

Town of Clifton Park

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PLANNING BOARD

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Joel Koval
Eric Ophardt
Sandra Pace
Kim Paulsen
Tom Werner

(alternate) Emad Andarawis

Planning Board Meeting September 27, 2011

Those present at the September 27, 2011 Planning Board meeting were:

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

Those absent were: T. Werner

Those also present were: J. Scavo, Director of Planning
J. Westfall, Town Planner
J. Romano, CHA Companies
M. Montague, Environmental Specialist
P. Pelagalli, Counsel
J. Dean, Secretary

Mr. Ferraro, Chairman, called the meeting to order at 7:05p.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 the absence of Mr. Werner.

Mr. Ferraro reported that the Town Center Development Committee met at the Town Hall on September 26, 2011. The public is invited to attend the next public forum which has yet to be scheduled. He asked that, should time permit, the Committee be provided the opportunity to address the Planning Board during an upcoming meeting.

Public Hearing:

[2010-012] **Longkill Properties, LLC** – Proposed (2) lot subdivision, 89 Longkill Road – Preliminary public hearing and possible determination. SBL: 250.-1-1.2

The Chairman called the public hearing to order at 7:07p.m. The Secretary read the public notice as published in the Daily Gazette on September 19, 2011.

Mr. Rabideau, consultant for the applicant, presented this application that remains generally as presented at the July 12, 2011 meeting. The speaker explained that, in response to recommendations issued at that meeting, the plan has been revised to show that the two proposed residences will be accessed via a combined drive from Longkill Road: an ingress/egress and maintenance easement will be provided. The proposed homes have been reoriented as recommended. Mr. Rabideau explained that the identified wetlands designated on the site have been deemed non-jurisdictional by both the NYSDEC and the ACOE. He stated that the maintenance easement over a portion of the property located generally in the center of the site and containing non-jurisdictional wetlands, as labeled on the plan, has been provided to allow necessary “clean up” of the area as required to ensure that the water recharge area continues to function efficiently. Mr. Rabideau commented that a site visit to the site shortly after major storms hit the area in late August confirmed that the area appeared to be handling storm run-off effectively.

Mr. Scavo reported that Mr. Myers, Director of Building and Development, offered the following comments on this application. Permits for the wetland crossing proposed for Lot #91 must be obtained from the appropriate agency. Confirmation that required distances between the absorption fields and septic tanks and wetlands must be provided. A full Stormwater Pollution Prevention Plan must be prepared and submitted for approval.

Mr. Scavo offered the following Planning Board comments. He recommends that the following notation be added to the subdivision plat:

Any deeds or ownership of lots served by a common driveway shall require that the owners of said lots be solely responsible to provide for shared maintenance of the common driveway, which shall include, but not be limited to, snow plowing, driveway maintenance, maintenance of drainage structures and other components of the driveway necessary to provide safe and adequate access to the lots.

Mr. Scavo noted that payment of the applicable \$500.00 parkland fee and all other outstanding fees will be required prior to the release of the stamped plan. Mr. Scavo recommended that a note be added to the plan that states that the owners of Lots #89 and 91 will be solely responsible continuing maintenance of the westerly area identified as non-jurisdictional wetland labeled as a “maintenance easement” area: the Town will assume no responsibility for maintenance of this drainage area.

Mr. Romano reported that CHA Companies issued the following comments after review of the preliminary subdivision plan. In general the previous comments regarding the proximity of the proposed house and septic system to the wetlands have been adequately addressed. A “Land Preservation Area & Aquifer Recharge Area and Maintenance Easement” has been added to the plan over the existing wetlands. Additional detail and notes regarding these areas should be

provided. Maintenance within this area should not be required and the rights should not be transferred to another party. The Town has standard notes that apply to the use and restrictions of Land Preservation Areas/Easements which appear applicable and should be added. CHA Companies does not believe that the limits of the Land Preservation Area coincide with any documented limits of an aquifer recharge area, and, as such, reference to an aquifer recharge area should be removed from the plan. In order to afford appropriate protection of the federal wetlands and allow easy establishment of the protection areas in the field, it is recommended that the number of chord segments of the Land Preservation Area/Easement be substantially reduced and coincide with property lines where appropriate, such as along the common lot line in certain locations. Note #9 indicates the minimum driveway width to be 16 feet yet the driveway shown on the plan is only fourteen feet. The septic line from the house to the septic tank must be straight and not include any bends. The proposed invert elevations of the proposed culvert should be depicted on the plan.

Mr. Montague, Environmental Specialist, reported that the ECC found that all previous comments issued for this application have been satisfied.

Mr. Dan Hartnett, representative of the Trails Subcommittee of the Open Space, Trails, and Riverfront Committee, asked that applicant convey a 15' strip of land along the right-of-way to provide for future trail improvements. Mr. Scavo reported that this conveyance had been made as a condition of approval for the previous subdivision of the Lands of Longkill Properties, LLC that was approved on March 27, 2007.

There being no public comment regarding this application, Mr. Ferraro moved, seconded by Mr. Koval, to close the public hearing at 7:15p.m. The motion was unanimously carried.

Mr. Ferraro stated that a visit to the site soon after hurricane Irene struck the region confirmed Mr. Rabideau's observation that the wetland area appeared to handle water flow well: there was little visible water on site. He asked that the developer provide 10' sections of split-rail fencing "in strategic locations" to define wetland boundaries. In response to Mr. Ophardt's question regarding the land preservation area near the roadway, Mr. Rabideau explained that water ponds in the area prior to release through a culvert to the east. Mr. Andarawis requested clarification regarding maintenance responsibility for the culvert: Mr. Scavo stated that such maintenance was required by the driveway note.

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

Mr. Koval offered Resolution #11 of 2011, seconded by Mr. Andarawis, to waive the final hearing for this application and to grant preliminary and final subdivision approval to this application conditioned upon satisfaction of the comments issued by the Planning Board, Planning Department, CHA Companies, the installation of 10' sections of split-rail fencing "in strategic locations" to define wetland boundaries, and all items listed in the final comment letter prepared by the Planning Department. Ayes: Ophardt, Paulsen, Pace, Andarawis, Hale, Koval, Ferraro.

Old Business:

There were no items of old business scheduled for this evening's meeting.

New Business:

[2011-023] **Gold's Gym** – Proposed parking lot expansion, 1220 Route 146 – Preliminary site plan review and possible determination. SBL: 270.-2-25.1

Mr. Ferraro introduced this application, stating that the Planning Board would take no action on this application this evening since variances from the Zoning Board of Appeals are required.

Mr. Vincent Esposito, representative of Gold's Gym, explained that business has increased more than 30% since Gold's Gym relocated to the facility on Route 146 and he requested that the Board consider approval of this application that calls for the expansion of the existing parking lot. He introduced Mr. Mafriaci, consultant, who presented the project plan. The paved area at the site would be increased from 79,958 SF to 94,237 SF. The site currently contains 179 spaces. Forty-eight spaces will be removed: ninety-five new spaces are proposed. The total number of spaces to serve the site will be 226. An existing curb along the westerly side of the building will be reworked to provide an ADA-compliant handicapped access ramp. Per the previous Planning Board site plan approval, the plan shows provision for a 24' easement for ingress and egress from or to properties lying to the south and east. In general, the plan calls for the installation of parking spaces directly adjacent to the westerly property boundary, new pavement striping and markings to address emergency access concerns, and new signage on existing islands to discourage parking in no parking areas. Mr. Mafriaci acknowledged that changes to the site would result in a reduction in greenspace from 27.1% to 16%, though he stated that additional landscaping may be provided in existing islands and junipers are to be planted along the building's façade to improve the site's visual appeal.

Mr. Scavo stated that Mr. Myers, Director of Building and Development, provided the following comments regarding this application. The plan shall show that the required turning radius for fire department vehicles is provided on all sides of the building. Mr. Myers has noted that the existing parking was not altered when the tenant changed: variances allowing for a reduction of the required parking setback must be obtained from the Zoning Board of Appeals. The proposed plan will require "some type" of stormwater management report and plan must be submitted and approved prior to the issuance of a Building Permit.

Mr. Scavo offered a number of comments that were prepared by the Planning Department, noting that he has worked with the Mr. Myers and the applicant for several months to develop a project plan that would meet business needs and be acceptable to the Town. The speaker listed the following issues that were identified in a comment letter to the applicant prepared in April, 2011. The site is located in a B3 (Neighborhood Business) zoning district. It appears that no variances have been granted for this site. The applicant must include greenspace calculations in the site statistics table. Per Section 208-38 of the Town Code, 35% greenspace is required. An approved site plan for the parcel stamped in 2006 indicates that 29% of the site is

greenspace, an improvement over the prior 23.9%. Expansion of the parking lot would obviously decrease the greenspace: a variance may be required. The applicant should address the potential for increased stormwater runoff from the site due to the increase in impervious surface areas. Mr. Myers has informed the applicant that a reduction in the number of proposed parking spaces may be necessary to achieve the required turning radius for emergency service vehicles. He has also noted that fire lanes may be modified due to the reconfiguration of the parking areas. Mr. Scavo advised the applicant that it may be necessary to add an access aisle for the handicapped ramp on the western side of the building and, perhaps, shift handicapped parking spaces to that side of the building to ensure quicker and safer access to the ramp. Mr. Scavo also noted that the proposed plan provides greater access for emergency vehicles to the westerly and southerly sides of the building.

Mr. Romano explained that CHA Companies reviewed the application documents submitted 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 agencies are expected to be the Town and County Planning Boards with site plan approval and Section 239 referral being required. The site is located within the Vischer Ferry Road Corridor GEIS study area. Since the proposed project does not include a building expansion, mitigation fees may not be warranted. However, the applicant should verify that the increased parking will not involve an increase in intensity of the use as additional vehicle trips or utility usage may warrant payment of mitigation fees. The plan depicts a reduction of greenspace from 27.1% to 16.7% which is significantly below the Town's requirement of 35%. The Planning Board should consider equitable mitigation be provided for the reduction in greenspace, such as permanent preservation of off-site greenspace or increasing the size of the project site so that the intent of the zoning regulations is met. It also appears that some of the proposed striped pavement areas could be utilized as greenspace without significantly impacting traffic circulation. There is a stream channel and associated wetlands along the west side of the site that may be impacted by the proposed parking expansion, the exact limits of which should be mapped and shown. During the site plan review process of the original Gold's Gym application, it was recommended that cross access connections to the adjacent properties be established in order to mitigate the impacts of traffic queues across the site's frontage. As growth continues to occur and traffic back-ups increase, the amount of time needed to access the site has also increased. CHA Companies continues to recommend physical cross-connections to the adjacent properties to promote safe ingress and egress during peak traffic periods. The parcel is located within the B3 (Neighborhood Business) zoning district. Section 208-38-D of the code prohibits automobile parking spaces within 20' of a side yard lot line. The proposed parking spaces along both side yard lot lines do not meet this requirement. In addition, Section 208-40 of the 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: this has not been shown on the plan. Porous asphalt is proposed for new pavement areas. Although CHA Companies strongly encourages the use of porous pavement on some sites, the underlying soil conditions and groundwater elevation should be verified. The plan depicts grading on the adjacent property or the installation of a retaining wall. Documentation of a temporary work easement or details of the proposed retaining wall should be depicted on the plan. If a wall is used, appropriate guide railing and fall protection should be provided. It does not appear adequate area exists to address grade changes in this area. Based on the total number of proposed parking spaces, seven handicapped accessible parking spaces are required. The site currently has six handicapped

parking spaces. The plan does not depict any additional site lighting. The future access easement notes should reference general note #6.

Mr. Montague, Environmental Specialist, reported that the ECC notes that the applicant is significantly reducing the greenspace going from 27.1% to 16.7%, while the Town Code requires 35% for new projects. ECC recommends working with the adjacent landowners to utilize existing empty parking spaces instead of reducing existing greenspace.

Board members discussed several issues of concern. Mr. Ferraro encouraged the establishment of cross easements between adjoining properties. Mr. Ophardt noted, however, that during review of the application for the Sushi Tei restaurant on the parcel directly east of Gold's Gym it was determined that the elevation changes between the two properties would make it difficult to construct an ADA compliant pedestrian walkway between the two locations. Mr. Hale supported a connection to the rear of the property that would allow vehicles to exit through the North Country Commons property directly to Vischer Ferry Road. Mr. Koval agreed. In response to Mr. Koval's question regarding snow removal and storage on site, Mr. Esposito stated that although some snow was accommodated in greenspace areas, during the winter of 2011 it was necessary to employ large trucks to remove the snow from the site. Shared parking arrangements with neighboring properties were also considered as a means to provide for increased patronage, though Mr. Ferraro remarked that, in this instance, it did not appear feasible. Mr. Koval observed that it would be a long walk from the area to the rear of the building to the entrance.

Mr. Dan Hartnett, representative of the Trails Subcommittee of the Open Space, Trails, and Riverfront Committee, recommended that the applicant install a sidewalk across the front of the property and from the entranceway to Route 146 and provide a bike rack near the entranceway. Mr. Scavo noted that approval from NYSDOT would be necessary for work within the state right-of-way. He also explained that approval from NYSDOT normally required the construction of sidewalks on both sides of the highway. Mr. Scavo stated that there is an existing bike rack located near the entrance to Gold's Gym. Mr. Esposito informed Board members that a number of patrons of Gold's Gym do walk to the site from nearby subdivisions and he supported the construction of multi-use pathways. The construction of a limited segment of sidewalk in front of Gold's Gym, however, did not seem reasonable at this time.

Mr. Ferraro, in summary, identified three issues of significant concern. The first issue involves the substantial reduction in the amount of greenspace on the property as a result of the proposed parking expansion. Though he views the applicant's proposed use of porous pavement as "environmentally responsible," the loss of green area on the site is of concern. Mr. Mafriaci stated that the porous pavement to be used is designed to accept as much water as possible, including sheet flow from the paved parking area. The next issue involved the construction of, or future provision for, installation of a sidewalk segment. Mr. Ferraro stated his appreciation for the applicant's willingness to provide a sidewalk, noting that growth along the Route 146 corridor would likely warrant installation of such an amenity in the near future. He supported a right-of-way conveyance at this time and encouraged discussions with NYSDOT for incorporation of a pathway design when future roadway improvements are considered. Mr. Ophardt supported this concept, observing that a sidewalk in the area would be crucial as

development to the west occurred. He viewed construction of a sidewalk more as more beneficial for community residents than preservation of greenspace. Ms. Paulsen agreed that requiring conveyance of a strip of land along the right-of-way or the granting of easement for future sidewalk construction would be more reasonable at this time than the installation of a trail segment “that went nowhere”. Mr. Hale stated that conveyance of a strip of property would make it available to NYSDOT when future road improvements are proposed. The issue of cross connections with adjoining properties was the third matter to be addressed. Though Mr. Ferraro considered the cross access to the rear of the property the most practical area for connecting to adjoining properties, Mr. Hale recommended that easements to both the front and rear of the site be provided to accommodate future redevelopment of this and adjoining sites. Provision for a “floating easement” to provide for a variety of development and redevelopment alternatives was also discussed. The applicant was directed to obtain the necessary variances from the Zoning Board of Appeals and address the concerns identified by the Board.

[2011-026] **Parkwood Village, LLC** – Proposed 644 SF addition to an existing maintenance shop, 1000 South Parkwood Drive – Preliminary site plan review and possible determination. SBL: 265.-1-66

Mr. Brett Watts, consultant for the applicant, presented this application that calls for the removal of an existing shed and construction of a 644 SF addition to an existing maintenance building located within the Parkwood Village apartment complex. The building is situated on the southerly side of Kinns Road west of its intersection with US Route 9 within the B3 (Neighborhood Business) zoning district. The new facility is proposed to provide for maintenance of equipment used on the Parkwood Village site.

Mr. Scavo reported that Mr. Myers, Director of Building and Development, has commented that the applicant will require the issuance of a Building Permit from the Building Department prior to commencing the expansion project.

Mr. Scavo stated that the proposed addition seemed reasonable and appeared to meet all code requirements.

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

Mr. Dan Hartnett, representative of the Trails Subcommittee of the Open Space, Trails, and Riverfront Committee, asked that applicant convey a 15’ strip of land along the right-of-way to provide for future trail improvements. Mr. Scavo stated that since such a condition would require the preparation of a property survey and preparation of a deed, the expense seemed beyond the size and scale of the project. Mr. Koval questioned whether development of a multi-use pathway along the southerly side of Kinns Road was reasonable since there is a large commercial project planned for the northerly side. Mr. Ferraro stated that he would prefer to see a pathway along the northerly side of the road since it is anticipated that Synergy Technology Park will be developed on the northwesterly quadrant of the intersection of Kinns Road and US Route 9. Mr. Scavo pointed out that owners of commercial properties such as Parkwood Village are usually amenable to conveying lands and easements as needed for road improvements or trail

development. Mr. Hale agreed that although trail development may occur on this portion of Kinns Road in the future, conveyance of property by the owners of Parkwood Village at this time was not necessary.

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

Mr. Ophardt moved, seconded by Mr. Koval, to grant preliminary and final site plan approval to this application conditioned upon satisfaction of all items listed in the final comment letter prepared by the Planning Department. The motion was unanimously carried.

[2011-028] **Quick Response** – Proposed lot line adjustment and 9,600 SF storage building, 2077 Route 9 – Preliminary site plan review and possible determination. SBL: 250.-2-30.21

Mr. Rabideau, consultant for the applicant, presented this application for the Board's consideration. Mr. Vincent Laurenzo, Sr., owner/applicant, proposes the transfer of 1.26 acres of land from a vacant parcel he owns to an existing 2.67 acre parcel that contains his existing Quick Response business. Upon approval by the Planning and Building Departments, the total area of the Quick Response site will be 3.93 acres. The property is located on the easterly side of US Route 9 within the L2 (Light Industrial) zone approximately .6 miles south of the intersection of English Road and US Route 9. The applicant requests approval to construct a 9,600 SF building for storage of equipment such as fans, cleaning devices, and holiday displays and to create an area to be used for storage of PODs (portable on demand storage units). The storage units are to be used for storage of clients' property while repairs are being performed on their homes and businesses. The PODs will also be available for rental to the general public. Mr. Rabideau explained that the applicant's goal is to contain "general clutter" on the site and install more organized parking areas.

Mr. Scavo reported that Mr. Myers, Director of Building and Development, provided the following comments on the project plan after review of the application. He notes that the county sewer easement does not appear on the county mapping in the location indicated on the site plan. If the sewer easement is located as shown, it is recommended that the building be moved further away and that no storage be permitted on the easement itself. Wetland locations should be delineated and verification should be provided that they will not be impacted by the proposed building construction and storage area. He states that the Planning Board may wish to discuss the "subject of PODs in town". The amount of greenspace should be calculated and the percentage included in the site statistics table. A Stormwater Pollution Prevention Plan must be prepared and submitted for review and approval. The amount and type of wetlands – both NYSDEC and ACOE - should be indicated on the plan. Depending on the height of the proposed building, a visual assessment pursuant to Section 208-65D of the Town Code may be required.

Mr. Rabideau responded to Mr. Myers' comment regarding the sewer easement, reporting

that the exact location of the 30' wide easement has been determined and has been accurately depicted on the site plan. Sewer district representatives have confirmed that the proposed building location will not interfere with maintenance of the line. Addressing the concern regarding site disturbance and the recommended preparation of a Stormwater Pollution Prevention Plan, Mr. Rabideau stated that less than one acre of site disturbance is proposed at this time. The speaker presented building elevations, noting that the proposed building would be no higher than 25 feet.

Mr. Scavo reported that although the Quick Response site is currently in compliance with all code requirements. He believes that the proposed storage building and POD storage area will "allow for visual enhancement" of the site since the applicant should be able to contain all business-related equipment and holiday decorations on the site.

Mr. Romano listed the comments prepared by CHA Companies after review of the proposed project plan. 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; Saratoga County Planning Board – Section 239 referral. The proposed and existing limit of crushed stone should be clarified on the plan. It appears that significant clearing and gravel installation has occurred in the past and there does not appear to be any existing stormwater management practices within the site. CHA Companies is concerned with the incremental increase of impervious areas within the site without stormwater quantity and quality control and the likelihood of former and future impacts to downstream properties in this environmentally sensitive watershed. It is recommended that the site be brought into conformance with the current NYSDEC stormwater regulations through the creation of comprehensive stormwater management controls. The plan should clearly depict the existing lots and the proposed lot line adjustment. The plan appears to depict a new lot south of the site being created as part of the lot line adjustment. It should be verified that the wetlands depicted on the plan are from recent, formal wetland delineation. The date of the delineation and jurisdictional determination should be provided. The plan does not indicate if the wetlands are ACOE or NYSDEC jurisdictional wetlands and if 100-foot wetland adjacent area and/or LC zoning district restrictions are applicable. The employee and vehicle storage areas should be delineated on the plan. Consideration should be given to providing a vinyl slatted fenced yard area that can provide an adequate area for vehicle storage and provide a visual buffer from the Route 9 corridor. It should be verified that the adequate handicap accessible parking is provided on the site. Section 208-66 of the code with respect to landscaping states "*The overall intent of this standard is to promote and achieve, where possible, a well-landscaped site that takes into consideration the surroundings and the total environment. Consideration shall be given to preservation of natural and existing vegetation as well as new plantings throughout an entire site. The Planning Board shall take into consideration the location of the structures and parking areas and their proximity to adjacent buildings and/or lots. Consideration shall be given to planting along property lines, buffer areas and along the walls of the structure, where possible, without impeding the operations of the facility. However, if there is substantial natural vegetation on site that serves the requirements, e.g., screening, aesthetics, etc., the Planning Board shall not require additional plantings except where deficiencies shall exist.*" The intent of this requirement should be evaluated with respect to the proposed site condition. The height of the proposed building should be depicted on the plan. An architectural elevation of the proposed

building should also be provided for review. The required greenspace within the L2 Light Industrial zoning district is 40%: the proposed greenspace should be indicated on the plan. Future plan submissions should depict the following: grading details; proposed site and building mounted lighting; construction details.

Mr. Montague, Environmental Specialist, reported that the ECC provided the following comments after review of this application. The applicant shall install impervious flooring to prevent any seepage into the ground of any hazardous material. If hazardous materials will be stored on this site, the applicant must submit a plan for approval addressing handling and storage and spill response to the Town of Clifton Park Environmental Specialist before such materials are stored.

Mr. Rabideau, Mr. Romano, Mr. Ferraro, and Board members discussed at length the apparent site clearing that has taken place over several years in relation to existing NYSDEC stormwater regulations. Mr. Romano contended that incremental clearing and site development has occurred without Planning Board approval or NYSDEC oversight and that there it is not clear what the “approved site plan for the parcel is or was”. He called for the applicant to document the times and extent of various clearing activities on the site. Mr. Rabideau argued that this application does not call for additional clearing and that the site was developed prior to the NYSDEC’s establishment of new stormwater regulations. Both Mr. Romano and Mr. Ferraro explained that, although enhancement of the site was important, the site must conform to current NYSDEC regulations. Mr. Rabideau spoke on behalf of the applicant, stating that no further site disturbance, clearing, or placement of impervious surface would take place without Planning Board approval. Ms. Noelle Long, attorney for the applicant, asked that the Board consider approval of the application since the applicant proposes no further clearing and/or disturbance of the site beyond what has already been done. Mr. Hale expressed his support of the proposed construction, though he stated that there were apparent stormwater management issues to be addressed and that the site may not be compliant with current regulations. Mr. Rabideau reported that Mr. Myers, Director of Building and Development, advised him that an erosion and sediment control plan would be sufficient for the proposed construction to be approved. In response to Mr. Ophardt’s comment that the POD units are to be stored over the sewer easement, Mr. Rabideau explained that they are not permanent buildings: they may be easily relocated to provide access to the sewer line. Ms. Paulsen stated her support for the site cleanup and the applicant’s intent to keep the holiday decorations in good repair. Ms. Pace asked if the applicant intended to provide a gravel base for the POD storage area. Mr. Rabideau stated that no gravel would be added: the area’s sandy soil would provide an adequate base. Mr. Romano, stating that he was concerned with the Board’s compliance with SEQARA requirements, requested that the applicant provide accurate mapping of existing site conditions since it appears that “too much” impervious area has been added without benefit of approvals or conformance with existing stormwater regulations. Mr. Hale called for the applicant to provide details regarding the dates of site disturbance and a quantification of impervious materials installed. Ms. Long asked that the Board grant approval since the pending application proposes less than an acre of disturbance. Mr. Pelagalli advised the Board that if it chose to issue a SEQRA determination, the determination should make “very clear” whether the action includes the entire development site or simply the expansion area as described in the pending application. Ms. Long urged the Board to approve the project, stating that the building is urgently needed to

provide space for repair of holiday lighting displays. Although Board members appreciated the Mr. Lorenzo's dilemma, Mr. Ferraro stated that he found it difficult to approve the application when the issue of site compliance with stormwater management regulations is in question. Ms. Paulsen stated that although members are "sensitive to the applicant's needs," the lack of information makes it impossible to render a responsible SEQRA determination on which site plan approval is dependent. Mr. Koval stated that the "next logical step" would be for the applicant to prepare a detailed site plan that clearly depicted existing conditions, provide a time line that outlines times and extent of clearing and installation of impervious surfaces, and a detailed, preliminary site plan that clearly depicts the topography, location of proposed parking and building elevations and includes construction details, lighting, landscaping, and other details required for a complete submission.

Minutes Approval:

Mr. Hale moved, seconded by Mr. Andarawis, approval of the minutes of the September 14, 2011 meeting as written. Ayes: Ophardt, Andarawis, Hale, Koval, Ferraro. Noes: None. Abstained: Pace, Paulsen.

Discussion Item:

Waite Meadows SBL: 270.-1-19.1

Mr. Peter Belmonte, owner/applicant and developer, and Mr. Bob Chauvin, attorney, were in attendance at this meeting. Mr. Chauvin explained that on February 24, 2009, Mr. Belmonte received approval to construct a thirty-three (33) lot subdivision entitled Waite Meadows. Extension of the existing sewer line along Route 146 would serve the subdivision. The applicant now proposes to develop the two large "farmette" lots along Waite Road with individual septic systems. Installation of the sewer lines would be deferred until economic conditions improve and there is again a demand for the subdivisions remaining new residences. The developer intends to construct all utility lines from the roadway to the homes in anticipation of future connection to the municipal sewer system. Declarations, covenants, and restrictions will be established to ensure that such connections take place: should an individual homeowner not choose to complete the connection, the developer would be given the right to do so. Soil investigations conducted in the area have determined that installation of conventional systems would be possible. In response to Mr. Koval's question regarding the use of grinder pumps, Mr. Belmonte stated that the approved plan calls for this installation of such pumps, though they would not be installed at this time. Mr. Chauvin stated that all restrictions and requirements for those purchasing these two properties would not only be included in a note on the map but also in respective property deeds. Mr. Pelagalli stated that he would review and approve all legal documents before they become legally binding and he expressed confidence in Mr. Chauvin's ability to prepare language that would adequately protect the developer, future homeowners, and the Town of Clifton Park. The project, originally proposed to be constructed in two phases, will now be constructed in three phases. Mr. Ferraro spoke from personal experience, reporting that his home in Sherwood Forest, originally constructed with an individual septic system, was later easily connected to the municipal utility. He, therefore, supported Mr. Belmonte's request. Board members agreed that the plan was generally acceptable.

Mr. Koval moved, seconded by Mr. Hale, adjournment of the meeting at 9:45p.m. The motion was unanimously carried. The Planning Board meeting scheduled for October 12, 2011 has been canceled. The next Planning Board meeting will be held on October 25, 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 #11 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 September 27, 2011, there were:

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

Absent: T. Werner

Mr. Koval offered Resolution #11 of 2011, and Mr. Andarawis seconded, and

Whereas, an application has been made to this Board by Longkill Properties, LLC for approval of a subdivision entitled Subdivision of Lot 89 of Lands of Longkill Properties, LLC consisting of (2) lots;

Whereas, pursuant to Section 276 of the Town Law, a public hearing was advertised and was held on September 27, 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 September 27, 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 Subdivision of Lot 89 of Lands of Longkill Properties, LLC consisting of (2) lots is granted preliminary and final subdivision approval conditioned upon satisfaction of all comments issued by the Planning Board, Planning Department, CHA Companies, the installation of 10' sections of split-rail fencing "in strategic locations" to define wetland boundaries, and all items listed in the final comment letter prepared by the Planning Department.

Resolution #11 of 2011 passed 9/27/2011

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

Noes: None

Rocco Ferraro,

Chairman

