

# Town of Clifton Park

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## PLANNING BOARD

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Eric Ophardt

Sandra Pace

Kim Paulsen

Tom Werner

(alternate) Emad Andarawis

## Planning Board Meeting May 10, 2011

Those present at the May 10, 2011 Planning Board meeting were:

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

Those absent were: None

Those also present were: J. Scavo, Director of Planning  
J. Romano, CHA Companies  
R. Milano, M J Engineering and Land Surveying, P. C.  
M. Montague, Environmental Specialist  
P. Pelagalli, Counsel  
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.

### Public Hearings:

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

### Old Business:

[2010-043] Ellis Hospital Extension Clinic – Proposed 39,000 SF medical facility, 103 Sitterly Road – Preliminary site plan review and possible determination. SBL: 272.-1-40.1

Mr. Gavin Vuillaume, consultant for the applicant, presented this application that was last reviewed by the Planning Board at its March 22, 2011 meeting. At that time the applicant had submitted revised conceptual plans that adequately addressed many of the issues of concern, including screening of residential properties in the Clifton Gardens subdivision, storm water treatment, containment and discharge, utility connections, and several minor technical issues. The most significant item of concern remaining related to the proposed site entrance drive from Sitterly Road. Mr. Vuillaume described the proposed “T” intersection which modifies an existing site access along Sitterly Road. The plan includes lane widening and pavement restriping in accordance with an off-site road improvement plan prepared by Creighton Manning Engineering. The speaker stated that the proposed entrance provides adequate space for improvements to the adjoining property currently owned by Belmonte. He noted that improvements to Sitterly Road will be funded by the applicant: improvements to Clifton Park Center Road will be paid for by the Town of Clifton Park. He explained that the plan includes a sidewalk that crosses Clifton Park Center Road to link Sitterly Road with McDonough Way. Ms. Wendy Holzberger, traffic engineer with Creighton Manning, described the recommended clearing of existing trees and underbrush that would improve sight distances at the curb cut, road widening that would accommodate the back-to-back turn lanes designed to provide an exclusive left turn lane into the site for southbound traffic on Sitterly Road, the proposed westbound right turn lane from Old Sitterly Road, and the “refuge area” for left-turn traffic exiting from the project site to Sitterly Road. She explained that additional information regarding anticipated “queuing” on adjoining roadways had been provided to CHA Companies for review. Although Mr. Werner commented that timing of signals may be a means to alleviate some likely queuing problems, Ms. Holzberger stated that such modifications have been incorporated into the design plan. In her opinion, stacking problems would be limited to the one-hour afternoon peak travel time. Mr. Koval stated that while the traffic problem may be of limited duration, he was concerned that drivers who had been previously delayed at two intersections to the east would not be pleased with an additional delay. He was concerned that traffic would stack from the Clifton Park Center – Sitterly Road intersection to the project site and beyond. Ms. Holzberger maintained that the proposed improvements are appropriate and would provide adequate stacking and an acceptable level of service. Mr. Ferraro requested clarification of the proposed striping, recommending that striping of the entire “refuge area” for left turn traffic exiting Old Sitterly Road be shown on the plan. He noted that revised plans submitted by the applicant’s consultant did not consistently reflect agreed-to revisions to the site plan, noting that Board members expected revised submissions to reflect agreed-to modifications of the project plan.

Mr. Scavo explained that comments from the Trails Subcommittee of the Open Space, Trails, and Riverfront Committee for all projects on this evening’s agenda had been forwarded to all Planning Board members. He then listed the comments prepared by Mr. Myers, Director of Building and Development. Mr. Myers requests that the applicant submit detailed plans for the necessary modifications to an existing culvert along the Northway corridor. It appears from the proposed plan that water from the Northway is being piped through the site to the town’s right-of-way: this is not acceptable. Referencing the response letter prepared by Environmental Design Partnership addressing previously-issued comments, he noted that changes to the storm water management manual were not submitted as indicated. Detailed plans showing all noted changes were not submitted for review. Previous comments prepared by Mr. Myers remain applicable.

Mr. Scavo provided Planning Department comments. He asked that the “existing access drive to adjacent parcels to remain” be clearly defined by shading or providing the limits of the easement. The applicant should clarify whether or not the access drive extends the entire length of Old Sitterly Road. He explained that it would be acceptable to provide a separate plan detail called out from page one of the site plan to better highlight the access easement. A bond or letter of credit must be established to cover the construction costs for the traffic improvements as well as landscaping. The applicant’s engineer must provide cost estimates of these improvements to the Planning Department for review and approval. The required bonds or letters of credit must be submitted prior to the issuance of a Building Permit. The applicant must address the conflicts between the planting plan and proposed infrastructure on the final site plan.

Mr. Romano explained that CHA Companies reviewed the site plan for this application last revised April 5, 2011, the Storm Water Management Narrative last revised April 1, 2011, and Creighton Manning traffic-related comments dated April 5, 2011. Several comments from our March 21, 2011 review letter remain to be addressed. A water report for the proposed public water extension should be provided for review. The limit of proposed public water main should be identified on the plans. The water main should be kept within the Town right-of-way to a point past the entrance to the facility. The water main design has been reviewed and approved by the Clifton Park Water Authority. An additional hydrant has been added. CHA Companies is concerned with the long dead-end pipe leading to the additional hydrant. The response letter indicates a water report will be provided prior to the State Health Department Public Water Supply submission. Substantial additional detail of the proposed off-site watermain should be provided. The proposed limit of disturbance and the method(s) of crossing Sitterly Road and Garden Drive should be depicted on the plan. It appears that the waterline installation may impact utility poles and roadway signage. Additional detail of the proposed off-site watermain has been provided. The plan view label for the directional drill crossing should be labeled Sitterly Road not Garden Drive. Restoration and erosion control for the proposed off-site water line should be depicted on the plans. A portion of the proposed off-site sewer line is located within an existing easement. Additional detail regarding the nature of the easement and permitted facilities should be provided to verify that a new sewer line is permitted. It does not appear as though there is an existing easement within the land of Peter J. Belmonte Jr. Installation of a force main or gravity sewer is not possible in the area shown without significant risks of impacts to existing sewer facilities that are already situated within the easement. The response letter indicates that sewer easement agreements have been acquired and will be filed with the County Clerk. The plans should depict force main notes/specifications on pipe, testing, etc. The force main pipe section at the stream crossing (42” pipe downstream) near station 3+40 will require pipe protection/encasement. Restoration and erosion control for the proposed off-site forcemain line should be depicted on the plans. The relocation of the existing access drive will require the removal or relocation of the existing guiderail: additional plan detail should be provided. The Demolition Plan depicts the existing guiderail to remain: the site plan does not depict any guiderail improvements. Additional pedestrian crosswalks should be provided at the intersection of Sitterly Road and Clifton Park Center Road. Additional pedestrian crosswalks have not been provided at the intersection of Sitterly and Clifton Park Center Roads. Additional crosswalks should also be provided within the project site, connecting the sidewalks to the building entry.

Mr. Romano offered the following additional comments. The striping of Sitterly Road depicted on the site plan is not consistent with the concept plan provided by Creighton Manning Engineering. There appears to be a possible conflict with the 18” HDPE crossing above the re-routed 24” HDPE just above CB #9. The 18” HPPE outlet may need to be adjusted. The project

identification sign appears to be several feet below the entrance road: sign details and elevations should be provided. Several pipe crossing conflicts occur, 8" water to building & 15" storm, 8" water to hydrant and 15" storm and 8" water to hydrant and 12" storm. These crossings should be shown on the profile with 18" minimum separation between water and storm pipes. The grading plan appears to depict a proposed surface swale crossing the Old Sitterly Road. It appears a culvert under the road should be provided to convey the run-off. The planting plan depicts several trees within the entry road pavement area, depicts a red maple tree over the proposed water line and white pine trees over proposed storm water pipe and a catch basin: these conflicts should be resolved. The planting plan depicts three sugar maple trees located very close to the proposed parking edge. These three maple trees are located very close to storm water basin # 1. The tree species should be changed to one that tolerates wet conditions. The bio-retention basin plantings shall meet all New York State Storm Water Design Manual (August 2010) guidelines. Additional trees, shrubs, and herbaceous vegetation are required. The dry swales and Stormwater Management Areas shall meet all New York State Storm Water Design Manual (August 2010) guidelines. Proper grass species and wetland plantings must be specified.

CHA Companies provided the following comments to the response letter provided by Creighton Manning Engineering dated April 5, 2011. As noted in a previous review, the back-to-back turn lane is not recommended for this location and alternative methods to accommodate the southbound approach to the site access, including but not limited to, providing a side-by-side left turn lane and/or a widened shoulder to accommodate a bypass lane should have been evaluated and included in the re-submission. The proposed site access is within the functional area of the signalized intersection and does not provide sufficient distance between the two intersections to accommodate the appropriate queue storage and maneuvering distances to provide a back-to-back turn lane. While the revised Build PM peak period capacity analysis for the Clifton Park Center Road shows an improvement in the average and 95<sup>th</sup> percentile queues over the initial analysis, the proposed northbound left turn lane length of 185 feet will result in the northbound through/right turn lane being blocked by vehicles desiring to enter the exclusive northbound left turn lane, which will add to the congestion and inefficient operations of Sitterly Road and its intersections. Given that the proposed use generates more traffic than the existing use and insufficient spacing to accommodate the appropriate queue storage and maneuvering distances, it is recommended that the lane remain as an exclusive lane to accommodate only the northbound left turn movements at Clifton Park Center Road, and not a back-to-back lane with the site access. The applicant should look for alternative methods to accommodate the movements at the proposed site access.

CHA Companies offered the following comments on the Storm Water Management Report and associated plan sheets:

The response dated April 4, 2011 states that the flow which comes from I-87 will be rerouted through the site, bypassing Storm Water Management Area #3. According to the Site Plan sheet (C-001) and the Grading and Utilities Plan sheet (C-002), the rerouted 24" pipe alignment contains catch basins #7, #8 and #9 that appear to pick up an unknown amount of drainage area (11S) that is intended to be treated by Storm Water Management Area #3. The grate elevation of catch basin #8 is approximately two feet below the spot grades at the curb edges of the round-about loop west of the proposed building. There are no contours that show the extents of the sump area and how much drainage area is getting to this catch basin. It is recommended that this structure be revised and graded so that runoff from drainage area (11S) continues to be routed to the Storm Water Management Area #3 as intended by the design.

Mr. Vuillaume stated that the plans would be revised in accordance with CHA Companies' recommendations. He agreed to contact Mr. Gabriel, NYSDOT representative to assure that all drainage from the Northway is adequately piped through the site.

Mr. Montague, Environmental Specialist, reported that the ECC found that the revised project plans satisfied all previously-issued comments.

Mr. Peter Murray, legal representative for Mr. Peter Belmonte, Sr., adjoining property owner, requested assurance that the pedestrian amenities required for the Ellis Hospital site would not preclude access to his client's property. Mr. Vuillaume explained that access to the Belmonte property will be permitted. In response to Mr. Ferraro's question regarding an easement from Mr. Belmonte, Sr. through adjoining property to the north of the project site, Mr. Vuillaume stated that, to date, discussions regarding such an easement had not been initiated.

Mr. Dan Hartnett, representative of the Trails Subcommittee of the Open Space, Trails, and Riverfront Committee, requested that the applicant provide a 25' easement along the property's Sitterly Road frontage for future multi-use pathway installation and/or roadway improvements. He also asked that the Board request that the applicant provide a pathway from Garden Drive to the site. He commented that traffic queues at the Clifton Park Center Road – Sitterly Road intersection are lengthy on weekends.

In response to Mr. Ophardt's question regarding the width of the shoulder along Sitterly Road, Mr. Vuillaume explained that the width is between 3' and 4'. This width will be maintained as site development progresses. Mr. Vuillaume noted that Mr. Kukuk, Highway Superintendent, did not support sidewalk construction along Sitterly Road since it would provide a "visual cue" for pedestrians to continue to the bridge over the Northway that is currently unsafe for pedestrian use. Mr. Ophardt asked if pedestrian crossing signals will be incorporated into the sidewalk design at the Clifton Park Center Road – Sitterly Road crossing site. Ms. Holzberger stated that although it is unlikely that pedestrian signals will be installed, the timing of the traffic signals will allow for safe pedestrian crossings. Mr. Ferraro asked that the applicant install a section of sidewalk along the southern edge of the site entrance parallel to the entrance drive: the applicant agreed to construct this link. Mr. Ferraro addressed Mr. Hartnett's recommendation regarding the installation of a pathway from Garden Way to the hospital site, stating that such an improvement will be made in the future. He believes that the scale of this project does not warrant such a condition of approval.

Mr. Hale moved, seconded by Ms. Pace, 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. Ophardt, to grant preliminary and final site plan approval to this application conditioned upon CHA Companies' and professional staff's approval of all site plan details, particularly in regard to traffic improvements proposed to mitigate the negative impacts that will result from this project's development. If additional design details

indicate a conflict from the site plan conditionally approved, additional Planning Board review and approval of any modification will be required. The motion was unanimously carried.

[2011-003] **Sushi Tei Restaurant** – reaffirmation of approved site plan, 1218 Route 146 – Preliminary site plan review and possible determination. SBL: 270.-2-24

Ms. Lucian Nyeu, project architect, and Mr. Tony D’Adamo, engineering consultant, presented this application that was last reviewed by the Planning Board on April 12, 2011. The plan remains generally as presented at that time, though Mr. D’Adamo explained that the applicant has addressed issues of concern that were raised at that time. The existing exit will be eliminated and the area used for dumpster storage and a small garden. The seventy-four (74) seats previously approved will be reduced to seventy (70). Thirty-one (31) parking spaces will be provided on site. One-way traffic flow will move from the Route 146 access at the westerly side of the building to the rear of the property, with vehicles exiting the site through the North Country Commons complex. Plans now include a speed table within the entranceway and a striped crosswalk from the handicapped parking space to the restaurant entrance.

Mr. Scavo reported that Ms. Reed, Chief of the Bureau of Fire Prevention, provided the following comment regarding this application. The applicant must provide ADA compliant handicapped accessibility to the restaurant. Per NFPA 13, a sprinkler system must be installed.

Mr. Scavo stated that Mr. Myers, Director of Building and Development, reported that the proposed building additions appear to fall within the limits of all approved variances.

Mr. Scavo offered comments prepared by the Planning Department. The speaker explained that this application was reviewed by the Saratoga County Planning Board on April 21, 2011 at which time it was determined that the project would have no significant county-wide or inter-community impact. That Board did recommend, however, that the plan provide a cross access easement to the plaza to the south due to the elimination of one exit onto Route 146. Mr. Scavo approved of the proposed striped cross walk from the parking area to the building. The side setbacks from the existing building to the property line should be shown on the plan. He noted that the proposed second story had been eliminated from the architectural plan.

Mr. Romano offered comments provided by CHA Companies. A demolition and removals plan should be provided that clearly indicates the limits of existing items to be removed and items to remain. Utilities to be abandoned or removed should be depicted on the plan. The previous variances granted for the outdoor seating area should be reviewed. Mr. Myers, Director of Building and Development should determine if additional variances are required. The Existing Conditions Plan should include the following items: scale, north arrow, bench marks, lot acreage, map references, existing utilities, property lines, rights-of-way and easements, and current building line setbacks. Existing site features such as, curbing, pavement, trees, utilities, etc. should be labeled. The site plan should depict the proposed building setbacks from the property line. The proposed height of the building addition should be depicted on the plan. The limit of proposed new asphalt should be clearly depicted on the plan. Additional design information for the proposed water and sanitary sewer systems should be provided. Pipe materials, inverts, depth of burial, etc. should be depicted on the plan. The proposed connection to existing

facilities should be depicted. Proposed grading should be provided in areas to be modified. Erosion control measures should be provided.

CHA Companies offered the following comments on the Landscaping Plan:

- The Magnolia (P1) size should be increased to 2.5” to 3” caliper and specify balled and burlap (B&B)
- The Pinus Densiflora ‘Umbraculifera’ (P2) is shown as three different sizes on the plan; the planting key/chart should show three different sizes.
- Consideration should be given to revising the Pinus (P2) locations or changing the species. This plant can reach 20’ in height and 18’ in width. Pinus is normally sized by height or specified as container grown, not as 1” diameter.
- The type of Acer Palmatum should be specified.
- Seeding specifications, turf species, limits, planting times, soil amendment requirements, topsoil, should be provided.
- The limits of landscape bed areas and specific surface treatment such as shredded bark mulch should be depicted on the plan.
- Three trees are depicted in the rear of the property. They should be labeled as proposed or existing.

The zoning code requires the property margins at the sides from the front building line to the rear property line shall be planted with trees and shrubs for a width of not less than 10 feet. The Planning Board should determine if the intent of the code is being met. The photometric footcandle contours should be labeled as light level values. Light levels should be added to the plan for all proposed lights. Spot lights are located in the front of the building adjacent to Route 146: these should not be directed toward traffic. It appears a portion of the parking lot along the western property line is not adequately lit. The light pole base detail does not depict the height of the base above ground or depth of bury. Pursuant to section 208-115.B.27 of the Town Code “The final site plan shall contain the signature and seal of a professional engineer registered in New York State or a qualified land surveyor under §7208, Subdivision n, of the Education Law.”

Mr. Montague, Environmental Specialist, reported that the ECC offered no comment on this application.

Ms. Paulsen commented that the site plan and proposed building renovation appeared aesthetically pleasing: she found the plan acceptable. Mr. Werner recommended that appropriate signage such as DO NOT ENTER signs at the rear of the parking lot be provided to direct traffic flow through the site and restrict traffic flow where necessary. He recommended that no arrows be painted on the parking lot aisle. Mr. Hale stated that he approved of the site plan as presented and commended the applicant for working cooperatively with the Planning Board to achieve a desirable project plan. Mr. Ferraro echoed Mr. Hale’s commendations. Though he asked that the applicant consider installation of a pedestrian connection to the adjoining Gold’s Gym site, Mr. Ophardt observed that such a connection may not be feasible since it would have to be ADA compliant: the existing grade change between the properties may not permit such a connection.

Mr. Koval 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. Hale moved, seconded by Ms. Paulsen, to grant preliminary and final site plan approval to this application conditioned upon the satisfaction of all outstanding comments issued by the Planning Board, Planning Department, and CHA Companies. The motion was unanimously carried.

**New Business:**

[2011-010] **Maxwell Drive Office Building** – Proposed 3,200 SF addition to an existing office building, 10 Maxwell Drive – Conceptual site plan review. SBL: 271.-3-75

Mr. Gavin Vuillaume, consultant for the applicant, presented this application that calls for a 3,200 SF addition to an existing office building located within a B1 (Business Non-Retail) zone on the easterly side of Maxwell Drive just north of the Shoppers World shopping center. The building, constructed in 2003, is served by municipal water and sewer and 116 parking spaces. The project will not require any additional parking or utility service connections. The speaker explained that the building has been fully occupied since its construction and existing tenants have expressed the need for additional office space. The architectural elevations provided by Mr. Vuillaume indicate that the addition will be located generally to the north of the existing entranceway and will be constructed of materials compatible with the existing building. Since the addition will be largely built on an existing, but rarely used, patio area, the applicant's consultant contends that there will be no increase to the impervious area. Therefore, no changes to the storm water management area are anticipated.

Mr. Scavo explained that Mr. Myers, Director of Building and Development, reported that the following variances were granted in 2003: 208-35D(1) - 70' front yard setback for parking required - 30' proposed, 40' variance; 208-33B - Maximum allowed building to lot size ratio=12% - Proposed=14.4%, 2.4% variance; 208-33B-Maximum building size allowed=4800 SF - 30,000 SF proposed, 25,200 SF variance. He notes that the new proposal would require the following variances since the building will expand to 33,200 SF:

1. Variance from 208-33B required=3,200sf in addition to previous variance.
2. Variance from 208-33B required=Maximum allowed building to lot size Ratio=12%. Building to increase to 15.9%, another 1.5% increase required.

In addition, Mr. Myers noted that there is no discussion of storm water in the proposal. It is believed that the existing storm water management area that is a part of this parcel is having an adverse affect on the Bear Brook which is a protected trout stream classified by NYSDEC. The proposed addition will create even more impermeable area contributing to the storm water runoff which will further affect the Bear Brook. Corrective action to mitigate the issues should be a requirement of any approvals for this proposal. A copy of the original storm water plan and a full topographic survey of all the existing conditions including inverts of all pipes and drainage structures will be required to fully evaluate the current issues.

Mr. Scavo offered Planning Department comments. He recommended that the Site Statistics Table be updated to show two columns which would illustrate existing conditions and

proposed conditions. Stating that storm water run-off to the Bear Brook is of concern, he requested that documentation of storm water run-off from the site with the addition of the proposed modification be submitted for the Board's consideration. An elevation of the proposed addition should be submitted for the Planning Board's review. It is recommended that materials used for the addition match and be compatible with the existing structure. A signoff from the Clifton Park Water Authority will be required prior to final approval.

Mr. Romano reported that, after review of the site plan, CHA Companies provided the following comments. The proposed project appears to be an unlisted action pursuant to SEQRA and as such coordinated review is optional. Involved agencies are anticipated to include the following: Clifton Park Planning Board – Site Plan Review; Clifton Park Zoning Board of Appeals – Area Variances. Mr. Romano explained that his firm is aware of existing drainage issues immediately downstream of the project site that impact the Bear Brook and the crossing at Maxwell Drive. The existing storm water management system should be evaluated to verify it is operating as originally designed and is adequately mitigating peak flows. It appears the basins may have existing capacity that is not being fully utilized for flood control. The project was granted variances as part of the original site plan approval in 2003. It appears the proposed addition will require modification of two of the variances (percent of building area and floor area in a single building). Future submissions should include the following: detailed grading plan of proposed addition; proposed lighting plan (depict proposed building mounted lights); detailed landscaping plan, and site construction details.

Mr. Montague, Environmental Specialist, reported that the ECC offered no comment on this application at this time.

Board members found the project generally acceptable, though Mr. Hale recommended that the applicant consider some type of retrofitting or modification of the storm water management design to achieve a more positive drainage flow.

[2011-011] **Synergy Technology Park** – Proposed (7) lot subdivision within the B-5 (Corporate Commerce) zone, Route 9 and Kinns Road – Conceptual review. SBL: 265.-1-15.3

Mr. Ivan Zdrahal, consultant for the applicant, presented this application that calls for the subdivision of an 83 acre parcel of land located at the northwesterly quadrant of the Kinns Road – Route 9 intersection, lying within the B5 (Corporate Commerce) zoning district. The applicant proposes a seven (7) lot subdivision. Phase I proposes the subdivision of approximately 58 acres of land into six (6) commercial lots. Mr. Zdrahal explained that it is the applicant's intent to create "prime building lots for high-quality commercial use" in accordance with all zoning regulations and environmental restraints. .9 acres of the project site lies within the Town of Halfmoon. The development site will be served by two private roads: one accessing the site from both Kinns Road and Route 9 and the other from Route 9. All parcels will be served by public utilities. Mr. Zdrahal explained that the site is bisected from west to east by the Dwaas Kill, a classified and protected stream: its associated LC zone has been illustrated on the project plan. Areas of NYSDEC and ACOE wetlands have been delineated on site: their boundaries are depicted on the conceptual site plan. The applicant proposes the establishment of a property owners' association to provide for maintenance of commonly-held infrastructure and land areas.

Mr. Zdrahal explained that the project narrative includes a jurisdictional letter of approval from the ACOE that validates the wetland delineation information until December, 2012. An approval letter from NYSDEC is also included with the submission.

Mr. Scavo explained that Ms. Reed, Chief of the Bureau of Fire Prevention, offered the following comments on this application. All buildings are required to have a fire apparatus access road per Section 503 Fire Code of New York State. The location of fire hydrants must be indicated on the site plan. Postal verification must be provided.

Mr. Scavo reported that Mr. Myers, Director of Building and Development, provided a number of comments regarding this application. He noted that the ACOE approved delineation appears valid until December, 2012. The NYSDEC wetland delineation dated March 29, 2007, however, has apparently not been re-validated: the applicant must assure that the jurisdictional determination remains in effect. The map of the "water of the U.S." is unreadable. The applicant has unnecessarily provided multiple copies of some information. Mr. Myers observes that the site appears to have significant restrictions due to wetlands, the Dwaas Kill, and evidence of the Karner Blue butterfly and/or its habitat. He notes that storm water management will be a significant undertaking for this project due to sensitive areas on the site and the new requirements of the SPEDES permit. The wrong storm water certification form was signed and submitted with this application. The form has the wrong permit number and no Storm Water Pollution Prevention Plan was included with the submission. It is anticipated that additional comments will be provided as the plan progresses.

Mr. Scavo requested that the applicant prepare a Long Form Environmental Assessment Form since the application is deemed to be a Type I action pursuant to SEQRA. He explained that Ms. Viggiani, Open Space Coordinator, provided a number of significant comments regarding this application. The application should be corrected to show that the project parcel includes a few acres on the westerly side of the Northway, I-87. Since the proposed water line extension travels through a 19.29 parcel also owned by Country Club Acres, the plan should indicate that it is part of the project. Future access to and proposed uses for this parcel should be identified. The applicant should clarify whether or not the water line will have access for future maintenance and the width of the proposed CPWA easement should be included on the plan. The proposed water line will be located within 100' of a protected natural site owned by Saratoga P.L.A.N. If all of tax parcel number 265.-1-15.3 is included in the project plan, the site would lie within 1,500' of the Dwaas Kill Nature Preserve which is located on the west side of Pierce Road. Per Mr. Myers' comment, since the NYSDEC Freshwater Wetlands Map Verification of 2007 is valid for only three (3) years, the verification should be revalidated. The 36" main trunk for Saratoga County Sewer District #2 should be shown on the mapping. The applicant should indicate how access to the existing line will be improved as a result of this project and how maintenance and repair of this 40 year old line will be achieved. The project design should include concepts for transit, pedestrian, and bicyclist access to the entire commercial complex. Information regarding anticipated traffic patterns, volume, and timing should be included with the applicant's next submission.

Mr. Romano explained that CHA Companies reviewed the conceptual subdivision plan prepared by Ivan Zdrahal Associates, PLLC and offered numerous comments and

recommendations regarding this application. The proposed commercial subdivision is located within the current B5 (Corporate Commerce) zoning district and consists of 7 proposed lots on 82.99 acres. The applicant is proposing two phases of development. Phase 1 will include Lots #1-6 and Phase 2 will involve the development of Lot #7. The Vicinity Map (VM) and the Offsite Water Main Improvements Map (OW) depicts the Phase 2 development with Lots #7, 8 and 9 proposed. The report indicates that Phase 1 (Lots 1-6) are to be shovel ready, with access roads, storm water management areas, and utility systems being constructed prior to the sale of the individual lots. The primary purpose of the Corporate Commerce district is to permit, where appropriate, the construction of facilities providing research and information and communication services, light manufacturing, processing, assembly and fabrication facilities, and warehouse and storage facilities, providing primarily for the location of high-technology facilities, office parks, and research and development facilities and offices. In general, based upon the information provided, the project appears to meet the intent of the zoning district regulations. Additionally, it appears as though the project has been conceptually designed to minimize the potential impacts to the environmentally sensitive features of the site. The application does an excellent job at clearly identifying the scope of the proposed project and existing conditions of the site as they relate to topography, wetlands, streams, and adjacent properties. It is anticipated that the project will be reviewed as a commercial subdivision with the creation of commercial lots, roadways and utility infrastructure. Individual site plan reviews will be provided as lots are developed. Since the proposed project will involve physical alteration of 10 acres or more, it will be considered a SEQR Type 1 Action and will require coordinated review with all involved agencies. A Full Environmental Assessment Form (EAF) will be required for review. Drafts of a FEAF should be provide as soon as possible so the SEQR process can be initiated. The involved agencies are anticipated to include the following: Town of Clifton Park Planning Board – Subdivision Review, Site Plan Review; Town of Halfmoon – A portion of the project is located within the Town of Halfmoon; Saratoga County Planning Board – Section 239 referral; Saratoga County Sewer District No. 1 – Sanitary Sewer Extension and Connection; Town of Clifton Park Water Authority – Water Supply Service; NYS Department of Health – Public Water and Sanitary Sewer Extensions; NYSDOT - Curb Cut Permit for NYS Route 9; Saratoga County DPW - Curb Cut Permit for Kinns Road; OPRHP – State Office of Parks, Recreation & Historic Preservation – Review of Archeological Survey; NYSDEC: Wetland/Stream Disturbance Permit; Sanitary Sewer Service Approval; Water Supply Service Approval; Water Quality Certification; SPDES General Permit for Storm Water Discharge. The Full EAF and supporting materials should specifically address the following issues, potential impacts and mitigation methods:

- Traffic impacts for project full build out, including Phase 2. A traffic study should be provided that at a minimum analyzes the Route 9/ Kinns Road intersection, the Route 9/Ushers Road Intersection and the proposed site access points. It is recommended that early coordination meeting be scheduled between the Town, NYSDOT, CHA and the applicant’s consultant to discuss access and potential traffic impacts.
- Threatened or endangered species. A detailed site investigation is recommended.
- Archeological/Historical resources. A Phase 1A Archeological Survey is recommended.

- Impacts and proposed mitigation of state and federal wetland areas. The proposed subdivision plan is impacting existing federal wetlands in several locations.
- Impacts and proposed mitigation of the Dwass Kill and its tributaries.
- Impacts and proposed mitigation of the Land Conservation Zone (L-C).
- Impacts and proposed mitigation of the surrounding land uses, existing lots along Route 9 and Kinns Road.
- Potential visual impacts should be addressed from the Northway, Kinns Road and Route 9.

Assuming the potential impacts and mitigation measures are sufficiently documented in supporting plans and reports, an Environmental Impact Statement may not be required. Because the plan appears to do a good job at minimizing impacts to topography, wetlands, and the Dwaas Kill because it includes substantial greenspace and areas for storm water management, a Positive Declaration is not warranted at this time.

Mr. Romano offered the following additional comments. The NYSDEC wetland boundary validation is only valid for three years from the date of flagging. Wetlands were flagged in the fall of 2006. The NYSDEC wetland boundary should be re-validated by DEC and a new verification letter should be provided. It appears the U.S. Army Corps of Engineers jurisdictional determination is valid until December 13, 2012 since the ACOE letter dated December 13, 2007 states the wetland delineation is valid for a period of five years from the date of the letter. The applicant should clarify if this jurisdictional determination is valid for the Phase 2 area since it appears the ACOE determination was only includes the 58.82 acres of Phase 1. There appears to be a conflict between the ACOE letter and the Waters of the U.S. Map. The total acres of wetlands and total lineal feet of stream channel should be verified. Future submissions should include a full size conceptual plan that depicts the boundaries of environmental areas to be left undisturbed and/or protected through deed restrictions, conservation easements, or other agreements. A Site Analysis Map should be submitted depicting contours, wetlands, streams and other drainage corridors, steep slopes – greater than 15%, flood hazard areas [from a Federal Emergency Management Agency (FEMA) flood insurance rate map], groundwater aquifers and/or recharge areas, Town L-C Zones, ponds and reservoirs, areas of rare, threatened or endangered species, and significant forested areas and any other important environmental features such as historic landmarks. The applicant should state if they are requesting any zoning changes, zoning variances, or special use permits for the area to be subdivided. The storm water management areas shown on the conceptual development plan appear to be very large in size and be part of a closed storm piping system. Future submissions should incorporate a design that is in conformance with the current NYSDEC storm water regulations which generally require smaller areas closer to the impervious areas and an open drainage concept. Green infrastructure techniques in accordance with the design manual will be required. Documentation from the Clifton Park Water Authority stating that the existing water supply system has sufficient capacity to support this proposed project should be provided. A plan should be provided depicting the existing water supply system adjacent to the project site and an evaluation of the potential for providing additional connections to nearby municipal systems. The proposed off-site water main improvements located to the north of the project site should be included in the environmental review of the project. Additional information such as a wetland delineation and jurisdictional determination from ACOE and NYSDEC should be

provided. The proposed sanitary sewer system will connect by gravity to the existing Saratoga County Sewer District No. 1 sanitary sewer trunk line (36" dia). Documentation stating that the existing sewer system has sufficient capacity to support this proposed project should be provided. Documentation stating that the existing electrical supply system has sufficient capacity to support the proposed project should be provided. The conceptual development schedule indicates two level parking garages for Lots #1 and 2. Additional information for these lots such as conceptual parking garage layouts showing ramps, elevations, and other relevant details should be provided. Clarification should be provided regarding the private/public roads as stated on page 4 of the report. CHA Companies supports the development of privately owned and maintained roadways with common rights of access to the commercial lots. The driveway access onto Route 9 for Lots #1 and 2 should be reviewed. The primary access for these lots should be from the project 'Road A'. The Board should consider limiting the access directly onto Route 9. The Town Code states there shall not be more than one curb cut per lot unless the Planning Board finds that traffic safety will be improved with the addition of another curb cut. Based on the large size of Lots #1 and 2, it appears that multiple access points are appropriate. It appears that Lot 3 does not have adequate frontage along the proposed access 'Road A'. The 'Road A' should provide a stub street connection to adjoining parcel labeled as the Lands of Klementowski. Emergency Services and the Bureau of Fire Prevention should review the plan. It should be verified that adequate emergency access is provided to each building. Multiuse pathways shall be provided where such facilities are a part of the Town Master Plan or Multiuse Pathway Plan or in locations where such pathways will serve to integrate or expand existing or planned pathways. It is not the intent to provide such facilities on local or marginal access streets except where connections between neighborhoods may be required by the town. It appears a network of multiuse pathways along the internal road network may be appropriate. The Board should review the proposed project for any proposed public open space areas or any amenities provided to benefit the community/town. The owner shall be required to offer to the town either Class A type usable land equal in size to at least 5% of the owner's subdivided tract, Class B type usable land equal in size to up to 10% of the owner's subdivided tract, money in lieu of land, or a combination of all three. Class A type usable land shall be used for parks, playgrounds, or other specific public recreational uses (to be defined as "park land"). Class B type usable land shall be left as passive open space (to be defined as "open space"). The Board shall refer such offers to the Office of Community Affairs for review and recommendations. If the Planning Board determines that the five-percent area offered by the owner would not be useful for a public purpose or if the dedication of land within the subdivision would not conform to the Master Plan or Official Map or is otherwise not practical, the Board shall require, as a condition to approval of the plat, that the owner pay to the town a fee per lot included in the plat, which sum shall constitute a trust fund to be used by the town exclusively for neighborhood park, playground or recreation purposes, including the acquisition of property (NOTE: Revised Addenda No. 2, adopted March 1980). This fee shall be as set forth in the fee schedule in Local Law No. 12-1988. The Planning Board shall require that more than 5% of the subdivider's tract be offered to the town if such is required to comply with the Master Plan or Official Map. If the amount of land to be dedicated as Class A type usable land exceeds 5% of the tract or as Class B type usable land exceeds 10% of the subdivider's tract, then compensation shall be paid for the excess dedication. Compensation shall be determined by independent appraisals by the town and the owner. If necessary a third independent appraisal shall be sought. Unique and scenic areas and those areas bordering streams, lakes or other watercourses may be given special consideration by

the Planning Board should they be desirable for public open spaces. The applicant should provide a public open space corridor or amenities adjacent to the Dwaas Kill.

Mr. Montague, Environmental Specialist, explained that the ECC made the following recommendations regarding this application. The applicant should provide a delineation of the ACOE and NYSDEC wetlands and any associated buffer zones. The applicant should delineate the location of any blue lupine on the proposed subdivision. The applicant should define the meaning of “restricted area,” as listed in their “concept development plan”. There should not be any disturbance to the Dwaas Kill or planned development of the land to the north of the Dwass Kill.

In response to Mr. Koval’s question regarding parking design, Mr. Zdrahal confirmed that Buildings #1 and #2 would be served by underground parking. Mr. Hale encouraged the use of green roadways and run-off reduction measures to decrease negative environmental impacts. He also suggested the use of green roofs and “green” building methods. He saw the potential for public access to the project site’s open space as a community benefit, suggesting that the Board seriously consider the conveyance of land as more valuable to the Town than the payment of fees in lieu of such a transfer. Mr. Werner recommended that all lots be accessed from the internal roadway network since impacts to traffic on Route 9 were of concern. Ms. Paulsen supported this recommendation, noting CHA Companies’ comment #18 regarding access to Route 9. Mr. Ophardt stated that, in his opinion, the parking fronting on Route 9 was “unappealing”. Mr. Taylor, marketing representative for the applicant, explained that it was important to provide easy access and flexibility for multi-tenanted buildings. Mr. Ferraro agreed with Mr. Taylor that visual concerns were an important component of site development. He asked that the applicant incorporate “today’s technology” into the site design, noting that the “workforce of tomorrow” are looking for “total environments” that offer walking trails, outdoor recreational spaces, and other amenities that enhance their work places. He advised the applicant that the access and potential uses for the land-locked parcel must be provided with the current application. In response to Mr. Ferraro’s recommendation that the applicant consider amenities that would encourage pedestrian and bus service to, and possibly through, the site, Mr. Taylor noted that CDTA already has a stop at the parcel. In general, Board members appeared to find the project plan acceptable.

[2011-008] **Cole, William and Theresa M.** – Proposed (3) lot subdivision, 310 Vischer Ferry Road – Conceptual review. SBL: 276.-2-9

Mr. Duane Rabideau, consultant for the applicant, introduced this application that calls for the subdivision of a 3.42 acre parcel of land located on the westerly side of Vischer Ferry Road approximately 400’ south of its intersection with Four Leaf Manor. The parcel is located within an R1 zone. The smallest lot will be a 34,104 SF parcel that will contain an existing house and improvements. Lots #2 and 3 will be of 1.16 acres and 1.48 acres, respectively, and will be accessed via a common ingress/egress drive. All lots will be serviced by municipal sewer and water systems. All setbacks required for keyhole lots will be met. Mr. Rabideau explained that NYSDEC and ACOE wetlands have been delineated on site and are illustrated on the subdivision plan. Applicable adjacent areas and LC zones have also been depicted.

Mr. Scavo reported that Ms. Reed, Chief of the Bureau of Fire Prevention, requires that the postal verification be provided.

Mr. Scavo also read comments prepared by Mr. Myers, Director of Building and Development. Mr. Myers states that the project site is located within the R1 (Residential) zone. Lots #2 and 3 are designed as “keyhole lots” and, per Section 208-86 of the Town Code may be approved by the Planning Board. Lot #1 is a pre-existing non-conforming use since it is a structure within an LC zone. This structure may not be rebuilt without a variance. Referencing Section 208-97 of the Town Code, Mr. Myers notes that maintenance and repair work needed for the structure would be permitted so long as it did not involve expansion of the structure.

Mr. Scavo offered comments from the Planning Department. He stated that since the subdivision site lies within the Vischer Ferry Road Corridor GEIS study area, compliance with the Statement of Findings and all applicable mitigation fees will be assessed. Re-validation of the NYSDEC delineated wetlands must be provided.

Mr. Randall Millano, MJ Engineering representative and Town Engineer, provided a number of comments regarding this application. The proposed project appears to be an “Unlisted” action pursuant to SEQR, and as such a coordinated review is optional. The Planning Board may wish to assume lead agency status. Involved agencies are expected to include, but are not limited to the following: Town of Clifton Park Planning Board – Subdivision Approval; Saratoga County Sewer District #1 – Sewer Connection Permit; Clifton Park Water District #1 – Water Connection Permit. The conceptual subdivision plan indicates keyhole lots. Pursuant to Town Code Section 208-86 keyhole lots may be permitted by the Planning Board. The plan appears to meet R1 district zoning, space, and bulk standard requirements. Although the frontage of Lot #1 meets the 200 foot minimum requirement, the location of the existing structure encroaches well into the 100 foot setback line from the centerline of Vischer Ferry Road as well as into the 100 foot adjacent area in LC zone. M J Engineering believes that this is an existing non conforming lot, but will require clarification from the applicant. Correspondence from NYSDEC New York Natural Heritage Program should be provided by the applicant to identify if areas of rare, threatened, or endangered species exist on, or in the immediate vicinity of, the project site. Correspondence from USACE should be provided to confirm the jurisdictional determination of the illustrated NYSDEC Wetland N-11 boundary identified on the subdivision plan. The applicant should provide clarification of who delineated the wetlands, when they were delineated, and correspondence from USACE and/or NYSDEC should be provided to confirm agreement of the wetland delineation identified on the subdivision plan. The applicant should provide verification that the proposed driveway alignment provides adequate access for emergency vehicles. The applicant should provide clarification that the foremain from the existing house on Lot #1 is an existing or proposed foremain. If this is a proposed service, the location of the existing water service must be identified on the plan to ensure required separation distances. It appears that the sanitary sewer services from the proposed houses on Lot #2 and 3 are gravity sewers. If so, the size and type of laterals and main, length and slopes of pipe, and all inverts must be indicated on the plan. The applicant should provide all inverts, type of pipe, and top of frame elevations for the two existing sanitary sewer manholes in the SCSD #1 Sewer Easement bordering the west side of the property. The location of curb boxes for water services to Lot #2 and 3 should be indicated on the plan at the edge of

the public right of way and the size and type of material for these water services should also be indicated. A general note should be added to the subdivision plan stating that the proposed driveway shall never be dedicated to the Town of Clifton Park. Upon conceptual subdivision approval, proposed grading should be shown on the plans to indicate positive drainage away from all structures and an Erosion and Sediment Control Plan will be required for review and must include installation of silt fence to protect the adjacent ACOE and NYSDEC wetlands. Upon final subdivision approval, language should be incorporated into the deeds for all lots indicating the presence of the adjacent LC zone and its associated restrictions.

In response to Mr. Milano's comment regarding approval from the ACOE for the federal wetland delineation, Mr. Rabideau explained that ACOE representatives do not provide jurisdictional letters for parcels where wetland disturbance is not proposed. Mr. Ferraro suggested that the ACOE be given thirty (30) days to respond to a request for approval of the delineated boundaries. If written approval is not received within that time, the mapping may be deemed acceptable and the subdivision application considered for approval. Board members found this suggestion reasonable.

Mr. Montague, Environmental Specialist, stated that the ECC offered the following recommendation regarding this application. The deeds for each of the lots should list the parameters of the LC zone and ACOE wetlands and their respective use restrictions.

Mr. Koval recommended that a "visual cue" be installed on the properties to indicate the boundaries of the LC (Land Conservation) zone, particularly on Lot #3 to protect the integrity of the stream corridor. He recommended installation of split-rail fencing for this purpose. Mr. Ophardt noted that the proposed combined driveway is nearly 500' in length and he recommended that the applicant speak with Ms. Reed to ensure that it is constructed in accordance with fire safety requirements. Mr. Ferraro asked that a note be included on the plan to ensure that the proposed combined driveway never becomes a town roadway. He also asked that notes regarding the parcels proximity to the airport and rod and gun club be added to the final plan. He recommended that the standard ingress/egress note be added to the plan and that deeds for the individual properties reference the use and maintenance agreement. Board members found the subdivision application generally acceptable.

[2011-009] **Ray Road East** – Proposed (8) lot subdivision, 43 Ray Road – Conceptual review. SBL: 282.-2-11.111

Mr. Scott Lansing, consultant for the applicant, presented this application that calls for the subdivision of 53.56 acres of land located along the northerly side of Ray Road approximately 615 linear feet west of its intersection of Vischer Ferry Road and approximately 2,624 linear feet east of its intersection with Sugar Hill Road. The site lies within the CR (Conservation Residential) zoning district. Although the allowable density is calculated to be ten (10) single family dwelling units, the applicant currently proposes the construction of eight (8) new homes. There are approximately 23.79 acres of delineated NYSDEC and ACOE wetland areas located on the site, though no impacts to the wetlands or associated buffer areas is proposed. Vehicular access to the proposed development will be provided by one curb cut along the north side of Ray Road. The roadway is proposed to be private with a sixty-foot right-of-way

and twenty-eight foot wide road width that terminates as a cul-de-sac. The primary infrastructure for the proposed development will consist of approximately 1,427 linear feet of pavement. A “stub street” to provide for possible future connection to adjoining lands to the north has been shown on the plan. The proposed roadway and private driveways have been positioned to minimize roadway infrastructure and effects to environmentally sensitive features to the greatest extent possible. All roadways will be designed and constructed in accordance with the Town’s highway design standards and will be privately maintained. The proposed water line extension will extend approximately 4,000 linear feet from an existing service in the vicinity of the Grooms Road and Vischer Ferry Road intersection to individual connections within the subdivision. Wastewater disposal will be achieved through individual privately owned on-site wastewater disposal systems designed in accordance with all local, state, and federal requirements. Storm water will be managed on site through the use of designated storm water management areas and green infrastructure run-off reduction practices. A full Storm Water Pollution Prevention Plan will be prepared in accordance with new regulations and submitted for review.

Mr. Scavo stated the Ms. Reed, Chief of the Bureau of Fire Prevention, reported that the private driveway is required to meet the requirements of Section 511 of the Fire Code of New York State.

Mr. Scavo offered the following comments that were prepared by Mr. Myers, Director of Building and Development. No Storm Water Pollution Prevention Plan has been submitted with this application. Verification by the ACOE and NYSDEC of wetland delineations will be required: it appears that the wetland areas depicted on the plan do not match the county’s mapping. The project narrative submitted incorrectly states that a 30,000 SF minimum lot size is required: pursuant to Section 208-11, the minimum lot size must be 40,000 SF. At least one of the proposed residences appears to be located within the LC zone: this is not permitted. Several, if not all, of the proposed septic systems are located upland from the wetlands. An accurate wetland delineation is required to ensure the minimum 100’ separation. It appears that ponds are going to be used for storm water management although the narrative states that green infrastructure and the requirements of the SPDES permit will be required. The partial list of soil borings (all data is not included) show high ground water in areas which is expected since the site is surrounded by wetlands. A detailed grading plan will be required as a result to ensure the lowest level of each home is above the water table as required. The proposed private roadway must meet the requirements of Section 511 of the NYSFC. Additional comments will be provided when preliminary subdivision plans are submitted.

Mr. Scavo recommended that the environmentally sensitive areas be permanently protected on individual lots.

Mr. Milano, MJ Engineering representative, offered the following comments regarding this application. The proposed project appears to be an “Unlisted” action pursuant to SEQR, and as such a coordinated review is optional. The Planning Board may wish to accept lead agency status. Involved agencies are expected to include, but are not limited to the following: Town of Clifton Park Planning Board – Subdivision Approval; Clifton Park Water District #1 – Water Connection Permit; NYSDEC; NYSDOH. The applicant should provide clarification as to why

the Town of Ballston is listed under other involved local agencies in the FEAF. The conceptual subdivision plan appears to meet CR District zoning, density, space, and bulk standard requirements. Bearings and distances should be included on the subdivision plan for all individual lot lines. Correspondence from NYSDEC New York Natural Heritage Program should be provided by the applicant to identify if areas of rare, threatened or endangered species exist on or in the immediate vicinity of the project site. The ACOE wetlands referenced in the narrative should be clearly identified on the plan. The applicant should provide clarification of who delineated the wetlands, when they were delineated, and correspondence from ACOE and/or NYSDEC should be provided to confirm the determination of the illustrated wetland boundaries identified on the subdivision plan. The limits of proposed clearing should be indicated on the plan. Based on the amount of proposed disturbance a full Storm Water Pollution Prevention Plan will be required for the project. End of pipe treatment for storm water management practices is discouraged and the applicant should consider implementation of green infrastructure practices as noted in the NYS Storm Water Management Manual. If any of the green infrastructure practices are not feasible, MJ Engineering will require a thorough explanation of why these practices cannot be incorporated into the design. An Erosion and Sediment Control Plan will be required for review and is to include installation of silt fence to protect the adjacent ACOE and NYSDEC wetlands. An engineering water report for the proposed public water extension, related details and limits of disturbance for all off-site work associated with this extension should be provided for review. Clarification on the acceptable feasibility of this water extension by CPWA should also be provided. The proposed public water extension appears to cross Lands of Niagara Mohawk Power Corporation located beyond the eastern boundary of the project site. The applicant should provide documentation of National Grid's approval of such a crossing. The proposed public water extension also appears to encroach into an existing wetland located immediately to the east of the Lands of Niagara Mohawk Power Corporation. The applicant should provide some clarification on the possible impacts to this wetland area. The plan should indicate the size and type of material, bends, location and type of valves for the water main servicing the subdivision. The location of curb boxes for water services to all lots should be indicated on the plan at the edge of the right of way and the size and type of material for these water services should also be indicated. Although the project narrative indicates that the depth to groundwater is greater than 80 inches, the deep test pits performed in 2006 indicate groundwater as shallow as 36 inches and evidence of seasonal high groundwater as shallow as 31 inches. The applicant should perform new deep test pits and infiltration and percolation tests for storm water management and individual on-site wastewater treatment systems design in the areas identified for the applicable uses in accordance with NYSDEC and NYSDOH guidelines to obtain updated information. M J Engineering is concerned that the information currently available will not support the use of conventional on-site wastewater treatment systems or infiltration systems for storm water management practices. The plan should indicate the required 50% expansion area for all on-site wastewater treatment systems. The applicant should provide verification that the proposed driveway alignment provides adequate access for emergency vehicles. Clarification should be provided as to whether or not the proposed roadway will be considered for dedication to the Town. If not, a general note should be added to the Subdivision Plan stating that the proposed driveway shall never be intended to be dedicated to the Town of Clifton Park. If in the future, final subdivision approval is granted by the Planning Board, language should be incorporated into the deeds for all lots indicating the presence of the adjacent Conservation Areas and associated restrictions.

Mr. Montague, Environmental Specialist, reported that the ECC offered the following recommendations. All septic systems should be located out of the LC zone. Due to the wetlands located to the north of the proposed project, the road should not be extended to the north of the cul-de-sac. Lots #6 and 8 should share a common boundary. Due to the vicinity of the wetlands in the proposed project area, the ECC expresses concern regarding the cumulative effect of all the on-site disposal of sanitary wastes from the number of homes proposed.

Board members expressed concerns regarding the proposed private roadway. In response to Mr. Pelagalli's question regarding on-going maintenance of the road, Mr. Earl explained that he owns mowing and maintenance equipment and will ensure that the roadway is adequately maintained. A trust agreement has been designed to provide necessary funding for maintenance and control of all necessary roadway repairs and improvements. Mr. Koval requested clarification regarding the requirement for each residential lot to have 40' of frontage on a public roadway. Mr. Scavo will consult with Mr. Myers to determine the legality of approving a private roadway. Mr. Koval noted that the proposed storm water management area will be located on its own parcel and questioned whether or not it should be considered an additional lot. Though Mr. Hale viewed future roadway connection to the north as unlikely, he found the future roadway connection acceptable. In response to Mr. Ophardt's question regarding the proposed gate indicated on the conceptual plan, Mr. Earl stated that a visually pleasing gate would be installed to separate the front four lots with the four to the rear of the parcel. Provision would be made for emergency service access all parcels. Mr. Andarawis stated his preference for the preservation of contiguous open space area: he does not support the subdivision of such lands among several property owners. Although Mr. Ferraro prefers that contiguous open space areas be maintained, he would support its segmentation in this instance to ensure that the areas are maintained on the tax rolls. Ms. Paulsen stated her support of the divided open space lands explaining that it appeared consistent with the overall development design. Mr. Ferraro agreed with this concept and would support it in this instance unless the Town's endorsed open space plan stated otherwise. Board members appeared to find the subdivision plan generally acceptable.

### **Minutes Approval**

Ms. Paulsen moved, seconded by Mr. Hale, approval of the minutes of the April 26, 2011 meeting as written. The motion was unanimously carried.

Ms. Pace moved, seconded by Mr. Hale, adjournment of the meeting at 10:00p.m. The motion was unanimously carried. The next meeting of the Planning Board will be held as scheduled on Wednesday, May 25, 2011.

Respectfully submitted,

Janis L. Dean,  
Secretary

Superintendent, Lou Renzi, Town Attorney, Tom McCarthy, Town Attorney, Paul Pelagalli, Town Attorney, ECC, Clifton Park  
Water Authority