

Town of Clifton Park

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(alternate) Emad Andarawis

Planning Board Meeting July 12, 2011

Those present at the July 12, 2011 Planning Board meeting were:

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

Those absent were: K. Paulsen

Those also present were: J. Scavo, Director of Planning
J. Romano, CHA Companies
B. Cooper, M J Engineering and Land Surveying, P.C.
M. Montague, Environmental Specialist
L. Renzi, Counsel
M. Springli, Acting Secretary

Mr. Ferraro, Chairman, called the meeting to order at 7:00p.m. All in attendance stood for recitation of the Pledge of Allegiance. The Chairman announced that Mr. Andarawis would be sitting as a full voting member of the Board in Ms. Paulsen's absence. Mr. Ferraro reported that the second meeting of the Clifton Park Center Advisory Committee for the Town Center design project will be held on Thursday to discuss results of the Public Workshop held at the Clifton Park – Halfmoon Library in early June.

Public Hearings:

[2011-009] Ray Road East – Fedesco Land Development, LLC – Proposed (8) lot subdivision, 43 Ray Road – Preliminary public hearing and possible determination. SBL: 282.-2-11.111

Mr. Ferraro explained that because the applicant has not sent the required 500' notifications to adjoining property owners, the public hearing would be conducted as advertised but not be closed at this meeting. It is expected that the hearing will be reconvened at the Planning Board meeting scheduled for August 9, 2011.

Mr. Ferraro, Chairman, called the public hearing to order at 7:04p.m. The Secretary read the public notice as published in the Daily Gazette on July 8, 2011.

Mr. Scott Lansing, consultant for the applicant, presented this application for the Board's consideration, explaining that the proposal was reviewed by the Board at its May 10, 2011 meeting. He provided a brief overview of the project that remains generally as presented conceptually. A water supply report, storm water management plan, and construction details have been submitted for review and comments from the Town Engineer and town officials have been issued. Describing the issues as "minor in nature," Mr. Lansing believes that they can be adequately addressed by the next meeting date. He did focus on M J Engineering's comment number 13, however, which recommended that "discussions to establish bonding for the water system with the Clifton Park Water Authority and possible bonding for the roadway construction should be initiated by the applicant." He stated that since the roadway will be constructed as a private drive, he did not believe that bonding should be required.

Mr. Scavo reported that Mr. Myers, Director of Building and Development, provided a number of comments regarding this application. Since the applicant proposes to retain ownership of storm water management facilities, a maintenance agreement with the Town of Clifton Park will be required. Verification of ACOE and NYSDEC wetland delineations will be required: the depicted wetland areas do not match Saratoga County mapping. Several, if not all, of the septic systems are upland from the wetlands: verification of the wetland delineation is necessary to ensure that the minimum 100' separation distances are met. It appears that ponds are going to be used for storm water management even though the narrative states that green infrastructure will be used: ponds are not green infrastructure. The requirements of the SPDES permit will be applicable. The partial list of soil borings shows the presence of high ground water in areas which is expected since the site is surrounded by wetlands. A detailed grading plan will be required to ensure that the lowest levels of the homes will be above the water table as required. The proposed private roadway will be required pursuant to Section 511 of the New York State Fire Code. Extremely long infiltration rates are shown in the soil appraisal report: conventional septic systems may not be appropriate. Mr. Myers does not believe that the project proposal incorporates all green practices that could be utilized. The plan seems to include references to both a "wet swale" and a "basin" or detention pond which is not allowed as a green practice. Wet swales are not recommended for residential areas due to the potential for stagnant water. If the forebay is more than 4' deep, fencing will be required. Wetland plantings required for wet swales are not detailed in the Storm Water Pollution Prevention Plan. There is no discussion of issues resulting from the cold climate in this area, i.e. frozen ground infiltration and the effects of deicers on vegetation. Wet swales are considered temporary detention practices: the plans note permanent wet pools. Swale widths are limited to 8': swale #2 has a width of 25'. The impermeable layer at the base of the swales seems to defeat the infiltration requirements intended. Underdrains for dry swales are required to be 6".

Mr. Scavo noted that Ms. Reed, Chief of the Bureau of Fire Prevention, commented that an approved Postal Verification Form will be required and that the proposed private roadway must meet the requirements of Section 511 of the New York State Fire Code.

Mr. Scavo issued a number of Planning Department comments. The standard note regarding the parcel's proximity to the Albany International Airport must be added to the subdivision plan. An inspection escrow shall be established for construction of the storm water management areas to be conveyed to the Town of Clifton Park. The applicant's consultant shall prepare a set of storm water management plans for review by McDonald Engineering so that a cost estimate can be established for inspection. The labeling of "Land Conservation Area(s)/Easement(s)" on the map and in the general notes provided should be revised to "Permanent Open Space". The proposed subdivision and ownership of the permanent open space land meets the intent of CR zoning and – specifically with regard to this application – it is recommended by the Town that the best option is for the open space to remain permanently protected in private ownership. The following note must be added to the plan: Land owners should be aware that the subdivision is located in the vicinity of a transfer station that conducts composting operations. Both the STOP sign and street sign installation details on Sheet DT-4 should be modified to note that signs are to be of Diamond Grade Reflectivity Sheeting. The STOP sign detail should be changed from MUTCD NO: R1D to MUTCD NO: R1-1. Parkland fees of \$500.00 per newly created residential lot will be assessed and collected prior to the release of the final stamped subdivision plan.

Mr. Cooper, M J Engineering representative, stated that his firm reviewed the preliminary subdivision plan, Storm Water Pollution Prevention Plan (SWPPP), Water Report, and supporting documentation prepared by the applicant for the above referenced project. The following previous comment remains to be addressed from the comment letter dated May 6, 2011. The limits of proposed clearing should be indicated on the plan. The following additional comments and recommendations apply. Clarification should be provided regarding the notes referencing Lots #43 and 43A on the subdivision plan which are not contained within the proposed subdivision. The lot numbers indicated on the subdivision plan should be consistent with the remainder of the detail sheets. Additional test pits and percolation tests should be conducted within the footprint of the proposed on-site wastewater treatment system absorption area for Lots #1, 4, and 7. Final on-site wastewater treatment system design plans shall include all components of the proposed systems and comply with all requirements of the Individual Residential Wastewater Treatment Systems Design Handbook, 1996, published by the New York State Department of Health. The Layout, Materials, & Grading Plan should indentify the setback lines indicated on the plan. Silt fencing should be installed along the down slope side of all areas to be disturbed by construction activities and parallel to contours to ensure all wetland areas are protected. All storm pipes shall be installed with a minimum of 2 feet of cover. Based on the inverts provided, it appears that some storm pipes have less than 1.5 feet of cover. A typical callout for thrust blocks should be indicated on the plans at all water main horizontal bends and temporary thrust blocks should be indicated at the two end capped locations. The hydrant installation detail should coincide with the materials required by CPWA. The standard roadway cross section indicates a 60 foot wide right-of-way, but the dimensions total 54 feet: the associated dimensions should be revised accordingly. The section should also indicate the type of curbing proposed. NYSDOT Type 4 subbase material shall be indicated for all roadways as

listed in Approved Materials for Construction in Town Code Section 86-21. Initial discussions between the Planning Board and applicant to establish amounts for bonding for the water system with CPWA and roadway construction should be scheduled. Part III.A.8 of the General Permit requires that the Storm Water Pollution Prevention Plan contains documentation supporting the determination of permit eligibility with regard to Part I(D)(8) (Historical Places or Archeological Resource). At a minimum the criteria outlined in Part III(A)(8) a through d must be documented to support permit eligibility. This shall be summarized within the Storm Water Pollution Prevention Plan with reference made to any supporting studies completed. Infiltration tests per the NYSDEC SWMDM must be conducted for infiltration practices. The test results and soil logs for the dry well locations must be submitted for review. Dry well details must be provided. Dry wells must be a minimum of 10' from a structure. A note regarding soil restoration must be added to the plans. Plans should indicate the method for respecting clearing limit lines and protecting wetlands once the individual parcels are transferred to private individuals. Several lots are identified as having conservation easements: the limits of these easements must be more clearly defined on the plans. The dry wells should be receiving 500 SF or less of impervious area runoff. The applicant is asked to clarify the amounts of runoff sent to each drywell and provide the dry well sizing calculations to illustrate that the required amount of WQv is provided. Please check the Ai calculation numbers in numbers 8 and 9 on the RRv sheets. Generally, wet swales are undesirable in residential settings. The consultant should clarify why the WQv calculations for the wet swales include all of the impervious areas. The requirements for the long term maintenance and inspection of the dry wells and wet swales should be included in the Storm Water Pollution Prevention Plan. The Final Storm Water Pollution Prevention Plan should be signed and the Notice of Intent filled out and signed. The consultant must explain where the Q is from in the Cpv calculation and the peak flows in the Qp10 and Qf calculations. The calculations for the required pretreatment volumes must be included in the plan. The forebay bottom in wet swale #1 on the plans is mislabeled. The consultant is asked to provide the calculations illustrating that the swales retain the required WQv. It is possible that the low flow orifices may require additional measures to prevent clogging.

Mr. Montague, Environmental Specialist, reported that, after review of the subdivision plan and documentation presented, the ECC made the following recommendations. Due to the wetlands located to the north of the proposed project, the road should not be extended north of the cul-de-sac: Lots #6 and 8 should share a common boundary. In any event, the proposed road extension turns directly into a large NYSDEC wetland on the adjacent parcel. 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.

Mr. Dan Hartnett, representative of the Trails Subcommittee of the Open Space, Riverfront, and Trails Committee, requested that the applicant install a trail segment from the proposed subdivision to Vischer Ferry Road. He noted that a trail link along Vischer Ferry Road from the intersection of Grooms Road to its intersection with Ray Road would be desirable.

Mr. Koval referenced the comments issued by the Trails Subcommittee, stating that the applicant did not own all the property along Ray Road from the proposed subdivision entrance to its intersection Vischer Ferry Road. A discussion of the feasibility of installing a pathway

segment and the proposed water line ensued. Board members agreed that requiring the applicant to provide a trail link from the Vischer Ferry Road – Grooms Road intersection to Ray Road was an excessive request considering the size of the subdivision. The applicant will provide additional right-of-way along the Ray Road frontage for a possible future trail connection. Though it was noted that there are several mature trees along Ray Road, Mr. Lansing stated that as many trees as possible would be preserved during installation of the water line. In response to Mr. Werner's question regarding the routing of school buses through the subdivision, Mr. Lansing stated that it was unlikely that buses would enter a private road: students would have to walk to the town road. Mr. Lansing noted that the applicant proposes a gate to separate the front four (4) lots from the rear four (4) lots. With regard to the storm water management ponds, Mr. Scavo recommends that the ponds be dedicated to the Town and that access via an easement across the private roadway be provided. Mr. Scavo also noted that the gate will be provided with a Knox box to allow town officials and emergency services to access all properties within the subdivision. In response to Mr. Ferraro's question concerning septic system locations, Mr. Lansing explained that acceptable septic locations will be determined prior to the issuance of individual Building Permits. Mr. Hale addressed the issue of road and water line bonding, commenting that since the roadway was to be a private drive, he agreed with Mr. Lansing that that bonding was not necessary. Mr. Scavo pointed out that the Clifton Park Water Authority requires that water lines extensions meet its standards and specifications and that it has its own bonding requirements. Mr. Scavo stated that the applicant will be required to construct the roadway to a standard that will permit access by town service, emergency service vehicles, and all fire apparatus. In response to Mr. Ferraro's question regarding negative impacts to property owners along the proposed route of the water line extension, Mr. Scavo stated that there is sufficient right-of-way available: there will likely be no disturbance of private properties. As a condition of approval for the water line extension, the applicant will be required to ensure that all disturbed areas will be restored to their former condition. Addressing the issue of the proposed future roadway connection, Mr. Ferraro stated his support for the "stub street," noting that, even if not used as a roadway, it would allow for a possible future trail connection. Board members agreed that it was reasonable to provide a "stub street" for possible future connection to lands to the north. Mr. Hale, referencing the ECC's comment, recommended that the stub street be relocated to align with upland areas rather than wetlands. Mr. Lansing agreed to consider such a revision. Mr. Koval requested clarification of the number of lots being created. Mr. Scavo explained that the number of lots is determined by the number of buildable lots: lots used for infrastructure improvements are not considered as building lots. With respect to the tax liability associated with the roadway, legal language regarding the financial responsibility for each homeowner within the subdivision will be submitted for review and approval by the Town Attorney. The "stub" or "paper" street will not be paved during original construction. Mr. Ferraro stated that it appears that the applicant's request to retain permanent open space under private ownership is acceptable to the town. Mr. Scavo agreed, stating that the Town Board members expressed little interest in taking title to the protected lands that are contained within the Fedesco parcel. He explained that CR zoning legislation allows the town to inventory proposed subdivision properties for the purpose of assessing public benefits of land acquisition on a site-specific basis. The determination rendered regarding land acquisition for this application will not establish precedent for other applications. In response to members' concerns about future clearing of protected lands on the residential lots, Mr. Scavo suggested that a note be added to the plan that states that any clearing or grading of the lots after original construction

will require review by the Building Department. Board members found the plan generally acceptable. The public hearing will be reconvened on August 9, 2011.

[2011-015] VanVranken, Virginia – Proposed (2) lot subdivision, 26 VanVranken Road – Preliminary public hearing and possible determination. SBL: 288.-1-33.

Mr. Ferraro, Chairman, called the public hearing to order. The Secretary read the public notice as published in the Daily Gazette on July 8, 2011.

Mr. Lance Manus, consultant for the applicant, presented this application for the Board's consideration, outlining the revisions that had been made to the plan since it was last presented to the Board on June 14, 2011. The plan now shows the subdivision of Lot #5 into lots of two (2) acres and ten (10) acres, respectively. A remaining 3.4 acre parcel to the north will be combined with the existing Lot #4 to create a lot with frontage on VanVranken Road, making it more compliant with existing zoning. The limit of the 100-year flood plain has been depicted on the plan. The smallest lot will permit the construction of a single family residence to be owned by the applicant's grandson. Therefore, pursuant to Section 208-16E(2)(c) of the Town Code, mitigation fees imposed by the Statement of Findings issued for the Western Clifton Park GEIS will not be applicable.

Mr. Scavo explained that Mr. Myers, Director of Building and Development, offered comments regarding this application. Mr. Myers observed that the 60' wide right-of-way that apparently will be dedicated to the town is a dead end which shows no details or space for a cul-de-sac or other form of turn-around. The applicant is asked to verify that the parcel was not previously subdivided.

Mr. Scavo reported that Ms. Reed, Chief of the Bureau of Fire Prevention, requires that an approved Postal Verification Form be submitted to her office.

Mr. Scavo reported that the applicable parkland fee of \$500.00 per lot must be paid prior to the release of stamped plans by the Planning Department.

Mr. Cooper, M J Engineering and designated Town Engineer, stated that several comments from the previous comment letter dated June 10, 2011 have not been addressed. 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 applicant should provide information as to who delineated the wetlands, when they were delineated, and correspondence from USACOE and NYSDEC should be provided to confirm agreement of the wetland delineation identified on the preliminary subdivision plan. Percolation tests and deep test holes for the proposed on-site septic system shall be conducted as required by Individual Residential Wastewater Treatment Systems Design Handbook, 1996, published by the New York State Department of Health. The speaker reported that the following additional comments must also be addressed. Percolation tests and deep test holes noted above shall be performed prior to final subdivision approval to ensure that an on-site septic system is feasible at the location indicated. All components, required separation distances, design information and details for the on-site septic system should

be indicated on the plan. The proposed well location shall be located a minimum of 200 feet from the closest component of the on-site septic system due to the well's current down gradient location from the system. The plan should clearly identify the finished floor elevation of the proposed single family residence and proposed grading to indicate positive drainage away from all structures. All proposed utilities including materials and sizes should be identified on the plan. The applicant may want to consider locating the proposed single family residence further to the south to provide additional separation between the house and the adjacent wetland area. An Erosion and Sediment Control Plan should be submitted for review. The plan should include silt fence to protect the adjacent wetland area and a stabilized construction entrance at a minimum. There is a minor discrepancy between the legal description and mapping for the access easement between Lots #5 and 1: appropriate revisions should be made. There is a minor typographical error that should be corrected in the note regarding the previous resolution adopted in 1986.

Mr. Montague, Environmental Specialist, explained that the ECC notes that the previously approved right-of-way intrudes into Federal Jurisdictional Wetlands. The applicant must avoid intrusion into ACOE Wetlands or apply for a Federal Wetlands Permit for disturbances of more than 1/3 acre in total for the project. The Town of Clifton Park should be provided with copies of all related correspondence.

There being no public comment, Mr. Koval moved, seconded by Mr. Ophardt, to close the public hearing at 8:03p.m. The motion was unanimously carried.

Mr. Ophardt, moved, seconded by Mr. Andarawis, 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 offered Resolution #5 of 2011, seconded by Mr. Hale, to waive the final hearing and to grant preliminary and final subdivision approval to this application conditioned upon satisfaction of all comments offered by the Planning Department and M J Engineering. Ayes: Ophardt, Pace, Andarawis, Hale, Werner, Koval, Ferraro.

Old Business:

[2009-025] **VanPatten, Ronald Wayne** – Proposed (14) lot subdivision, 621 Englemore Road – Preliminary review and possible determination from public hearing held on May 26, 2010. SBL: 277.-1-54; 277.-1-81.2; 277.-1-82

Mr. Rabideau, consultant for the applicant, presented this application that was last reviewed by the Planning Board at its September 28, 2010 meeting. The speaker stated that, in response to Mr. Scavo's comment, Lot 1A has been appropriately re-labeled: the plan now identifies the parcels as Lot #1A and Lot #12. Mr. Rabideau also reported that the transfer of lands from Lobos and Tyron to VanPatten is nearly complete. Proposed house locations and driveways for Lots #13 and 14 have been added to the plan. The LC zone along the Stony Creek Reservoir – a classified wetland - has been added to the plan. Mr. Scavo explained that there has

been previous disturbance of lands within the LC zone located on the property: depiction of the LC zone boundary will be relevant for any proposed future development of the property.

Mr. Scavo stated that all comments and concerns previously identified by Mr. Myers, Director of Building and Development, have been satisfactorily addressed.

Mr. Scavo reported that Ms. Reed, Chief of the Bureau of Fire Prevention, requested that the applicant submit an approved Postal Verification Form to her office.

Mr. Scavo offered comments prepared by the Planning Department. Though many of the previous departmental comments have been satisfied, the speaker explained that he had spoken with the consultant regarding his concern with the appropriate labeling of Lot #1A: the consultant has submitted a revised plan that shows the elimination of the merger symbol and the proper identification of Lots #1A and 12. An inspection escrow account must be established to ensure that all infrastructure improvements will be completed as approved. It is expected that the required escrow amount will be held by the applicant's attorney. Mr. Scavo recommended that, as a condition of approval, the Town Assessor be granted access to the site to conduct a review of the existing structures and site improvements. Acknowledgment from the Town Attorney that all legal issues have been satisfied will be required prior to the stamping of the final subdivision plan. Mr. Scavo recommended that a note be added to the plan that states that no additional modification or alteration of the approved plan shall be made until all site improvements have been completed as approved by the Planning Board. A name for the as yet unnamed roadway must be provided to the Bureau of Fire Prevention to allow for proper assignment and verification of postal addresses.

Mr. Romano reported that CHA Companies issued the following comments after reviewing the revised subdivision plan. The proposed private drive will be maintained by R. Wayne Van Patten until a lot is sold at which time a Homeowners' Association will be created for the purpose of maintaining the roadway. Until the Homeowners' Association is created, CHA Companies continues to recommend that a bond be established for the purpose of the road construction and maintenance for the access of emergency vehicles, the Clifton Park Water Authority, and the Saratoga County Sewer District. The subdivision is proposing the acquisition of lands from the adjacent properties of Lobos and Tryon. A written acknowledgement regarding the proposed subdivision should be provided from the adjacent property owners. A response letter provided by the applicant's consultant indicates that the Town is aware of the fact that the agreements are being finalized and that the applicant is aware that release of final release of stamped plans will be withheld until the agreements are formalized. The Layout and Material plan should show the proposed house and driveway locations for Lot #13, though the house and driveway locations do not appear to be provided for Lot #14.

Mr. Montague, Environmental Specialist, reported that the ECC reiterated the previous comments because there appears to be no action taken to address those comments since the last submittal. Without identifying the wetlands and associated buffer zones, the ECC is unable to properly identify the impacts of this propose subdivision. The limits of the LC Zone and 100 foot buffer zone, DEC Wetlands, and Federal Jurisdictional Wetlands shall be identified on the plot plan. Upon delineation of the LC zone in accordance with Section 208-69 of the Clifton

Park Town Code, uses in this area are restricted. The Town of Clifton Park Building Department shall be notified before undertaking any land disturbance activities in the LC Zone.

Mr. Dan Hartnett, representative of the Trails Subcommittee of the Open Space, Riverfront, and Trails Committee, asked that the easement provided for possible future trail connection from the subdivision to Grooms Road be identified on the plan.

Mr. Ferraro observed that because much of the parcel owned by Mr. VanPatten has been developed, there is limited opportunity for additional construction and Board comment. Since protection of sensitive lands is important, he found that the depiction of the LC zone on the plan was reasonable. Though Board members discussed the possibility of a full access through the adjoining subdivisions to the north, Mr. Scavo explained that the residents of those neighborhoods were opposed to such access: access from Grooms Road will be limited to emergency service vehicles. Though Mr. Ophardt recommended that the applicant provide a standard roadway from his parcel to Grooms Road, Mr. Koval noted that residents of the two adjoining subdivisions did not support such installation. Mr. Scavo explained that the granting of an easement will allow the town the option of constructing a roadway in the future: at this time it does not appear warranted. In response to Board questions, Mr. Scavo explained that the roadway to be constructed within the development will be constructed to town specifications.

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. Werner offered Resolution #6 of 2011, seconded by Mr. Hale, to waive the final hearing and to grant preliminary and final subdivision approval to this application conditioned upon satisfaction of all comments offered by the Planning Board, Planning Department, CHA Companies, and the Town Attorney. Ayes: Ophardt, Pace, Andarawis, Hale, Werner, Koval, Ferraro.

[2010-012] Longkill Properties, LLC – Proposed (2) lot subdivision, 89 Longkill Road – Revised conceptual review. SBL: 250.-1-1.2

Mr. Rabideau, consultant for the applicant, presented this application that was last reviewed by the Planning Board on April 28, 2010. The application calls for the subdivision of 3.25 acres of land lying within the R1 zone on the westerly side of Longkill Road approximately 600 feet north of its intersection with Parkside Trail. The lots of 1.77 acres and 1.48 acres, respectively, will be served by connection to the existing water line along Longkill Road and individual septic systems designed by a professional engineer. Lots will be accessed via individual driveways from Longkill Road. Wetland areas have been delineated and mapped.

Mr. Scavo explained that Mr. Myers, Director of Building and Development, offered the following comments regarding this application. Lot #91 is a keyhole lot and all required setbacks appear to be met. Permits for wetland crossings for Lot #91 must be obtained from the appropriate agency. The following separation distances from the wetland areas are required: 100' for the absorption field and 50' for the septic tank. The test pit information provided is

more than five years old; therefore, the data may require updating, particularly since it appears that at least one absorption field must be moved. A full Storm Water Pollution Prevention Plan will be required. Mr. Myers commented that there have been issues with the culvert crossing Longkill Road from the wetland: additional run-off from development of this site must be controlled on site.

Mr. Scavo provided the following comment regarding this application. Since the water line has been installed along Longkill Road to provide service to the approved Kain subdivision that lies adjacent to Lot #89 Longkill Road, the applicant should be required to connect to the utility. The speaker commented that it appears from this evening's presentation that this is now the applicant's intent.

Mr. Romano reported that CHA Companies reviewed this subdivision proposal and offered the following comments. The proposed project appears to be an "Unlisted" action pursuant to SEQRA, and as such, coordinated review is optional. The only involved agency is expected to include the Clifton Park Planning Board with subdivision review. The incremental impacts to the existing wetlands and potential drainage issues associated with construction of a house only fifteen feet from the edge of the pond to the foundation is of concern. It is recommended that greater separation be provided between the wetland/pond and the proposed structures. Land Conservation/Preservation Areas should be established over all wetland areas to remain. NYSDEC requires 100 feet between a NYSDEC regulated wetland and a septic system. NYSDOH septic design guidelines require 100 feet of separation between a proposed absorption field and any stream, watercourse, or wetland (NYSDEC jurisdictional). Although the wetland does not meet the minimum size requirements to meet NYSDEC criteria, CHA Companies continues to recommend the same separation be provided for federally jurisdictional wetlands, especially when they include an open water body as currently exists on this site. Consideration should be given to elimination of the lot to the south and shifting the proposed septic system on lot #91 to the north. Future plan submittals should include a grading plan that depicts limiting of the proposed disturbances to the wetlands to the maximum extent practicable. If the Kain subdivision is developed immediately to the south before the proposed homes are built, it is recommended that the proposed residences be required to tie into the municipal sanitary sewer system.

Mr. Montague, Environmental Specialist, reported that the ECC provided the following comments regarding this application. The applicant should verify the validity of Note #13 as listed on the draft subdivision plan. Due to environmental constraints of the wetlands at this location, the ECC does not recommend further subdivision of this parcel. If approved the proposed house on Lot #91 should be relocated out of the wetland.

In response to a question regarding the nature of the delineated wetlands, Mr. Rabideau explained that it has been determined that the wetlands are isolated wetlands. Mr. Ferraro commented on the proposed house location for Lot #91, noting that its location in the identified wetland "compromises the integrity" of that wetland. He recommended that the home be relocated. Mr. Romano commented that it would be difficult to determine the best house location without a grading plan. Mr. Ferraro asked that the preliminary submission include significantly more detail, including topographical information, probable house locations, and proposed septic locations. He stressed his concern about subdivision applications that "tests the limits of the environmental characteristics" of parcels proposed for division. A brief discussion concerning the benefits of isolated, non-jurisdictional wetlands followed. Mr. Ophardt

recommended that a conservation easement be provided to protect the integrity of the wetlands. Mr. Ferraro asked that the consultant respect the environmental constraints on the parcel, perhaps reducing the number of proposed homes from two to one. Other Board members did not comment positively or negatively on the application. Mr. Ferraro emphasized the importance of the applicant's ability to mitigate negative impacts, including run-off from impervious surfaces, on existing site conditions.

[2011-006] **Triller Development, LLC – Subdivision of the Lands of William F. Connors** – Proposed (3) lot subdivision, 491 Moe Road – Preliminary review and possible determination from public hearing held on June 28, 2011. SBL: 271.-2-42.

Mr. Duane Rabideau, consultant for the applicant, presented this application that was subject of a public hearing conducted on June 28, 2011. The plan remains generally as presented at that time. Mr. Ferraro explained that at that meeting he expressed concerns regarding the proposed driveway location and its impacts on identified wetland areas. He then stated his satisfaction that the revised subdivision plan requires the construction of offset areas that will provide containment for the water displaced by installation of the driveway. Mr. Rabideau explained that the best area for the driveway has been determined: minimal disturbance of natural areas is anticipated and larger areas for storm water retention have been provided. Notes on the plan have been modified as requested.

Mr. Scavo reported that Mr. Myers, Director of Building and Development, will require the submission of a soil erosion control plan prior to the issuance of a Building Permit.

Mr. Scavo stated that many of items of concern identified by the Planning Department have been satisfied. He reported that the consultant has added additional notes to the plan to ensure that owners of Lots #2 and 3 understand the ownership and maintenance responsibilities associated with the common ingress-egress easement. Mr. Scavo believes that the note will make clear to potential buyers that they will be responsible not only for maintenance of the driveway but for the culvert as well. The speaker explained that revisions to the Fire Code of New York State have necessitated changes to the standard driveway note. The following note will now be applicable to this plan and to all with driveways in excess of 300' in length: The proposed driveway shall conform to Sections 503 and 511 of the Fire Code of New York State.

Mr. Ferraro explained that a note regarding the responsibility for driveway maintenance and repair appears to address the concerns expressed by the Board at the June 28, 2011. In response to Mr. Werner's question regarding impacts to an existing catch basin in Moe Road in the area of the proposed driveway, Mr. Rabideau stated that there will be no impact to the basin. Mr. Hale stated his appreciation for the applicant's willingness to provide an offset storage mitigation area for run-off.

Mr. Hale moved, seconded by Mr. Andarawis, 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. Koval offered Resolution #7 of 2011, seconded by Mr. Werner, to waive the final hearing and to grant preliminary and final subdivision approval to this application conditioned upon satisfaction of all comments offered by the Planning Board, Planning Department, and M J Engineering. Ayes: Ophardt, Pace, Andarawis, Hale, Werner, Koval, Ferraro.

[2011-010] **Maxwell Drive Office Building** – Proposed 4,300 SF addition to an existing office building, 10 Maxwell Drive – Preliminary site plan review and possible determination. SBL: 271.-3-75

Mr. Gavin Vuillaume, consultant, presented this application that was originally reviewed by the Board at its May 10, 2011 meeting. Mr. Peter Murray, legal representative for the applicant, was also in attendance. The project plan remains generally as presented conceptually. Mr. Vuillaume explained that at its June 7, 2011 meeting the Zoning Board of Appeals approved two area variances: the percentage of building area was increased from 14.4% to 15.9% and the total building area was increased from 30,000 SF to 33,200 SF. In accordance with accessibility standards, a handicapped ramp has been added to provide access from the parking lot to the building's entranceway. In response to the CHA Companies' comment, sewer details have been revised. The speaker reported that the existing storm water management basin was surveyed: it was determined that the basin would need to be enlarged by approximately 3,000 cubic yards to accommodate additional run-off from the proposed expansion.

Mr. Scavo reported that Mr. Myers, Director of Building and Development, provided the following comments regarding this application. The 33,200 SF total building area appears to be within the limits of granted variances. Mr. Myers recommended that no approvals be granted until a full review and acceptance of the Storm Water Pollution Prevention Plan which should include an evaluation of and corrective measures for the existing storm water management area. Mr. Murray explained that there is an existing easement for others to utilize the storm water management facilities on the site. The applicant stated his willingness to work cooperatively with the town and with others to correct the existing conditions that negatively impact the Bear Brook, though he contended that the storm water management serving his building was working adequately and was separate from the area identified as problematic. Mr. Koval stressed the importance of obtaining information regarding the ownership and/or easements that are associated with storm water management facilities in the area. At the very least, Board members agreed that this applicant should be responsible for accurately "detailing existing storm water management conditions."

Mr. Scavo reported that all previous Planning Department comments had been satisfactorily addressed. He did, however, ask that the applicant clarify whether the existing patio area was to remain or if a narrow strip of grass would border the sidewalk.

Mr. Romano stated that CHA Companies reviewed the proposed project plan and offered the following comments. The following comment from the May 9, 2011 review letter remains to be adequately addressed. There are 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. Grading of the existing storm water management area is

proposed to increase the volume of the basin. Calculations have not been provided to document how the proposed modifications will impact the downstream areas. Additional modifications to the basin east of the existing building should be evaluated. The proposed sanitary sewer invert at the building should be identified and the size of the lateral should be increased to 6”.

Mr. Montague reported that the ECC found the project plan acceptable. Members offered no comment or recommendations on the application.

Mr. Koval moved, seconded by Mr. Andarawis, 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. Frank Berlin, 90 Main Street, thanked the Board for their attention to the flow from the storm water management areas associated with this project to the Bear Brook. He explained that the discharge of warmer water to the stream has negatively impacted trout populations.

Mr. Dan Hartnett, representative of the Trails Subcommittee of the Open Space, Riverfront, and Trails Committee recommended that the applicant install a bicycle rack at the building’s entrance.

Mr. Ophardt moved, seconded by Mr. Hale, to grant preliminary and final site plan approval to this application conditioned upon satisfaction of the comments issued by the Planning Department, Storm Water Management Official, CHA Companies, and an agreement between all involved parties to provide necessary improvements to the storm water management areas that lie within the boundaries of the Maxwell Drive Office parcel. If such an agreement cannot be reached, this application must be resubmitted for Planning Board review. The motion was unanimously carried.

[2010-018] **Muralidhar Office/Warehouse** – Proposed 20,400 SF and 7,980 SF office/warehouse buildings, US Route 9 – Preliminary site plan review and possible determination. SBL: 259.-2-81

Mr. Kevin Dailey, legal representative for the applicant and Mr. Chad Pagan, consultant, presented this application for the Board’s review. Mr. Dailey explained that the project site is located on the westerly side of US Route 9 north of its intersection with Ushers Road. The 14 acre site contains 3.1 acres of upland, unconstrained area. Providing a brief history of the project, Mr. Dailey explained that the two usable areas of the property are joined by a culvert. Mr. Dailey stated that several years ago when the buffer area was applied to the NYSDEC delineated wetland areas, the property became virtually unbuildable. In 2001 the Zoning Board of Appeals granted a use variance that allows the applicant to construct office/warehouse buildings within the town’s LC zone. Subsequently, a permit was granted by NYSDEC for work within the 100’ buffer area: that permit remains in effect until October, 2013. In 2005 the applicant received site plan approval from the Town of Clifton Park Planning Board to construct 27,800 SF of office/warehouse space: this site plan approval expired in 2007. Since that time the applicant has been working to re-design the site in an effort to comply with new storm water regulations. It appears that the storm water management plan now proposed will meet new

standards. Sign-off from the ACOE for the installation of the culvert as well as the initial and all successive approvals from NYSDEC have been submitted to the town.

Mr. Scavo reported that Mr. Myers, Director of Building and Development, offered the following comments regarding this application. Mr. Myers notes that it may be unwise to install the porous pavement that will be part of the storm water management system before building construction is undertaken since irreparable damage to the surface may occur due to construction traffic. A maintenance agreement with the town shall be required for post-construction storm water management practices. He states that other than a note for sweeping and/or vacuuming in the spring, there are no references to maintenance of the porous pavement.

Mr. Scavo reported that the Saratoga County Planning Board reviewed this application at its June 17, 2010 meeting and determined that the project would have no significant county-wide or inter-community impact. He explained that at the June 8, 2010 Planning Board meeting, Board members expressed concerns regarding the applicant's ability to provide adequate storm water management on the site. With the exception of some minor technical issues regarding the storm water management plan identified by CHA Companies, it now appears that the revised storm water management design will effectively serve the site.

Mr. Romano stated that, in general, previous comments offered by CHA Companies regarding the proposed storm water management design have been adequately addressed. The applicant is proposing the use of porous asphalt, infiltration trenches and grass depressions for potential overflow from the pavement areas. Questions #11, #17 and #37 of the Notice of Intent should be completed and the final Notice of Intent should be signed by the Owner/Operator. In accordance with the Design manual, the bottom of the porous pavement section should be flat to promote infiltration into the underlying soil. As such, the thickness of one of the components of the section will need to vary to allow for a flat bottom: additional detail should be provided. The geotextile fabric provided at the bottom of the pavement section should be non-woven to allow for exfiltration into the underlying soils. Additional detail of the maintenance requirements of porous pavement should be included in the report. The report does not discuss winter maintenance and the use of sand and salt. Maintenance requirements should also be included on the site plans. It is critical that the owner of the site understands the maintenance requirements and that the requirements are conveyed to the entity responsible for maintenance of the parking lot. There is a porous asphalt pavement detail included in the plan set which does not appear to be completed. The building mounted elevation view of lighting detail should include the reference to downward style cut-off fixtures.

Mr. Montague, Environmental Specialist, reported that the ECC reiterated its comment recommending that this proposed project not be approved due to the environmental constraints of the property and potential damage to the environment. Though the speaker did not read the following comments at the meeting, they were provided to each Board member:

- a. In keeping with the recommendations and goals of the Town Comprehensive Plan, the applicant should retain existing vegetation to the maximum extent practical and/or use landscaping and grading to provide visual and auditory buffering between the project and adjacent roadways or other properties.

- b. Pursuant to Section 86-7 of the Town Code, natural drainage channels should be preserved to the greatest extent practicable.
- c. The ECC notes that the project includes extensive paving adjacent to, or in the vicinity of the LC zone, state or federal wetlands. The ECC recommends that the Planning Board require the applicant to incorporate sediment traps and oil water separators with appropriate capacity to limit the migration of vehicular contaminants into these sensitive environments.
- d. The ECC notes that sensitive environments exist on properties adjacent to the project site, thus there is a potential for environmental impacts to these areas in the event that the capacity of the storm water management system is inadequate. As such the applicant's Drainage, Storm water, and Erosion Control Plans should be protective of these environments, during construction and occupation of the project. The ECC recommends careful review of these plans by the Town Engineer.
- e. The limits of the LC Zone and 100 foot buffer zone, DEC wetlands, and federal jurisdictional wetlands shall be clearly identified on the plot plan.
- f. The ECC notes that the project may result in intrusion into the LC Zone. The applicant must file for an Application for Approval of Work To Be Done in the LC zone with the Town of Clifton Park.
- g. The ECC notes that the project may result in intrusion into Federal Jurisdictional Wetlands. The Applicant must avoid intrusion into ACOE Wetlands or apply for a Federal Wetlands Permit for disturbances of more than 1/3 acre in total for the project. The Town of Clifton Park should be provided with copies of all related correspondence.
- h. The applicant shall take into account designated Federal Jurisdictional Wetlands shown on the most recent NYSDEC wetlands maps for the Town of Clifton Park and identify their location on the project plans.
- i. The applicant shall comply with the Town's Hazardous Materials Policy, which can be obtained from the Town Environmental Specialist.
- j. Due to the Federal wetlands on this parcel, the Applicant will determine the location and extent of disturbance of federal wetlands before a building permit is issued.
- k. Due to the probability of food and liquid wastes leaking from the on-site dumpster(s) into a storm water catch basin and/or surface water body, the ECC recommends the applicant enclose the area on an impervious surface with a berm surrounding the dumpster(s) that accept food and liquid wastes. If necessary, the applicant will need to periodically pump out the accumulated wastes within the bermed area to avoid any overflow.
- l. Per the Water Resources Investigations Report (01-4104), prepared in cooperation with the Clifton Park Water Authority, this project is located within the Colonie Channel aquifer/recharge area. No underground storage tanks shall be constructed on this property. During construction, any temporary above-ground storage tanks shall have secondary containment of no less than 110% of the tank volume to prevent releases to the aquifer/recharge area; during construction, contractors shall have a spill

contingency plan which addresses prevention and cleanup of releases of petroleum and/or hazardous materials.

Mr. Ferraro acknowledged the concerns expressed by the ECC, but explained that because the applicant has received the necessary variances that permit this application to move forward, the Board's responsibility is not to consider denial of the project but rather the best means of its implementation. Mr. Hale questioned the type of material to be used for the gabion wall, recommending that the applicant consider green materials. Mr. Dailey stated that he believed that it would be cost-prohibitive to utilize green material for the walls. Referencing Mr. Myers' comment regarding the impact of construction traffic on the porous pavement to be used on site, Mr. Pagan stated that the materials to be used are rated for such traffic. He also noted that the proposed construction is minimal. Mr. Hale asked that the applicant consider the use of green roofs to make the site more "environmentally friendly," however, Mr. Pagan noted that such roofs are expensive to install. Mr. Romano explained that this application is "grandfathered in" pursuant to NYSDEC "green" guidelines since it received approvals prior to the release of new storm water regulations. He did state that the applicant must review NYSDEC standards for maintenance of the proposed porous materials to be used in the parking areas and travel lanes. Mr. Werner stated his concern regarding ingress and egress of traffic and for those larger vehicles that may have to use the "throat" that links the two parcels. Mr. Dailey explained that the original Planning Board approval required that the site be accessed by just a single curb cut from Route 9. Mr. Werner labeled the site as "very unconventional" and stated that he was concerned with the ability of large trucks to maneuver through the site. Mr. Ferraro noted that the applicant proposes the installation of a chain link fence on top of the gabion wall: he recommends that the applicant use more visually-appealing split-rail with welded wire fencing to the height of 2'. Board members discussed the issue, recommending that, if possible, the fencing be eliminated entirely.

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

Mr. Koval moved, seconded by Mr. Andarawis, to grant preliminary and final site plan approval to this application conditioned upon satisfaction of the comments offered by the Planning Board, Planning Department, CHA Companies, and applicable ECC comments. The motion was unanimously carried.

New Business:

[2008-010] **Prestige Motor Car, Co.** – Proposed 7,580 expansion of existing business, 1928 US Route 9 – Conceptual site plan review. SBL: 259.-2-30.111

Mr. Ferraro introduced this application, explaining that the most significant consideration for Planning Board members at tonight's meeting will be a possible recommendation to the Zoning Board regarding the necessary variance for the proposed construction within the LC zone.

Mr. Chad Pagan, consultant for the applicant, presented this revised site plan for the Board's consideration. Although Mr. Pagan acknowledged that there are issues to be decided by the ECC and the Zoning Board of Appeals, presentation of the conceptual plan to the Board for its review is deemed important to the applicant. The application calls for the expansion of two (2) existing buildings at the Prestige Motor Car, Co. site. The proposal calls for a 4,580 SF addition to an existing 9,800 SF building located on the northern portion of the site and a 6,000 SF addition to an existing building on along the property's southern boundary. A portion of this building would extend beyond the LC zone boundary. Expansion of the parking lot as necessary is also proposed.

Mr. Scavo reported that Mr. Myers, Director of Building and Development, provided the following comments regarding this application. The wetland and/or stream delineation shall be completed as required by Section 208-69 of the Town Code. A hearing with the ECC is required to review the application according to Chapter 124. A use variance approved by the Zoning Board of Appeals will be required for construction with the LC zone for the proposed 6,000 SF addition. The application is scheduled to be heard at the ZBA's July 19, 2011 meeting. A full Storm Water Pollution Prevention Plan will be required.

Mr. Scavo offered comments prepared by the Planning Department. He stated that no action or further review of this application will occur until the Zoning Board of Appeals has rendered a determination regarding the proposed building expansion into the LC zone. He suggested that Board members review the concept proposal and authorize the Chairman to issue a recommendation to the Zoning Board of Appeals regarding the required variance. Mr. Scavo noted that in accordance with Section 208-69.3 of the Town Code "each application for a building permit, soil disturbance permit, subdivision or site plan within or containing areas zoned LC due to freshwater wetlands shall be reviewed for conformance with Chapter 124 of the Code of the Town of Clifton Park." In addition, the applicant must furnish sufficient data to demonstrate that the proposed activity will not result in any of the following:

- (1) Alteration of aquifer capacities.
- (2) Reduction of flood-carrying capacities of watercourses or increased hazards associated with flooding.
- (3) Deterioration of water quality or impairment of best usage of waters.
- (4) Alteration of water retention capabilities; increase in siltation of surface water bodies and adjacent areas.
- (5) Significant disturbance to fish and wildlife populations and natural plant communities.
- (6) Impairment of any natural function of a wetland or its adjacent buffer area.
- (7) Alteration of the flow pattern of a watercourse area.
- (8) Increase in the velocity of surface water runoff.

Mr. Romano reported that CHA Companies reviewed the proposed changes to the approved site plan and offered 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; ACOE – Wetland Disturbance Permit. CHA Companies does not support the proposed impacts to the Land Conservation

District which includes the construction of a building and significant clearing and grading impacts associated with the relocation of an existing storm water management area. The intent of the Land Conservation district is to preserve and protect resources such as the Dwaas Kill and the associated adjacent areas. The proposed project is in direct conflict with these goals. During the initial development of this site significant changes were made to the plans in order to keep all construction, including the storm water management areas outside of the 100 foot protected buffer along the Dwaas Kill. Any expansion of the uses on this sensitive site is not recommended. A conceptual grading plan should be provided so the impacts associated with the proposed clearing and grading can be determined. Based upon the existing grades and existing finished floor elevations it is anticipated that there will be significant grading impacts associated with the proposed development. The proposed parking requirements should be calculated and provided on the plan. The additional warehouse area would appear to require at least 8 additional parking spaces. The access to the warehouse addition appears to impact existing parking spaces which would further reduce the number of parking spaces provided. CHA Companies is concerned that adequate parking will not be provided. The plan depicts a wetland corridor along the southern portion of the property immediately adjacent to the proposed development. Documentation regarding the wetland delineation and jurisdictional determination of the wetlands should be provided. The number of car display spaces within the stone areas within the front property should be depicted on the plan. The location of proposed overhead doors for the warehouse addition should be depicted on the plan. Truck access to the warehouses should be evaluated. The site plan continues to depict the project as two separate parcels with a note that the properties are to be combined. This has been a continuous comment during a number of previous reviews and was a condition of the previous site plan approvals. Documentation verifying the parcels have been combined should be provided. The new storm water management area will be required to meet the current NYSDEC guidelines including the meeting the runoff reduction requirements with the incorporation of green infrastructure techniques. If any new development is proposed on this site, due to its adjacency to the Dwaas Kill CHA Companies recommends that all previous site development also meet this criteria. Part of the siting criteria in the manual also includes avoiding impacts to sensitive environmental features.

Mr. Montague, Environmental Specialist, reported that due to the sensitivity of Dwaas Kill (listed on the NYS list of impaired waterways per Section 303(d) of the Clean Water Act); the ECC does not recommend extending the proposed 6,000 SF warehouse into the LC zone.

Mr. Frank Berlin, 90 Main Street, requested the opportunity to speak regarding the importance of the 100' buffer that is associated with NYSDEC designated wetlands. He explained that nearly fifteen tributaries contribute to the water that flows to the Dwaas Kill and through the Prestige property. The buffer area must be maintained to keep water temperatures at a level that will support the fish and other wild life that exist within the stream.

Ms. Pam Marshall, Fairlawn Court, commented that it was unusual to find the species of fish identified by Mr. Berlin in this stream corridor.

Mr. James Ruhl, 168 Wooddale Drive, submitted a written letter to all Planning Board members and spoke in opposition to construction of the proposed 6,000 SF building within the

LC zone, stating that he wished to reinforce the ECC's recommendation that the Planning Board deny the application. Mr. Ruhl, referencing legislation concerning the purpose of LC zoned lands, noted that no sections of the law permit the construction of permanent structures within "wetlands, streams, and their respective adjacent areas." Mr. Ruhl offered six reasons for requesting that the application as presented not be approved, explaining that irreparable negative impacts to the integrity of the stream corridor will result if construction occurs within the buffer area. He asked that the Zoning Board of Appeals not grant the necessary variances that would allow for the proposed expansion.

Mr. Joe Verillo, owner/applicant, asked to address the Board. He explained that in addition to the request for approval to construct a 6,000 SF warehouse addition that would partially be located in the LC zone and require a variance, the application also calls for the construction of a 4,580 SF addition that would not involve disturbance of the LC zone. He stated that, should the required variance not be granted by the Zoning Board of Appeals, it is his intention to construct the 4,580 SF expansion that lies outside the LC zone as well as the previously-approved 3,000 SF addition to the building along the southern property boundary.

Mr. Ferraro commented that he had traveled by the site recently and observed that several vehicles were parked within the vehicle display area to the north before the conditions of site plan approval imposed by the Planning Board had been implemented. Mr. Verillo explained that grading and landscaping of that area will occur within the month. Mr. Ferraro explained that he was concerned with "segmentation issues" involved with the development of this site. He noted that there are significant topographical and environmental issues to be considered during deliberation of this application and that proposed site grading and other site changes will significantly impact sensitive natural areas. Mr. Ferraro also expressed concerns regarding available parking on site, commenting that the proposed expansion may result in the need for future expansion of the parking area. Mr. Romano supported Mr. Ferraro's concern, explaining that parking ratios must be based on the proposed building's square footage rather than the requirements of the specific business which currently occupies the premises in order to provide for future, possibly different, uses. Mr. Koval commented on the Planning Board's concern with possible disturbances of the site that would impact environmental resources during previous site plan reviews and approvals. Mr. Verillo contended that the area to the rear of the site does not "drop off" as significantly as purported and he encouraged Board members to visit the site. Mr. Scavo reported that it is Mr. Myers belief that the applicant will be able to adequately manage storm water on the site: Mr. Romano commented that the new storm water regulations would require changes to the existing storm water management area. Though Mr. Hale sees the improvement in the storm water management containment area a benefit, he believes that disturbance to the site required for construction of the building within the LC zone would counterbalance the improvement. Mr. Werner stated that, since there may be severe impacts to the LC zone, he would request the opportunity to visit the site with those knowledgeable about storm water management, site grading, and other issues. Mr. Scavo advised that site visits should be "staggered" to prevent the impression that the Board was not complying with the state's open meeting law. Mr. Montague offered to guide a site visit. Mr. Koval noted that the Board's recommendation must be made before the Zoning Board meets on July 21, 2011.

In general, Board members opposed any construction within the LC zone. A lengthy discussion followed regarding installation of an improved storm water management area within the LC zone. It was unclear whether installation of such a system would be considered a permitted use within the zone or whether Mr. Myers, acting as Zoning Enforcement Officer, would determine that a variance would be required. Mr. Romano pointed out that a detailed grading plan must be prepared to determine if additional site drainage could be intercepted and treated prior to release. Mr. Scavo agreed to consult with Mr. Myers to determine whether or not installation of a storm water management area within the LC zone would require a variance. He also agreed to arrange for site visits by Planning Board members. Mr. Ferraro, Mr. Koval, and Mr. Hale all stated their opposition to any construction within the LC zone. Mr. Ferraro, in conclusion, explained that although construction of either a building or storm water management area within the LC zone was of significant concerns, other site plan issues such as traffic flow through the site, sufficient parking, and landscaping would also be considered during future project reviews.

Minutes Approval:

Mr. Koval moved, seconded by Mr. Hale, approval of the minutes of the June 28, 2011 meeting as written. Ayes: Ophardt, Paulsen, Pace, Hale, Werner, Koval, Ferraro. Noes: None. Abstained: Andarawis.

Mr. Hale moved, seconded by Mr. Werner, adjournment of the meeting at 10:54p.m. The motion was unanimously carried. The next meeting of the Planning Board will be held as scheduled on August 9, 2011.

Respectfully submitted,

Janis L. Dean,
Secretary

cc: Planning Board Members, Planning Department, Clough, Harbour, and Associates, Supervisor, Town Administrator, Assessor, Zoning Board, Department of Building and Development, Town Clerk, Town Board Members, Highway Superintendent, Lou Renzi, Town Attorney, Tom McCarthy, Town Attorney, Paul Pelagalli, Town Attorney, ECC, Clifton Park Water Authority

NOTICE OF DECISION

Resolution #5 of 2011

Preliminary and Final Subdivision Approval

At a meeting of the Planning Board of the Town of Clifton Park, Saratoga County, New York, held at the Town Office Building, One Town Hall Plaza, on June 28, 2011, there were:

Present: R. Ferraro, Chairman, M. Hale, J. Koval, E. Ophardt, S. Pace,
T. Werner, E. Andarawis, Alternate Member

Absent: K. Paulsen

Mr. Werner offered Resolution #5 of 2011, and Mr. Hale seconded, and

Whereas, an application has been made to this Board by Virginia VanVranken for approval of a subdivision entitled Subdivision of the Lands of Virginia VanVranken consisting of (2) lots;

Whereas, pursuant to Section 276 of the Town Law, a public hearing was advertised and was held on July 12, 2011;

Whereas, the Planning Board was established as Lead Agency for this application, an unlisted action, and a negative declaration was issued pursuant to SEQRA on July 12, 2011;

Whereas, it appears to be in the best interest of the Town that said application be approved,

Now, therefore, be it resolved that the final hearing for this application is waived and that the subdivision plat entitled the Subdivision of the Lands of Virginia VanVranken consisting of (2) lots is granted preliminary and final subdivision approval conditioned upon satisfaction of all comments offered by the Planning Department and M J Engineering.

Resolution #5 of 2011 passed 7/12/2011

Ayes: Ophardt, Andarawis, Pace, Hale, Werner, Koval, Ferraro

Noes: None

Rocco Ferraro,

Chairman

NOTICE OF DECISION**Resolution #6 of 2011****Preliminary and Final Subdivision Approval**

At a meeting of the Planning Board of the Town of Clifton Park, Saratoga County, New York, held at the Town Office Building, One Town Hall Plaza, on July 12, 2011, there were:

Present: R. Ferraro, Chairman, M. Hale, J. Koval, E. Ophardt, S. Pace,
T. Werner, E. Andarawis, Alternate Member

Absent: K. Paulsen

Mr. Werner offered Resolution #6 of 2011, and Mr. Hale seconded, and

Whereas, an application has been made to this Board by R. Wayne VanPatten for approval of a subdivision entitled Subdivision of the Lands of Ronald Wayne VanPatten et. al. consisting of (12) lots;

Whereas, pursuant to Section 276 of the Town Law, a public hearing was advertised and was held on May 26, 2010;

Whereas, the Planning Board was established as Lead Agency for this application, an unlisted action, and a negative declaration was issued pursuant to SEQRA on July 12, 2011;

Whereas, it appears to be in the best interest of the Town that said application be approved,

Now, therefore, be it resolved that the final hearing for this application is waived and that the subdivision plat entitled the Subdivision of the Lands of Ronald Wayne VanPatten et. al. consisting of (12) lots is granted preliminary and final subdivision approval conditioned upon satisfaction of all comments offered by the Planning Board, Planning Department, CHA Companies, and the Town Attorney.

Resolution #6 of 2011 passed 7/12/2011

Ayes: Ophardt, Andarawis, Pace, Hale, Werner, Koval, Ferraro

Noes: None

Rocco Ferraro,

Chairman

NOTICE OF DECISION

Resolution #7 of 2011

Preliminary and Final Subdivision Approval

At a meeting of the Planning Board of the Town of Clifton Park, Saratoga County, New York, held at the Town Office Building, One Town Hall Plaza, on July 12, 2011, there were:

Present: R. Ferraro, Chairman, M. Hale, J. Koval, E. Ophardt, S. Pace,
T. Werner, E. Andarawis, Alternate Member

Absent: K. Paulsen

Mr. Koval offered Resolution #7 of 2011, and Mr. Werner seconded, and

Whereas, an application has been made to this Board by Triller Development, LLC for approval of a subdivision entitled Subdivision of the Lands of William F. Connors consisting of (3) lots;

Whereas, pursuant to Section 276 of the Town Law, a public hearing was advertised and was held on June 28, 2011;

Whereas, the Planning Board was established as Lead Agency for this application, an unlisted action, and a negative declaration was issued pursuant to SEQRA on July 12, 2011;

Whereas, it appears to be in the best interest of the Town that said application be approved,

Now, therefore, be it resolved that the final hearing for this application is waived and that the subdivision plat entitled the Subdivision of the Lands of William F. Connors consisting of (3) lots is granted preliminary and final subdivision approval conditioned upon satisfaction of all comments offered by the Planning Board, Planning Department, and M J Engineering.

Resolution #7 of 2011 passed 7/12/2011

Ayes: Ophardt, Andarawis, Pace, Hale, Werner, Koval, Ferraro

Noes: None

Rocco Ferraro,

Chairman