that all comments received from Mr. Myers, Director of Building and Development, Ms. Reed, Chief of the Bureau of Fire Prevention, the ECC, and the Trails Subcommittee of the Open Space, Trails, and Riverfront Committee have been forwarded to all Board members for their consideration.

Mr. Scavo reported that Ms. Reed, Chief of the Bureau of Fire Prevention, offered the following comments on this application. Prior to a final determination, the subdivision application must be forwarded both the Rexford and Vischer Ferry Fire Districts for a district line adjustment. Once the districts have agreed on the boundary line changes, the Town Board

must pass a resolution approving the revisions. Postal verifications will be required after fire district boundary lines have been established.

Mr. Scavo reported that Mr. Myers, Director of Building and Development, offered the following comments in a memo dated June 12, 2014. Mr. Myers reported that he had not received any “highlighted narrative changes.” The applicable fire district boundaries have not been labeled on the revised plan. No Stormwater Pollution Prevention Plan has been submitted to date. The subdivision plan illustrates (23) lots rather than (25) lots. As indicated in the submission materials, no correspondence from Mr. Chad Cooke, sewer district representative, is included with the documents provided.

Mr. Scavo reported that the ECC provided the following comments regarding this application. The Committee recommends that if the county requires an access road for sewer line maintenance that it would be minimally invasive to the wetlands. The ECC notes, per Town Code, that the applicant must provide proof of preservation in perpetuity of permanent open space.

Mr. Scavo offered comments prepared by the Planning Department. He explained that, if Board members are comfortable with the general subdivision design, the Board may recommend that the applicant contact the respective fire districts regarding the necessary boundary relocation.

In response to Mr. Ferraro’s question regarding the route of the proposed sewer line and the drive provided to access it, Mr. Dailey explained that although a 25’ wide easement will be provided over the entire length of the sewer line, the 10’ wide gravel roadway providing access to the infrastructure and two proposed manholes will terminate at the edge of the designated wetland area. He explained that the sewer piping will include two pipes encased within a third to provide alternate piping should one pipe become damaged or unusable. Mr. Scavo pointed out that the applicant must provide the Planning Department and Town Engineer with a narrative text that includes details and specifications as well as accurate mapping of the location of the proposed sewer line installation.

Mr. Bianchi reported that M J Engineering and Land Surveying, P.C. did not provide an updated letter regarding this application since it appeared that many prior comments remained to be addressed. He did state that the town would not be able to accept conveyance of the proposed Pembroke Drive since it does not meet the minimum right-of-way width of 49½’ as required for town highways. Mr. Dailey stated that, although the roadway does not meet the minimum standard width, it will be constructed to town standards, noting that the available width allowed for appropriate turning lanes and pathway designation.

Mr. Dan Hartnett, representative of the Trails Subcommittee of the Open Space, Trails, and Riverfront Committee, offered several comments regarding this application. He explained that the Subcommittee repeated comments from the April 8, 2014 meeting when the applicant was asked to provide a 15’ right-of-way for future trail connections along the property’s Miller Road frontage. The Subcommittee also requested that the 10’ wide proposed gravel service road for the force main property to be bored under the wetlands to the cul-de-sac on the proposed

Mayfair Drive be redesigned into a co-located 8' wide multi-use pathway to allow increased bicycle/pedestrian access to the proposed soccer fields that will, potentially, be developed to the rear of the subdivision. This trail should connect to Mayfair Drive via a right-of-way or easement to relocate it from a private lot as currently shown on the plan. The applicant has not shown a clear ending for the proposed 10' wide gravel service road: clarification of its terminus is requested. The applicant is asked to provide an easement to allow for a future trail to be built over the force main from Settlers' Hill to the end of the proposed co-located trail. Clarification regarding the design and construction materials proposed for the pedestrian access along Pembroke Drive is requested. Due to the "flaring of Pembroke Drive where it meets Grooms Road" the proposed bicycle/pedestrian accommodation should be designed to link cohesively with the future Grooms Road trail.

Mr. Dailey recommended that the Trails Committee consider trail development beneath the existing National Grid lines and explained that it is the intention of the applicants to "turn over the fields and larger open areas to a non-profit organization" which may mean that viable trail locations will be developed over time. Mr. Ophardt commented that, should the open areas eventually become town-owned, the development of playing fields, parking lots, bathrooms, and other site enhancements would dictate the best location for the trails. Mr. Dailey remarked that it may be prudent to install additional laterals to serve future potential uses. Ms. Jen Viggiani, Open Space Coordinator, questioned the viability of transferring property from a non-profit organization to the town but pointed out that the code states that open space parcels may be "privately or publically owned." In response to Mr. Hartnett's question regarding the types of materials to be used for trail construction and installation of the trail between proposed Lots #12 and 13, Mr. Dailey stated that the applicant would follow the recommendations provided by the Trails Subcommittee regarding construction materials and that it was unlikely that a trail connection would be located between two residential building lots. He commented that future use of the open space parcel would likely require trail development in another area of that parcel.

Mr. Chuck Eells, adjoining property owner, expressed concerns regarding the "integrity of his property" due to its close proximity to the proposed sewer line, stating the town should also be concerned since it holds future development rights to his land. Although Mr. Dailey stated that the proposed line is "flush" with the property boundary, Mr. Ferraro observed that it may be possible to "shift it a bit to the west." Mr. Ferraro encouraged the applicant to illustrate proposed plantings between the proposed development site and existing properties on the final plan, to be certain to advise potential homeowners of "right to farm" policies, and to inform potential owners of Lots #12-20 that their properties may adjoin "an active recreational area." Mr. Dailey explained that stockade fencing such as that erected around The Clifton Common will be installed prior to the commencement of any home construction. Mr. Koval asked that the plan be revised to indicate that the sewer connection will be made to the pump station at Settler's Hill rather than Peacock Glen. An informal tally of Board members indicated that they believe that the plan is complete enough to forward to the fire districts for action regarding a revision to fire district boundaries. Mr. Hale commented that "it would be reasonable for the applicant to move forward" to obtain the approvals necessary for the Board to render a SEQRA determination. Referencing comments issued by the ECC, Mr. Dailey asked that Committee members be made aware of the Special Permit granted by the Clifton Park Zoning Board on May

22, 1984 and site plan approval granted by the Planning Board on June 13, 1984. Mr. Pelagalli asked Mr. Scavo to distribute copies of these decisions to ECC members.

New Business:

[2014-028] **Barnaby Timber Harvest** – Proposed timber harvest of non-merchantable lumber, Route 146A – Special Use Permit #80986 – Conceptual review. SBL: 265.-3-7.11

Mr. Dan Izzo, professional forester and consultant for the applicant, presented this timber harvesting proposal that calls for the “selective thinning” of a 56 acre parcel of land located just north of the intersection of Route 146 and Route 146A that is currently owned by Ms. Mary E. Barnaby. The parcel is situated within the CR (Conservation Residential) zoning district. The speaker described current site conditions and explained that the forestry company’s main management objective “should now be focused on promoting the health and exponential growth of the ‘pole-sized crop trees’ which make up the current overstory.” Mr. Izzo reported that his company proposes the selective cutting of trees from around the “crop trees.” The trees to be removed include “poor formed species such as soft maple and American beech. A residual basal area of 40 to 50 SF per acre will remain to help ensure the “health and viability of other natural resources and related ecosystems within the Town of Clifton Park.” He reported that all landing areas and skid trails will be free of post-harvest debris and that these areas will be hayed and seeded to prevent any soil erosion. The speaker reported that he has consulted with NYSDOT regarding access to Route 146 and that the agency found the proposed entranceway acceptable.

Mr. Scavo reported that Ms. Reed, Chief of the Bureau of Fire Prevention, did not comment on this application.

Mr. Scavo reported that Mr. Myers, Director of Building and Development, offered the following comments in a memo dated June 12, 2014. All the requirements of Chapter 184 should be met prior to approval of the Special Use Permit. This should include all sketch plans, bonds and securities, a soil and erosion control plan, any NYSDEC required permits and proposed restoration measures.

Mr. Scavo reported that the ECC reviewed the project plan and offered the following comments. The ECC recommended that harvesting occur when the ground is frozen to minimize impact to the buffer zone, wetland areas, and wildlife. The ECC also recommended that the applicant follow the NYSDEC Timber Harvesting Guidelines. All erosion and water quality controls shall be put in place at the initial phase of site preparation and shall be maintained until all construction ends and soils are stabilized.

Mr. Scavo read comments prepared by the Planning Department, explaining that per §184-2 of the Town Code, “Cutting as defined herein cannot result in less than 30 square feet per acre of remaining basal area.” Based on information provided by the applicant it appears the timber harvest will be above this threshold with approximately 40 to 50 SF per acre of remaining basal area. Mr. Scavo reported that the required notarized Owner Authorization Form must be

completed and filed with the Planning Department. In response to his question regarding disturbance of the wetlands, Mr. Izzo reported that there will be no work within the designated wetland areas: he has consulted with representatives from NYSDEC and been assured that no permits from that agency are required. No work will be undertaken within 75' of an existing residential property.

Mr. Izzo asked if the town would like him to remove some locust trees that are located in close proximity to an existing multi-use pathway. Mr. Scavo stated that he would defer any decision regarding such tree removal to Mr. Kukuk, Highway Superintendent. Mr. Werner commented that if the trees are likely to pose a danger to the public, Mr. Kukuk may wish to have them removed.

In response to Mr. Scavo's question regarding the time frame for the work to be completed, Mr. Izzo explained that, although the work could be done during the winter months, he would prefer to begin work as soon as possible since the parcel appears to be quite dry and the sandy soils allow for the work to be completed with minimal impact. Mr. Scavo reported that there would be time for the applicant to send out the required 500' notifications and be scheduled for a public hearing at the July 8, 2014 meeting.

Mr. Bianchi reported that, after review of the information presented with this application, M J Engineering and Land Surveying, P.C. offered the following comments. 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 are not necessarily limited to, the following: Saratoga County Planning – 239m referral potentially due to the project's proximity to NYS Route 146A; New York State Department of Environmental Conservation – Wetland disturbance permitting as identified in project application materials. Additional involved/interested agencies may be defined as the project proceeds through the Town's regulatory review. The Short Environmental Assessment Form appears to have been prepared correctly. The speaker explained that several comments related to the Special Use Permit application. For any of the tree removal operations, there should be assurance that stump removal will be limited so that the harvesting operations do not generate substantial ground disturbances. If activities are expected that would yield substantial ground disturbances, a Stormwater Pollution Prevention Plan (SWPPP) addressing erosion and sediment controls will be required. There should be a clear indication of where construction/ harvesting equipment will be entering/exiting the site. At this location, there should be a notation indicating that the applicant will be responsible for daily inspection and road clean-up if materials/debris have accumulated on the roadway. For any planned site access for equipment, appropriate signage along NYS Route 146A may be required forewarning the traveling public of construction / harvesting vehicles entering and exiting the site.

Mr. Frank Berlin, 980 Main Street, asked if Mr. Izzo would leave some trees that, although not healthy, provided habitat and food for wildlife. Mr. Izzo explained that he would leave such trees and that he was deeply concerned about the preservation of a diversity of wildlife species and protection of water quality.

In response to Mr. Ferraro's questions regarding wetland disturbance and "pre-commercial thinning," Mr. Izzo explained that wetland boundaries would be clearly marked and that no work would take place within the designated wetlands. He stated that the selective "thinning" to be undertaken at this time would provide for a "crop harvest" in the next 10 – 15 years. Mr. Izzo reported that there would be little impact to the existing roadway and multi-use pathway and that the entire project would be completed within three months. Mr. Ferraro asked that the applicant provide a clearer, more detailed map for the Board's review. If the consultant submits proof of mailing of the 500' notifications, Mr. Scavo believes that it would be possible to schedule a public hearing for approval of the Special Use Permit for the next meeting. Board members appeared to find the selective timber harvesting plan acceptable.

[2014-029] **VanPatten Golf Course Planned Unit Development District** – Possible recommendation to Town Board for revision to Planned Development District Legislation, Main Street. SBL: 264.-3-94

Mr. Joe Dannible, consultant for the applicant, explained that this application involves the subdivision of more than 325 acres of land located on the westerly side of Main Street within the VanPatten Golf Course PDD to create a single-family residential building lot of 12.9 acres on which the applicant, Mr. Robert VanPatten, intends to construct a home for his family. The consultant explained that since the proposed building lot is bisected by the PDD boundary line, it is possible that the applicant may need Town Board approval for modification of the PDD legislation. Mr. Dannible explained that the PDD map currently shows that original parcel owned by Country Club Golf, LLC, is comprised not only of the 323 acres encompassed by the Golf Course PDD but also the following "out parcels:" Lot #2 of 5.4 acres which lies within the R1 zoning district; Lot #3 of 1.5 acres which lies within the B3 zoning district; Lot #4 which is located in the R1 zone; Lot #5 of 9 acres within the R1 zone and which is the subject of the current application. The proposed new lot will be served by connection to an existing Clifton Park Water Authority line along Main Street and an individual septic system designed by a licensed professional engineer. Access to the site will be by easement over the existing emergency roadway that intersects with the golf course's main access drive. Mr. Dannible explained that the emergency drive's easterly access onto Main Street will be paved and gated and will not be used to access the proposed residence.

Mr. Scavo read the comments prepared by Ms. Reed, Chief of the Bureau of Fire Prevention. The concerns raised by Ms. Reed regarded possible changes to the designated "Emergency Access Road" that currently serves as a secondary access for the golf club. The applicant must clarify whether or not the entire roadway will be paved and specify the roadway width. Signs identifying the roadway as an "Emergency Access Road" must be posted at both gates. The applicant should state whether or not the gates will be locked and if a "Knox box" will be available for fire department use: the plans for opening the gates to allow for snow plowing and mowing should be provided. The party responsible for maintenance of the roadway must be designated. Mr. Scavo read a letter dated June 24, 2014 from the Emergency Services Advisory Board to the Director of Planning regarding the emergency access roadway. The letter states that the Board reviewed the proposed subdivision plan and concurred with the placement of the two access gates along with the signage restricting its use to emergency vehicles only.

The letter's author noted that, at this time, the fire department has the only key to these gates. The department is concerned about how others will gain access to the roadway to provide for snow removal and maintenance.

Mr. Scavo reported that he was in receipt of an e-mail from Mr. Myers, Director of Building and Development, that states that he is "generally supportive" of the application, though he believes that the PDD must be modified.

Mr. Scavo reported that the ECC offered no comment on the application at this time.

Mr. Scavo read the comments prepared by the Planning Department. He reported that since the contiguous lands owned by the applicant extend to within 500' of Route 146A, the application has been forwarded to the Saratoga County Planning Board for review. He recommended that the Planning Board discuss the proposal in light of the existing PDD and consider formulating a recommendation regarding possible modification of the existing PDD.

Mr. Scavo explained that a review of public comments made during public hearings held prior to adoption of the PDD indicated that the public did not want golf course traffic using the property's northerly access onto Main Street: it was, therefore, designated for use only by emergency service vehicles. Mr. Dannible explained that it is the applicant's intent to improve the roadway, ensuring that the required 20' width is maintained, that is capable of supporting a 75,000lb. vehicle for its entire length, and that it is continuously maintained.

In response to Mr. Ferraro's question regarding the number of lots illustrated on the PDD plan, Mr. Dannible explained that there was "not actually a defined subdivision." Mr. Pelagalli commented that since there was no approved subdivision of lands, the entire parcel would be considered part of the PDD. Mr. Scavo agreed and called upon the applicant to "spell out what's actually part of the PDD." Mr. Pelagalli advised the applicant to apply to the Town Board for modification of the PDD. Mr. Hale stated that he believed that the application reflected "an appropriate use" of the parcel and supported using the existing emergency access as a driveway for the proposed residence. Mr. Ferraro noted that there are "a house and building" located adjacent to the emergency access drive's northerly access on Main Street and stated that he would prefer to see this gated curb cut "remain green." Mr. Werner observed that there is a pavilion indicated on the plan within the boundaries proposed for the subdivided lot. Mr. Dannible explained that the pavilion, though planned in the early stages of the golf course's redesign, was never constructed.

Mr. Dan Hartnett, representative of the Trails Subcommittee of the Open Space, Trails, and Riverfront Committee, requested that the applicant provide a 5' easement or right-of-way across all of the Planned Unit Development District's frontage on Main Street, Jonesville, to allow for widened shoulders in the future per the Town of Clifton Park Master Plan.

Board members agreed that they "were comfortable" with the proposed subdivision application and that they would recommend that the Town Board adopt changes to the existing PDD legislation that would allow for its approval.

Discussion Item:**Presentation by Trails Subcommittee and Open Space Coordinator**

Ms. Jen Viggiani, Open Space Coordinator and Mr. Dan Hartnett, Chairman of the Trails Subcommittee of the Open Space, Trails, and Riverfront Committee, presented a Powerpoint presentation which focused upon implementation of recommendations outlined in the Town of Clifton Park's Town Center study for the Board's consideration. The production emphasized the Board's role in "designing today for the future" to achieve a more pedestrian friendly and visually interesting area within the Exit 9 – I-87 corridor, with particular emphasis on encouraging the use of recommended "complete streets" strategies to enhance mall redevelopment and "in-fill" projects that are reviewed by the Planning Board. The presentation included visuals that illustrated existing conditions and possible improvements that would motivate shoppers, bicyclists, and pedestrians to use defined, safe walkways between businesses.

Mr. Hale commented that he found the presentation informative and stated that he would like to see a trail connection constructed along Route 146A to link the Town of Clifton Park with the Town of Ballston. Observing that the northerly section of this roadway corridor is very dangerous because of the narrow carriageway and topography changes, he encouraged collaboration with NYSDOT to create a viable trail link. Mr. Ophardt encouraged the creation of a "bike masterplan" that would provide a foundation for Planning Board approval conditions and rationale for NYSDOT to support proposed projects. Mr. Werner suggested that the Highway Safety Committee may be useful in providing an "interface" between the Trails Committee, various town boards, state agencies, and applicants. Mr. Ferraro thanked Ms. Viggiani and Mr. Hartnett for their presentation, stating that their work is very helpful in providing guidance for the Board as it considers projects for approval. He noted that those communities that have encouraged the development of trail networks, sidewalks, and complete streets have reputedly become "healthier communities."

Mr. Koval moved, seconded by Mr. Ophardt, adjournment of the meeting at 9:20p.m. The motion was unanimously carried. The next meeting of the Planning Board will be held as scheduled on July 8, 2014.

Respectfully submitted,

Janis Dean,
Secretary