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PLANNING BOARD

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Michael Hale

Joel Koval

Eric Ophardt

Kim Paulsen

Tom Werner

(alternate) Eric Prescott

**Planning Board
June 10, 2014**

Those present at the June 10, 2014 Planning Board meeting were:

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

Those absent were: R. Ferraro, E. Prescott

Those also present were: J. Scavo, Director of Planning
J. Bianchi, M J Engineering and Land Surveying, P.C.
P. Pelagalli, Counsel
J. Dean, Secretary

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

Minutes Approval:

Mr. Ophardt moved, seconded by Mr. Hale, approval of the minutes of the May 13, 2014 Planning Board meeting as written. Ayes: Ophardt, Paulsen, Hale, Koval, Werner. Noes: None. Abstained: Andarawis.

Mr. Werner moved, seconded by Mr. Andarawis, approval of the minutes of the May 27, 2014 Planning Board meeting as written. Ayes: Paulsen, Andarawis, Hale, Werner, Koval. Noes: None. Abstained: Ophardt.

Public Hearings:

[2014-024] **Peck, Nancy D.** – Proposed (2) lot subdivision, 50 Bradt Road – Preliminary public hearing and possible determination. SBL: 263.-1-38

Mr. Koval explained the review and approval process to those present, stating that the Board was required to render a determination pursuant to SEQRA (State Environmental Quality Review Act) prior to conducting a public hearing on this application. He explained that the Planning Board would assume Lead Agency status for the project and issue a negative declaration as a “formality” which neither granted nor implied approval of the subdivision application. Should it be determined that additional environmental review is required, SEQRA discussions will be reopened and a decision rendered when deemed appropriate.

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

Mr. Koval, Vice Chairman, called the public hearing to order at 7:03p.m. The Secretary read the public notice as published in the Daily Gazette on June 3, 2014.

Mr. Gil VanGuilder, consultant for the applicant, presented this application that was last reviewed by the Planning Board at its May 13, 2014 meeting. The proposal calls for the subdivision of 77.49 acres of land into lots of 67.49 acres and 10 acres, respectively: the parcel lies within the CR (Conservation Residential) zoning district. The property, which is bisected by the Boston and Maine Railroad, is located on the westerly side of Bradt Road south of its intersection with Blue Barns Road. The larger lot will include the existing house: a new residence, requiring the disturbance of .6 acres of land is planned for the smaller lot. The new home will be served by public water and a private septic system designed by a NYS Licensed Engineer. Mr. VanGuilder reported that soil testing confirmed that a conventional septic system could be installed on the parcel. The driveway for the new home will be installed to the north of the one that accesses the existing residence. Mr. VanGuilder explained that a written to comments issued for the May 13th meeting have been submitted to the Planning Department and that all comments have been adequately addressed.

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

Mr. Scavo reported that Ms. Reed, Chief of the Bureau of Fire Prevention, offered no comment on this application.

Mr. Scavo reported that Mr. Myers offered the following comments in a memo dated June 3, 2014. Mr. Myers noted that since public water is available, the separation distance between the water supply and septic area is not an issue. The driveway must meet NYS Fire Code requirements because of its length. An erosion and sediment control plan will be required.

Mr. Scavo read the comment that was submitted by the ECC. The ECC reiterated the following concern that had been expressed at the May 13th meeting. The parcel is located in an area which may be impacted by rail and aviation activity (Schenectady Airport): impacts may include noise and/or vibration. Mr. Scavo reported that the appropriate notes have been added to the plan.

Mr. Scavo read comments prepared by the Planning Department. The mitigation fee pursuant to the Western Clifton Park GEIS preparation will be applicable: a payment of \$348.00 per each new dwelling unit must be paid prior to the stamping of the final plan. An \$850.00 parkland fee will be applied to the new lot and must be paid prior to the stamping of the final plan. The following note must be added to the plan:

This subdivision is located in an area where railroad activity occurs. In addition, a note must be added to the plan which states the following:

This parcel (subdivision) is located in an area where aviation activity occurs due to its proximity to the Schenectady Airport. Such activity may include, but is not limited to periodic noise, vibration, hours of operation, and other associated activities.

Mr. Bianchi reported that M J Engineering and Land Surveying, P.C. reviewed the materials submitted for this evening's meeting and issued the following comment. As noted in the May 6, 2014 review letter, the available sight distance at the proposed driveway should be reviewed due to the potential steep grades on the proposed lot as it approaches Bradt Road. If it is necessary to clear the adjacent right-of-way of trees and shrubs to improve sight distance, the plans must show the extent and location of such clearing. The consultant was asked to indicate what the available and required sight distances are based upon AASHTO requirements on the drawings. Mr. VanGuilder reported that the requested information has been provided and sight distances have been noted on the plan.

Mr. Dan Harnett, representative of the Trails Subcommittee of the Open Space, Trails, and Riverfront Committee, repeated the comment issued for the May 13, 2014 meeting, requesting that the applicant verify that there is enough right-of-way for widened shoulders to be constructed in the future along Bradt Road. He noted that the standard established nationally for such a road improvement is 1' of shoulder per 10 mph of posted speed limit. Mr. VanGuilder stated that Bradt Road meets this criteria since the posted speed limit for the roadway is 40 mph and that the existing right-of-way width is 50'.

There being no additional public comment Mr. Hale moved, seconded by Mr. Werner, to close the public hearing at 7:10p.m. The motion was unanimously carried.

Mr. Ophardt offered Resolution #12 of 2014, seconded by Mr. Hale to waive the final hearing for this application and to grant preliminary and final subdivision approval conditioned upon satisfaction of all items listed in the final comment letter prepared by the Planning Department. Ayes: Ophardt, Paulsen, Andarawis, Hale, Werner, Koval. Noes: None.

Old Business:

[2014-014] **Price Chopper Renovation** – Proposed renovation of the existing façade and pharmacy drive-thru, Park Avenue – Preliminary site plan review and possible determination. SBL: 271.-3-81

Mr. Ron Laberge, consultant for the applicant, presented this application, which remains generally as presented at the May 13, 2014 meeting. Representatives of Price Chopper Store #112

are proposing to make site modifications which would allow for the installation of a pharmacy drive-thru along the southern side of the store and accommodate peak shopping days by making improvements to existing parking islands that would allow the full use of Shoppers' World Plaza parking while adding additional parking within the existing Price Chopper parking lot. Mr. Laberge provided a Powerpoint presentation that quite clearly illustrated existing site conditions as well as proposed site improvements. The speaker noted that the existing parking lot situated along Park Avenue to the southerly side of the building will be moved more to the south and that crosswalks will provide connectivity between the parking lot located adjacent to Price Chopper and the lot that served the former Kmart store. Building façade upgrades and widening of sidewalks are proposed. The property is located on the northerly side of Route 146 at its intersection with Clifton Country Road and lies within the B4 (Highway Business) zoning district. The parcel totals 27.66 acres: the existing store is 243,241 SF in size. The complex is serviced by public water and sewer systems. Mr. Laberge views the technical comments issued as "minor" and stated that all will be adequately addressed.

Mr. Scavo reported that Ms. Reed, Chief of the Bureau of Fire Prevention, offered no comment on this application.

Mr. Scavo read the comments prepared by Mr. Myers, Director of Building and Development, in a letter dated June 3, 2014. All necessary setback variances have been obtained. Variances regarding proposed signage will be considered at the June 17, 2014 Zoning Board of Appeals meeting. The project may qualify as a "Re-development Project" per the NYSDEC design manual. Due to potential maintenance issues with a drywell being used for paved areas, connection to the existing drainage system should be considered with the installation of a separator for water quality if needed.

Mr. Scavo reported that the ECC issued the following comment regarding this application. Since the project may disturb more than one acre, it is recommended that the applicant complete the NOI for a SPDES General Permit for Stormwater Discharges from Construction Activity through NYSDEC.

Mr. Scavo read the comments prepared by the Planning Department. Prior to the issuance of a Certificate of Occupancy for the proposed renovations, the stormwater management basin modifications in the vicinity of Maxwell Drive behind Shopper's World Plaza must be completed to alleviate the temperature issues experienced by the Bear Brook stream. The appropriate locations for the application of Detail #8 of Sheet 5 for the "Raised Truncated

Dome ADA Warning System” is not shown on Site Plan Sheet #3. The STOP sign detail shown on Sheet #7 should be modified to replace “R1-1A” with “MUTCD R1-1”.

Mr. Bianchi explained that, following its review of the preliminary site plans submitted for review and the written responses provided by Mr. Koziol, representative of the Laberge Group and consultant for the applicant, in correspondence dated April 22, 2014, M J Engineering and Land Surveying, P.C. offered the following comments. The applicant is asked to provide additional information related to the size and color of the proposed “stop” bars shown at intersections. A proposed construction entrance detail is provided but does not appear to be located on the plan set.

On Detail 5 of 7 the min/max mounting height for the accessible parking signage which shall be in conformance with the ADA (2010) standards must be indicated. Several comments related to the drainage report. The technical analysis provided is appropriate and indicates that, with the inclusion of the infiltration practice, there will be no adverse impacts to existing adjacent areas or infrastructure. As a matter of the project record, the applicant must include a statement within the report indicating that the total land disturbance will be less than 1 acre and is not subject to NYSDEC Phase II Stormwater Regulations. The applicant is asked to provide the location of the noted infiltration tests as well as the depth of any test pit(s) intended to confirm the existence or absence of groundwater that may impact system performance.

Mr. Dan Hartnett, representative of the Trails Subcommittee of the Open Space, Trails, and Riverfront Committee, offered several comments regarding this application. He commented that the site plan did not appear to include “cart corrals” within the parking area that had been associated with the Kmart store, did not provide a “an integrated sidewalk plan that would connect the commercial area to the Maxwell Drive Trail,” and did not provide enough sidewalk width along the northeasterly side of Price Chopper for unobstructed pedestrian traffic as well as cart storage. He recommended that the applicant provide “one or two” benches along Park Avenue to “increase pedestrian friendliness” and “serve as a waiting area for future mass transit in the area.”

Mr. Laberge explained that the applicant has no plan to extend the sidewalk to Maxwell Drive at this time, though the sidewalks proposed for the front of the store will be widened. Mr. Koval noted that the applicant is a “tenant” rather than a “property owner” and, therefore, may be unable to address all of the concerns of the Trails Subcommittee. In response to Ms. Paulsen’s question regarding possible tree removal required to accommodate proposed sidewalks and striping, Mr. Laberge stated that no trees will be removed from the site. He also commented that the ½ spaces left by the striping from the Kmart parking area to the Price Chopper lot will also be labeled as no parking areas. Mr. Werner questioned pedestrian safety in the area where traffic would exit from the drive-thru. Mr. Laberge explained that fencing would be installed to guide pedestrians to a location where sight distance is sufficient for safe crossing. In response to Mr. Ophardt’s question regarding existing STOP signs and warning signs for pedestrian crossings, Mr. Laberge reported that all STOP signs will remain and that signage will be used to “accentuate” the proposed crossings. Mr. Ophardt recommended that the applicant provide a short connection with a ramp and landing area from the proposed crossing at the center entrance to the mall to the Kmart portion of the site. Mr. Scavo agreed and suggested that an additional ramp and landing area be located on the Park Avenue side of the crosswalk. Mr. Laberge agreed

that these recommendations were reasonable. In response to Mr. Andarawis's question regarding snow storage, Mr. Laberge stated that the snow would either be plowed to the area in front of the site or removed by truck to an off-site location. Mr. Hale recommended that the existing trees along the southerly portion of the site along Park Avenue where the parking lot is to be extended be protected from damage during construction. Mr. Ophardt questioned whether or not the Board could render a SEQRA determination since there was concern regarding drainage to the Bear Brook. Mr. Scavo explained that drainage issue involved "four different property owners" and that the owner of the shopping center had committed to address required maintenance issues prior to the issuance of a Certificate of Occupancy for this project.

Mr. Werner 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. Ophardt moved, seconded by Mr. Andarawis, 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.

[2013-037] **Quick Response** – Demolition of an existing office and construction of a new 9,000 SF office with (66) parking spaces, 2077-2079 Route 9 – Preliminary review and possible determination. SBL: 277.13-4-2

Mr. Scott Lansing, consultant for the applicant, presented this application for the Board's consideration. The Quick Response business is located on a 3.93 acre parcel on the easterly side of Route 9 approximately .6 miles south on its intersection with English Road. The parcel is located within the L2 (Light Industrial) zoning district. The project plan calls for demolition of an existing 1,200 SF office and construction of a new 3,500 SF office, outdoor patio, and relocation and expansion of the existing parking lot. Mr. Lansing spoke to a number of the issues raised during the last review and summarized the revisions that had been made to the plan in response. He explained that the parking area was relocated to meet all required setbacks, that a bicycle rack has been shown on the plan, that additional plantings have been added to reduce visual impacts from Route 9, and that a previous consolidation of parcels addresses Mr. Myers' concerns regarding the 25' buffer. Addressing the technical concerns identified by M J Engineering and Land Surveying, P.C., Mr. Lansing reported that a site analysis resulted in verification that there would be less than an acre of disturbance, that draw-down tests conducted on the existing well determined that there is sufficient capacity for the proposed expansion, that due to the type of construction materials proposed, no sprinklers will be required, and that a Knox Box will be provided per the recommendations of town officials.

Mr. Scavo reported that the ECC found the project acceptable and offered no comment on the application.

Mr. Scavo reported that Ms. Reed, Chief of the Bureau of Fire Prevention, offered no comment on this application.

Mr. Scavo read comments prepared by Mr. Myers, Director of Building and Development. Mr. Myers stated that he “assumes that the Planning Board will allow parking in the front of the building since the parking has been moved to meet the setback.” He observed that it was unclear from the plans submitted whether or not the 25’ issue regarding the buffer has been satisfactorily addressed.

Mr. Scavo offered comments prepared by the Planning Department. Building elevations with samples of materials to be used for building construction must be attached to the final site plan submitted for stamping.

Mr. Bianci explained that M J Engineering and Land Surveying, P.C. reviewed the preliminary site plan presented and offered the following comments. As previously noted, there still must be an analysis furnished indicating that the proposed improvements and associated impervious areas can be adequately accommodated and there will be no adverse impacts to adjacent properties. This analysis is necessary as part of the Town’s SEQRA review. As noted in prior comments, the applicant is asked to provide documentation (i.e. well drawdown test results) confirming that the well has sufficient capacity to meet the additional daily water demands for the increased usages proposed. This information may be requested as a condition of approval. There must be clarity as to how fire protection will be provided to the building. The Town Engineer defers to the Town’s emergency services representatives to determine whether or not the project should be considered for action without this information. The plans must note the location of any new Knox Box or notation indicating its final location shall be approved by the Town as part of the building permit process. Sheet SEC-1 notes the total project disturbances to be just under one acre; however, Sheet ECR-1 notes three isolated areas of disturbance where impervious areas are being converted to pervious. The applicant must confirm that the total area of disturbance includes the isolated areas identified. If it does not, a Stormwater Pollution Prevention Plan may be necessary or documentation as to why one is not required must be furnished.

Mr. Dan Harnett, representative of the Trails Subcommittee of the Open Space, Trails, and Riverfront Committee, reported that all previously issued comments have been adequately addressed.

Mr. Ophardt commented that this was a “good project.” Mr. Hale stated that he found the planting plan acceptable and was appreciative that the applicant had responded positively to Mr. Ferraro’s recommendation that additional trees be placed within the southern portion of the site to “soften the sight line” from Route 9. Board members agreed that the proposed parking area proposed for the front of the site was acceptable.

Mr. Ophardt moved, seconded by Ms. Paulsen, 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. Andarawis moved, seconded by Mr. Hale, 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.

[2013-022] **Khan, Muhammed** – Proposed (8) lot subdivision, Waite Road – Revised conceptual subdivision review. SBL: 270.-1-44

Mr. Gavin Vuillaume, consultant for the applicant, presented this revised conceptual subdivision application for the Board's review, explaining that the applicant proposes to subdivide 30.44 acres of land into (8) single-family building lots. The property is located on the westerly side of Waite Road, approximately 1,200 feet south of its intersection with Route 146: it lies within the CR (Conservation Residential) zoning district. The project includes approximately 600 linear feet of public road, preservation of 15.22 acres of permanent open space, and connection to public water and sewer services. The consultant explained that five federally jurisdictional wetland areas, ranging in size from .036 acres to 4.3 acres have been delineated on site: the delineation was verified by the ACOE in August and September, 2012. Mr. Vuillaume explained that Mr. Khan, applicant, received a jurisdictional authorization letter from the US Army Corps of Engineers (ACOE) dated May 28, 2014 that approved driveway construction work which may entail "discharge of .06 acres fill material into the waters of the United States." The work will be "authorized under Department of the Army nationwide Permits (NWP) and the permit conditions listed in Section B, No. 29, Section C." A written response has been issued to confirm the density calculation provided and to address previously issued comments related to the application. Mr. Vuillaume noted that lots have been "clustered" toward the front of the site to "reflect CR zoning requirements."

Mr. Scavo explained that the ECC provided the following comment regarding this application. The applicant should demonstrate that Lots #2 and 4 are viable by performing seasonal high water tests.

Mr. Scavo read the comments prepared by Mr. Myers, Director of Building and Development. The subdivision plan must show only the number of lots proposed at this time. Utility locations must be shown on the plan. As stated in previous comments, the proposed "open space" is unusable wetland that, for the most part, has no value to the town: it is recommended that "the incentive be obtained." It is unclear whether or not slope issues are still present. The stormwater management plan appears to direct water to ponds. Such ponds should be utilized in stormwater management design plans "as the last resort." A full Stormwater Pollution Prevention Plan must be submitted to determine if the use of ponds is appropriate. Lot #1 is actually 566 Waite Road that belongs to Cologgi. Much more detail is required. Setbacks, etc. cannot be determined due to a lack of dimensions. He concluded his memo by noting that keyhole lots are approved at the discretion of the Planning Board.

Mr. Scavo reported that Ms. Sheryl Reed, Chief of the Bureau of Fire Prevention, offered two comments regarding this application. The applicant must provide street names for postal verification. The applicant must provide a driveway profile that will meet the requirements of the Fire Code of New York State. The driveway must be a minimum of 16' wide with turnouts or 20' wide without. The driveway must be capable of withstanding a minimum of 75,000 lbs. and include a turnaround for emergency services vehicles.

Mr. Scavo offered comments prepared by the Planning Department. A note must be added to the plan that states the following:

The proposed driveway will not be dedicated to the Town of Clifton Park now or in the future. Any future maintenance or capital investment requirements of the driveway and the culvert to equalize water levels of the wetlands on either side of the driveway are the sole responsibility of the private land owners.

A note must be added to the plan that states the following:

The proposed driveway shall conform to Sections 503 and 511 of the Fire Code of New York State.

Mr. Scavo believes that driveway must be a minimum of 20' wide. The standard notes related to "Permanent Open Space Areas" must be added to the preliminary plan. Cluster mailbox details and proposed location for their installation must be indicated on the plan: verification and approval of the location by the Clifton Park Postmaster is required.

[Mr. Bianchi reported that, after review of revised conceptual subdivision plan, M J Engineering and Land Surveying, P.C. offered the following comments and recommendations. As previously noted, since the application is considered a realty subdivision under Environmental Conservation Law (ECL) Part 74, the NYSDOH regulation implementing SEQRA (Article 8 of the ECL), Section 97.14(b)(2)(ii) requires that a realty subdivision be classified as a Type I action. This criteria is above and beyond the statutory requirements of Part 617 of ECL. The Full Environmental Assessment Form should be revised as follows: under Section B.25 the applicant is asked to add the additional involved agencies identified due to the proposal to extent public sewers to the project.

Mr. Bianchi offered several comments regarding the subdivision plan. Based upon the current configuration, a majority of the initial engineering comments have been addressed, noting that the project still proposes a lengthy private driveway servicing multiple lots. The applicant is asked to consult with the Town's emergency services personnel regarding the adequacy of this driveway. Subsequent plan submissions shall include construction details that describe erosion and sediment control measures, water services, septic system components, and shared driveway construction. Prior to approval or filing of the subdivision plat with the Saratoga County Clerk, the appropriate 911 emergency response numbers must be obtained for and assigned to each lot created and placed on the filed plat.]

Mr. Dan Hartnett, representative of the Trails Subcommittee of the Open Space, Trails, and Riverfront Committee, asked the Board to request that the applicant verify that there is enough right-of-way along the Waite Road frontage to allow for future 4' wide "widened shoulders" should the applicant extend water service utilities along the western side of Waite Road. If the water line is to extend down the eastern side of the roadway, the Trails Subcommittee asks that the applicant co-locate a multi-use trail above the utility line from NYS Route 146 to the proposed project with a crosswalk across Waite Road. He pointed out that this would connect this neighborhood and the Meadow View at Clifton Park Senior Apartments to the Waite Road Trail being built along NYS 146 from Waite Meadows, a subdivision proposed by Belmonte Builders. These recommendations engendered a conversation regarding utility line and possible trail locations. Mr. Koval pointed out that the ditch along the easterly side of Waite

Road is nearly always wet. Mr. Ophardt noted that there must be a 10' separation between water lines and sewer lines. Mr. Vuillaume stated that it was likely that one line would be run on the easterly side of the road and the other would be installed on the westerly side. Mr. Ophardt asked if it would be appropriate to request addition of the standard note on the plan regarding the site's proximity to agricultural uses. Mr. Scavo stated that such a note should be added to the plan and that potential homebuyers should be made aware of the "pre-existing, non-conforming" use that lies adjacent to the property. Referencing a comment made by Mr. Myers, Ms. Paulsen questioned whether or not the lot labeled Lot #1 was a part of the subdivision plan. Mr. Vuillaume stated that the label was misplaced: Lot #1 is located directly south of the labeled property. Mr. Hale observed that the plan did not indicate any future connections to adjoining properties and recommended that such connections be provided. Board members agreed and recommended that stubs be labeled as "future streets" and discussed the possibility of requiring the installation of street signs that would identify "Future Streets." Mr. Andarawis questioned the number of proposed lots: Mr. Vuillaume stated that the current plan shows (8) parcels, though the applicant is considering the use of incentive zoning to request approval of a ninth building lot. In response to Mr. Andarawis's question regarding the purpose of the cul-de-sac, Mr. Vuillaume stated that it was designed to provide access for the private driveway that serves the parcels to the rear of the parcel. Mr. Andarawis noted that the open space area contains 9.8 acres of "unconstrained land": Mr. Vuillaume explained that the open space area was designed to provide a vegetative buffer between the proposed development and existing properties and to offer significant protections for existing designated wetlands. Mr. Vuillaume commented that all open space areas will be deed restricted. Mr. Ophardt questioned whether or not the boundaries of the open space areas will be marked with signage and suggested that perhaps the boundary of the no-cut buffer on Lot #5 be identified with tree markers. Mr. Vuillaume stated that restrictions will be included both on plot plans and property deeds. Mr. Scavo explained that keyhole lots were permissible with approval of the Planning Board. Mr. Ophardt found the keyhole lot design acceptable in this instance since the lots were "very private." Mr. Hale explained that he did not view the lots as "typical keyhole lots" since they were created to protect sensitive environmental areas. Mr. Andarawis agreed, stating that they "do serve a purpose." Board members did not specifically speak positively or negatively on the application.

New Business:

[2014-025] **Woodin Manor** – Proposed (6) lot residential subdivision, 226 Woodin Road – Conceptual review. SBL: 278.-1-7

Mr. Patrick Mitchell, the applicant's representative, presented this application that calls for the subdivision of an 8.97 acre parcel located on the westerly side of Woodin Road approximately 500' south of its intersection with Sitterly Road into (6) lots. The parcel lies within the R1 zoning district and is bordered by I-87 – the Northway – to the west. Proposed lots range in size from 1.35 acres to 1.87 acres and are accessed via individual driveways from Woodin Road. Mr. Mitchell reported that federally jurisdictional wetlands delineated on the site have been verified by the ACOE. The applicant plans to connect to an existing public water service line that is located within the Woodin Road right-of-way and to a privately-owned sewer line that is also located within that right-of-way. The speaker explained that lots have been designed to avoid significant disturbance of designated wetland areas. Though the plan proposal

illustrates the placement of duplex units on the properties, Mr. Mitchell explained that the multi-family units were only illustrative of the “maximum build-out” that would be permitted on the site: it is the applicant’s intention to seek only subdivision approval. Mr. Koval recommended that any depiction of or reference to multiple dwellings be omitted from future submissions. In response to Mr. Mitchell’s statement that the applicant was seeking only subdivision approval at this time and request that specific house locations be determined at a later date, Mr. Scavo explained that the Planning Board conducts detailed review of proposed subdivisions that includes driveway locations, stormwater management plans, grading, and locations for utility connections among other things and that these items must be considered comprehensively.

Mr. Scavo reported that the ECC commented that the applicant must complete a Special Use Permit Application for this project.

Mr. Scavo reported that Ms. Reed, Chief of the Bureau of Fire Prevention, provided the following comments in a memo dated June 9, 2014. The applicant must submit a postal verification form: assigned postal addresses must be added to the final subdivision plat. Any driveway over 150 feet in length is required to be a minimum of 20’ wide and provide a turnaround for emergency services vehicles within 100’ of a proposed structure.

Mr. Scavo reported that Mr. Myers, Director of Building and Development, provided the following comments regarding this application in a memo dated June 3, 2014. Any driveway over 150’ in length must be 20’ wide and designed with an apparatus turnaround area within 100’ of the house. The Town Boundary Line appears to follow the front property lines along Woodin Road. Approval of the access to Woodin Road will be required from the Town of Halfmoon. Significant earthwork will be required for some of the homes which may result in steep slope issues. As a result, a full Stormwater Pollution Prevention Plan covering the entire subdivision will be required. Wetland crossings must have appropriate permits. The Planning Board must approve the construction of two-family homes in an R1 zone by means of the approval of Special Use Permits. Notes must be added to the plan that state that no clearing or structures shall be built in the NYS Scenic Enhancement Preserve. Clearing limits should be clearly marked prior to the beginning of any site work.

Mr. Scavo read the comments prepared by the Planning Department. The project appears to meet the Public Health Law standards for a realty subdivision. As such, the subdivision is a Type 1 action pursuant to SEQRA and coordinated review will be required. The applicant must complete and submit Part I of the Long Environmental Assessment Form. The subdivision plan presented for consideration shows a layout for two-family dwellings, though the application makes no reference to multiple family homes. The applicant must clarify whether or not it is his intention to seek approval of duplex units. Mr. Scavo noted that in accordance with Section 208-10(B)(9)[7] of the Town Code two-family dwelling units require the issuance of a Special Use Permit pursuant to Section 208-79. If duplexes are proposed, the applicant must submit an application to the Director of Building and Development. Since the lots are to be serviced by a private sewer corporation, the applicant must demonstrate that the private sewer entity is willing to allow for a tie in and that sufficient capacity is available to handle the additional dwellings. Limits of grading, clearing, and home locations should be considered as part of the subdivision review process. Grading to existing natural features should be minimized.

Mr. Bianchi reported that M J Engineering and Land Surveying, P.C. reviewed the submission documents and provided a comment letter on June 10, 2014. The subdivision as proposed meets the criteria of being classified as a realty subdivision (5 or more lots, average lot size 5 or less acres) and, therefore, the project will require NYSDOH Realty Subdivision approval.

Any approvals offered by the Planning Board should be conditioned on receipt of NYSDOH's review and approval of the subdivision. It is unclear from the submitted plans the total area of land disturbance expected at full project build-out, however, it is suspected it will be greater than 1 acre. Should the project result in more than 1 acre of disturbance, it will be subject to the NYSDEC Phase II Stormwater Regulations and General Permit GP-0-10-001. The total area of disturbance expected will dictate the type of Stormwater Pollution Prevention Plan that must be provided. The project proposed to service each new lot with public water from the Town of Halfmoon. While the water main may be located within the Woodin Road right-of-way, the existing service area for the Town may not include the parcel. The applicant must contact the Town of Halfmoon regarding how public water would be provided to the property if not within their approved service area. If a district extension is required, then the Town of Halfmoon is the approving authority along with the NYSDEC. Further, the applicant shall provide the Town of Clifton Park with documentation indicating the Town of Halfmoon's ability and willingness to provide potable water to the project. The project proposes to service each lot with sewer by connecting to an existing sewer transportation corporation. The applicant must confirm whether or not the parcel is within the approved franchise area of this transportation corporation. If it is not, then it may be extended subject to the review and approval of the NYS Public Service Commission and, potentially, the NYSDEC. Further, the applicant shall provide the Town documentation indicating the private sewer transportation corporations' ability and willingness to provide sewer service to the project. The project proposes impacts to regulated wetlands and based upon the size of the anticipated impacts. As the project proceeds through the regulatory review, appropriate permitting from the authorities having jurisdiction must be provided to the Town.

Mr. Bianchi listed the comments related to review required by the State Environmental Quality Review Act. Based upon a review of the proposal, it is considered a realty subdivision under Environmental Conservation Law (ECL) Part 74. In accordance with 10 NYCRR Part 97 in the NYSDOH regulation implementing SEQRA (Article 8 of the ECL), Section 97.14(b)(2)(ii) requires that a realty subdivision be classified as a Type I action. Assuming the Planning Board is going to seek Lead Agency status for this Type I action, involved/interested agencies to be engaged under the required coordinated review may include, but are not necessarily limited to, the following: Town of Halfmoon – accessing town public water and highways; Saratoga County Planning Board – 239m referral due to the project's proximity to Interstate 87 and the Town of Halfmoon municipal boundary; NYS Dept. of Health – realty subdivision approval; NYS Dept. of Environmental Conservation – permit coverage under stormwater SPDES, identification of threatened and endangered species. Additional agencies may be identified during the course of the Town's review. Since the project is deemed a Type I action, a Full Environmental Assessment Form must be submitted to allow the lead agency to evaluate the project and its potential impacts. Additional comments were based upon the subdivision plan presented for review. The project is located within the Town's R1 Residential zoning district. Two-family

semidetached homes are allowed as a special use pursuant to Section 208-10(B)(9)(a)[7] of the Town's Zoning Code. Based upon the review of the proposed lot layout all appear to meet the minimum bulk lot requirements of Section 208-11 of the Code. The applicant must contact the Town of Halfmoon Highway Department regarding the proposed driveway locations as there may be a desire for shared driveways. Prior to the Planning Board acting on this application, there should be correspondence received from the Town of Halfmoon regarding this topic. The proposed private driveway for Lot #6 may measure greater than 500 feet in length. If so, Section 511.2.2 of the Fire Code of New York State (FCNYS) requires that driveways in excess of 500 feet to be provided with a turnaround suitable for fire access. Additionally, due to the length of the driveway, the Town's responding emergency services may consider increasing the minimum road width for the driveway to provide improved access. Subsequent plans must show driveway configurations meeting the minimum requirements of the FCNYS as well as those requested by the Town's emergency responders. All lot grading shall be such that drainage is directed away from the homes and towards lot lines and ultimately to an approved drainage course as required by Section 86-7(A)(5) of the Town Code. In order to demonstrate conformance to the stated regulations, an overall project grading plan must be developed for review. Subsequent plan submissions shall include construction details that describe erosion and sediment control measures, water services, sanitary sewer components, and driveway construction. Prior to approval or filing of the subdivision plat with the Saratoga County Clerk, the appropriate 911 emergency response numbers assigned to each lot must be placed on the filed plat.

Mr. Dan Harnett, representative of the Trails Subcommittee of the Open Space, Trails, and Riverfront Committee, asked that the applicant show a 25' right-of-way along the entire property frontage with a note indicating that it is for a future trail connection. Mr. Bianchi noted that since the property line is also the town boundary line, the entity assigned final ownership of the requested land or easement must be established.

In response to Mr. Ophardt's question regarding the possible use of shared driveways, Mr. Mitchell stated that the applicant would consider combined drives, however, individual driveways as proposed made it easier to avoid wetland impacts. Both Mr. Hale and Mr. Koval expressed concerns regarding site grading and questioned whether or not a mining permit from NYSDEC would be required. Mr. Mitchell stated that the applicant has not yet evaluated the need for cuts to steep slopes or grading of the site. Mr. Ophardt expressed his concern regarding the "differentials in setbacks." Mr. Mitchell pointed out that the homes were situated as shown in an effort to avoid substantial impacts to the wetlands. Mr. Andarawis recommended that the applicant consider some alternative lot configurations. The applicant was asked to eliminate all implied or stated references to two-family dwellings from the plan, provide more details regarding water and sewer approvals, propose a comprehensive site grading plan, quantify the amount of site disturbance to determine whether or not a Stormwater Pollution Prevention Plan will be required, and consider alternative design options. Board members expressed serious concerns regarding the plans lack of detail and overall viability.

[2014-026] New Cingular Wireless (AT&T) at CPWA Water Tower – Proposed location of a telecommunications antenna and equipment on an existing water tower, 36 Boyack Road. SBL: 288.8-1-56

Mr. Scavo introduced this application that calls for the collocation of (9) antennas, (24) remote radio heads, cabling, and other related equipment at a location of 54' above ground level on the existing water tank located at 36 Boyack Road that is owned by the Clifton Park Water Authority. In addition, at ground level, near the base of the tank, AT & T will construct an 11'½" x 20' equipment shelter for cabinets and other ancillary equipment as well as an 8' x 12' generator patio for installation of a 50kW diesel-powered emergency back-up generator, all within an approximately 250 SF area near the base of the water tank.

Mr. Scavo reported that a copy of the application has been forwarded to Mr. William Johnson, the Town's Designated RF Engineer, for his review and comment. When comments are received from Mr. Johnson, the applicant will appear before the Planning Board to present the proposal for a new telecommunications antenna to be located on an existing tall structure.

[2014-027] **Rocco's On Main** – Proposed relocation of trash enclosure at an existing restaurant/retail store, 989 Main Street – Conceptual site plan review. SBL: 259.9-1-20

Mr. Joe Aquilo, consultant for the applicant, explained that the applicant proposes a “sit down and take-out” restaurant at the existing building formerly known as *The Jonesville Store*. The parcel is located on Main Street, Jonesville on the northeasterly quadrant of the intersection of Main Street and Longkill Road. The property is zoned for B3 (Neighborhood Business) uses.

Mr. Scavo reported that the ECC reviewed this plan at its June 3, 2014 meeting and offered the following recommendations. Due to the probability of food and liquid wastes leaking from the on-site dumpster into a trout spawning stream, the ECC recommends that the applicant enclose the area on an impervious surface with a berm surrounding it that would be designed to 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. The ECC recommends that the applicant submit an updated Short EAF form.

Mr. Scavo reported that Ms. Sheryl Reed, Chief of the Bureau of Fire Prevention, offered no comment on this application.

Mr. Scavo reported that Mr. Myers, Director of Building and Development, provided the following comment in a memo dated June 3, 2014. The enclosure appears to be located with the town's designated LC zone. At a minimum, protection for runoff should be provided.

Mr. Scavo provided comments prepared by the Planning Department. The applicant should provide a dumpster enclosure detail for review and approval by professional staff. The applicant should ensure that the dumpster has a covered canopy or top to minimize the likelihood of waste runoff from the dumpster contaminating the adjacent trout spawning stream. The speaker explained that the stream located behind the proposed restaurant is a NYSDEC classified stream.

Mr. Dan Hartnett, representative of the Trails Subcommittee of the Open Space, Trails, and Riverfront Committee, requests that the applicant provide a bike rack at the main entrance and include location, design, and installation details on their final site plans for verification by

inspectors during construction. The owner of the restaurant, who was in attendance at the meeting, reported that there is an existing bike rack on the property.

Mr. Bianchi reported that M J Engineering and Land Surveying, P.C.'s did not review this application.

Mr. Aquilo explained that although it is likely that his company will provide a 3" thick concrete pad with 6" curbing on three sides to prevent leakage, he reported that since he was only contacted regarding the dumpster enclosure this afternoon he has not had time to consider its design or location in depth. He will evaluate the site to determine the most reasonable location for the dumpster with relation to parking areas, contact the refuse company regarding specifications for dumpster design, and prepare a dumpster design plan for the town's review and approval.

Board members agreed that the dumpster design and location details could be reviewed and approved by the professional staff.

Mr. Ophardt moved, seconded by Mr. Hale, 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. Ophardt moved, seconded by Mr. Andarawis, 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.

Mr. Ophardt moved, seconded by Mr. Andarawis, adjournment of the meeting at 8:40p.m. The motion was unanimously carried. The next meeting of the Planning Board will be held as scheduled on June 24, 2014.

Respectfully submitted,

Janis Dean,
Secretary

NOTICE OF DECISION

Resolution #12 of 2014

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 10, 2014, there were:

Present: J. Koval, Vice Chairman, E. Andarawis, M. Hale, E. Ophardt, K. Paulsen,
T. Werner

Absent: R. Ferraro
E. Prescott – Alternate Member

Mr. Ophardt offered Resolution #12 of 2014, and Mr. Hale seconded, and

Whereas, an application has been made to this Board by Ben Brigham for approval of a subdivision entitled Subdivision of the Lands of Nancy D. Peck consisting of (2) lots;

Whereas, pursuant to Section 276 of the Town Law, a public hearing was advertised and was held on June 10, 2014 ;

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 June 10, 2014;

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 the Lands of Nancy D. Peck consisting of (2) lots is granted preliminary and final approval conditioned upon satisfaction of all comments listed in the final comment letter prepared by the Planning Department.

Resolution #12 of 2014 passed 6/10/2014

Ayes: Ophardt, Paulsen, Andarawis, Hale, Werner, Koval,

Noes: None

Rocco Ferraro,

Chairman