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PLANNING BOARD

ROCCO FERRARO
Chairman

PAUL PELAGALLI
Attorney

JANIS DEAN
Secretary



MEMBERS

Emad Andarawis
Michael Hale
Joel Koval
Eric Ophardt
Kim Paulsen
Tom Werner

(alternate) Eric Prescott

Planning Board
December 9, 2014

Those present at the December 9, 2014 Planning Board meeting were:

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

Those absent were: E. Prescott – Alternate Member

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.

Mr. Ferraro, Chairman, arrived at the meeting at 7:10p.m.

Minutes Approval:

Mr. Werner moved, seconded by Mr. Hale, approval of the minutes of the November 25, 2014 Planning Board meeting as written. The motion was unanimously carried.

Public Hearings:

[2014-043] **Vopelak, Michael**, Proposed (2) lot subdivision from a single non-conforming lot with two (2) existing single family residences, 10 Katherine Terrace – Preliminary public hearing and possible determination. SBL: 277.7-4-6

Mr. Ferraro explained the review 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 which neither granted nor implied approval of this application. Should it be determined that additional environmental review is required based on input received at the public hearing, SEQRA discussions will be reopened and a decision rendered when deemed appropriate.

Mr. Andarawis 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. Ferraro, Chairman, called the public hearing to order at 7:12p.m. The Secretary read the public notice as published in the Daily Gazette on December 1, 2014.

Mr. Michael Vopelak, applicant, presented this plan that calls for the subdivision of an existing lot into parcels of 32,379 SF and 15,393 SF, respectively. The subdivision plan remains generally as presented at the October 15, 2014 Planning Board meeting. The speaker explained that the proposed sewer connection design has been approved by the Clifton Park Sewer District in accordance with required specifications and will be sized to accommodate other residences on Katherine Terrace.

Mr. Scavo explained that comments issued by the town's professional staff and Mr. Hartnett, Chairman of the Trails Subcommittee of the Open Space, Trails, and Riverfront Committee, have been forwarded to Board members for their consideration.

Mr. Scavo reported that Mr. Myers, Director of Building and Development, offered the following comments on this application in a memo dated December 1, 2014. All required setback variances have been approved by the Zoning Board of Appeals. The approval was conditioned upon the connection of both residences to the public sewer system.

Mr. Scavo reported that the ECC reviewed this application at its December 2, 2014 meeting and issued the following comments. The ECC requested clarification on the water, electrical, phone, cable, and gas connections for each individual lot. It was recommended that the owner deed the line to the sewer district with sufficient capacity for the "other residents on Katherine Terrace to connect to."

Mr. Scavo explained that the Planning Department issued the following comments regarding this application. Prior to construction of the sewer line the applicant must schedule a pre-construction meeting with the Clifton Park Sewer Department and the Clifton Park Highway

Department. Final 911 postal addresses must be added to the final mylars and prints before stamping: proposed Lot #10B must be labeled as 10 Katherine Terrace; the existing Lot 10 Katherine Terrace must be changed to 12 Katherine Terrace. Since both dwellings are existing and no new dwellings will be constructed, it is recommended that the Planning Board waive the parkland fee which is used to mitigate impacts of new dwelling units within the community. Applicable sewer hookup fees will be due to the Clifton Park Sewer District at the time of construction.

Mr. Bianchi stated that, after review of the materials submitted for preliminary review, M J Engineering and Land Surveying, P.C. provided the following comments regarding this application. Based upon a review of the Town GIS data, the parcel(s) are not within an approved Town operated sewer district but are within the Saratoga County Sewer District No. 1 Service Area. The plans note that the proposed line will connect to town-owned infrastructure. If the parcels intend to be serviced via the town sewer district, an out-of-district user agreement or sewer district extension may be required which would be subject to the review and approval by the Clifton Park Town Board. Any approvals that the Planning Board may offer should be conditioned upon receipt of Town Board approval to provide sewer service to the parcels. Since there are two proposed users on the proposed sanitary force main, it is presumed that the sanitary sewer would be conveyed to the Town of Clifton Park or Saratoga County Sewer District No. 1 upon completion. As a condition of approval, it is recommended that that applicant apply for and obtain approval from the agencies having jurisdiction for the proposed sanitary sewer system improvements. Any approvals that the Planning Board may offer should be conditioned upon receipt of the noted approvals. The applicant is asked to provide a notation on the plans which indicates the total area of disturbance required for installation of the sanitary sewer improvements.

An additional notation on the plan should indicate that a Town of Clifton Park Highway Work Permit will be required prior to the commencement of any construction within the town right-of-way.

In response to Mr. Ferraro's question regarding the out-of-district user approval, Mr. Scavo explained that the agreement had been approved at the December 1, 2014 Town Board meeting.

Mr. Jim Lagone, 9 Katherine Terrace, stated that it was his understanding that Mr. Tom Wallace, former owner of 10 Katherine Terrace had proposed a subdivision of the property several years ago and he asked how this application differed from the one previously proposed. Mr. Scavo explained that no application for subdivision had been submitted to the Planning Department; therefore, he was unable to speak to the previous owner's intentions. In response to Mr. Lagone's question regarding driveway locations, Mr. Vopelak explained that the driveway for the proposed Lot 10B (12 Katherine Terrace) will be relocated to the northerly side of the parcel where it will not encroach on the newly created lot or require the removal of existing trees along the northern property boundary. Mr. Vopelak was unable to answer Mr. Lagone's question regarding the cost of connecting to the new sewer line.

There being no further public comment on this application, Mr. Ferraro moved, seconded by Mr. Koval to close the public hearing at 7:20p.m. The motion was unanimously carried.

Mr. Hale commented that approval of this application produced two positive results. The first would be that the lots created would be “more in line with current zoning codes.” The second would be that the installed sewer lines would provide for “enhanced protection the environment.” Mr. Ferraro concurred and stated that the possible extension of sewer service to existing homes was an additional positive benefit of subdivision approval.

Mr. Werner offered Resolution #24 of 2014, seconded by Mr. Hale, to waive the final hearing for this application, to waive the park land fee since no new dwelling will be created, 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, Hale, Andarawis, Werner, Koval, Ferraro. Noes: None.

[2012-030] Crescent Woods – Proposed (61) lot subdivision, 1567 Crescent Road – Preliminary public hearing and possible determination. SBL: 283.-2-8

Mr. Ferraro explained the review 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, although it is usual practice for the Planning Board to assume Lead Agency status for an application and issue a negative declaration prior to the commencement of a public hearing, in his opinion, the applicant has not submitted sufficient information to support such a decision. He recommended that the Board defer the public hearing until the preliminary application is deemed complete, noting, for example, that a revised Stormwater Pollution Prevention Plan had been submitted just yesterday, allowing insufficient time for comprehensive review by the town’s professional staff, M J Engineering and Land Surveying, P.C, the town’s designated engineering firm, and Planning Board members. Mr. Pelagalli agreed with Mr. Ferraro’s comments, stating that the application submitted must be “sufficiently complete” for the Board to issuance of a SEQRA determination. Mr. Ferraro explained, however, that since the public hearing notice had been published and several members of the audience were in attendance to discuss the application, the Board would permit the applicant’s consultant to present the application and the audience to offer comment on the proposal. Board members agreed that the materials submitted for tonight’s review were insufficient for a reasonable discussion of the project plan and that the public hearing should be “renoticed” when plans are complete.

Mr. John Stevens, consultant for the applicant, presented this application for the Board’s consideration, agreeing that the project was “not ready for SEQRA review.” He listed the several changes made to the plan in response to comments and recommendations issued by reviewers. He explained that the Stormwater Pollution Prevention Plan has been revised to reflect information resulting from test pit reports which indicated that ground water levels were higher than anticipated: grading has been revised to address existing site conditions. The speaker reported that the entire site “has been raised” to achieve recommended distances to ground water. Road grades have been revised to meet all town standards. A public sewer utility line will now be installed through private property to connect to lines on Haystack Road (rather than Pico Road) which connect to the Crescent Waste system: design plans have been forwarded to NYSDEC and the Saratoga County Sewer District for review and approval. Water connections

will be made to lines along Pico and Crescent Roads. In response to comments issued by M J Engineering and Land Surveying, P.C., grading plans for drainage ways have been revised and individual lot grading plans have been included in the plan set. The consultant has worked cooperatively with the ACOE to minimize impacts to designated federally jurisdictional wetlands. .7 acres of wetland mitigation have been provided along Crescent Road. Mr. Stevens explained that he has worked with the Trails Committee to address many concerns regarding trail locations, design specifications, and construction materials, noting that the plan now includes the installation of a crosswalk across Crescent Road.

Mr. Scavo stated that Mr. Myers, Director of Building and Development, provided the following comments regarding this application in a memo dated December 1, 2014. Since the proposed lots have been re-numbered, it is difficult to compare the previous submittal materials with the current plan. The applicant is asked to resubmit the plan with the lot numbers used previously. Although the numbers may have been changed to reflect actual assigned addresses, the lot numbers used for previous plans should also be included on the current one. Mr. Myers reported that since no other changes were apparent on the plan, the comments issued for the last two submissions remain applicable. A cursory review of the “new Stormwater Pollution Prevention Plan” reveals that “soil testing still has not occurred.” Mr. Myers points out that at one point the narrative references disturbance of an area greater than five acres: he notes that “if more than five acres is disturbed at one time the project will be shut down.” He commented that waivers for disturbing more than five acres are rarely granted. Mr. Myers concluded his memo by stating that it is apparent that there are many issues to be resolved before any approvals for this subdivision are granted.

Mr. Scavo stated that the ECC reviewed the project plan at its December 2, 2014 meeting and offered a number of comments regarding the application. The ECC is concerned about drainage to the rear of previously listed Lots #51-61. The applicant should consider installation of a perforated pipe (e.g. French Drain) to ensure that water is not prohibited from draining to the wetland area. The ECC would like to review the technical comments by the Town’s engineering consultant prior to making any further environmental comments. The stormwater system should be sufficient to handle the combined stormwater runoff projected for the final development configuration. The ECC recommends that this project be carried out in keeping with the goals for tree preservation as stated in the Town Comprehensive Plan, to the greatest extent practicable. The ECC is concerned with the general statement that the design intent is to keep the 100 year storm event on each lot, when the plans show the grading from the rear portions of the lots drain off the site or into the wetlands. The ECC is concerned with the practice of permeable driveways and the required maintenance in order for them to function as designed for the life of the project. The ECC is concerned that the traffic generated from this project will negatively impact Crescent Road and surrounding areas. The ECC requests that the applicant verify that this project is not over an aquifer recharge area.

Mr. Scavo explained that the Planning Department did not conduct additional review since all required information to verify stormwater calculations was not received.

Mr. Bianchi reported that M J Engineering and Land Surveying, P.C. did not prepare a comment letter on this application since documents for a complete review have just recently been submitted.

Mr. Ferraro supported the use of permeable driveways, although others pointed out that maintenance of such driveways such as annual vacuuming made them less appealing to buyers than conventional paved ones.

Mr. Hartnett, Chairman of the Trails Subcommittee of the Open Space, Trails, and Riverfront Committee, first commented that the applicant “continues to provide inadequate design details for the proposed trail network.” He encouraged the application of “higher standards” for multi-use pathway design to encourage better construction quality and to minimize ongoing maintenance needs. The speaker listed four particular areas of concern, explaining that proposed trail segments should “not end at the property lines.” The plan should provide a connection from Weston Drive to Pembroke Street, a crosswalk across Pembroke Street between the two trail segments, a connection from the cul-de-sac proposed on Spencer Street to the existing trail running between Village Green and Countryman Estates North, and a connection from Fairmont Street to Pico Road. Mr. Hartnett recommended that the applicant provide a separation from the proposed trail and roadways and more information concerning the trail proposed from one section of Fairmont Street to Fairmont Street behind the homes adjacent to the identified wetlands.

Mr. Hartnett addressed the Board as a resident of Crescent Estates South, outlining his concerns regarding the traffic study prepared by Creighton-Manning for this project. He expressed his dismay that the Levels of Service reported in the study did not reflect actual traffic congestion during peak hours at the Moe Road to Lapp Road section of Crescent Road and the Southbury Road intersection with Crescent Road and Lapp Road. He recommended that the authors of the study consider a more realistic background growth rate and existing problems associated with stacking and aggressive driving particularly within the Crescent Road corridor between Moe Road and the Northway.

Mr. Len Chase, 30 East Haystack Road, questioned whether or not the buffer originally proposed between the proposed new homes and existing residences was still included on the plan. Mr. Stevens reported that the proposed 40’ non-disturbance buffer continues to be shown on the subdivision plan. In response to his question regarding an easement for owners of the townhomes on East Haystack to access the rear of their properties, Mr. Scavo pointed out that it is not the responsibility of this applicant to ensure such access or provide for such an easement. Mr. Pelagalli agreed: the Board cannot require this applicant to provide access for those residing on adjoining properties. Mr. Hale pointed out that it was commendable that the applicant was working in “good faith” with the owners of the townhouses on East Haystack to achieve a workable plan for access.

Mr. Eric Hamilton, 67 Pico Road, expressed his appreciation to the applicant for updating the mapping and providing practical trail connections to adjoining neighborhoods. He stated that he was concerned with the trail “offset” proposed from Fairmont Drive to Pico Road and he offered to help construct a “footpath” to create a more direct link.

Mr. Hale suggested that the trail crossing Pembroke Street could be made safer by installation of markers, signage, or a speed table. Mr. Koval observed that the revised plan was a “vast improvement” over the original plan though he stated that he was “not a fan of the diagonal trail crossing.” Mr. Ophardt commented that he found the trail layout acceptable and encouraged the applicant to provide construction profiles on the appropriate plan sheet. He asked that the consultant clarify the note regarding the supplier of the stone dust for the trail section nearest the wetland area. He shared the concerns of others regarding the “offset alignment” of the trail and asked that the plans be revised to reconcile the differences regarding culvert sizing at various locations. Mr. Ophardt concluded his comments by agreeing with Mr. Hartnett’s assessment of traffic congestion along the Crescent Road corridor: he recommended that the applicant prepare an updated traffic report that utilizes a reasonable background growth rate and, if necessary, recommends mitigation measures. Mr. Ferraro, Mr. Hale, Mr. Bianchi, and Mr. Scavo discussed the impacts of cumulative growth on roadways, agreeing that there is “no easy solution” for the traffic problems associated with cumulative growth in certain areas. They agreed that a regional plan that reasonably projected growth and provided recommendations for mitigation measures would be a helpful tool in establishing a “fair” capital improvement plan that would require funding from multiple developers rather than the single developer whose project created the “tipping point” that would require expensive mitigation measures to achieve acceptable roadway levels of service. In response to Mr. Ferraro’s question regarding the uses for the portion of the parcel along Crescent Road labeled “park,” Mr. Stevens explained that the area was the wetland mitigation area: interpretive signage would be used to identify wetland vegetation. He also reported that there are no plans at this time to establish a Homeowners’ Association for the subdivision. Mr. Ferraro again stated his support for the use of pervious surfaces for driveways but also expressed his concern about whether homeowners will undertake the required maintenance responsibilities to assure that they function properly. Board members found the plan generally acceptable but agreed that there are “several outstanding, significant details” that must be addressed prior to the next submission.

Old Business:

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

New Business:

[2014-054] **Caruso Home Builders** – Proposed (2) lot subdivision, 701 Riverview Road – Conceptual review. SBL: 276.-1-44

Mr. Ferraro explained that this application requires the approval of an area variance from the Zoning Board of Appeals before it may be submitted to the Planning Board for subdivision approval. Though the Planning Board has issued recommendations to the Zoning Board of Appeals regarding use variances in the past, it has not offered comment on proposed area variances. He offered the consultant the opportunity to present the application for the Board’s edification at this evening’s meeting, explaining that there would be no discussion or comment on the proposal.

Mr. Luigi Palleschi, consultant for the applicant, presented this application that calls for the subdivision of a 1.68 acre parcel of land situated within the CR (Conservation Residential) zoning district on the easterly side of Riverview Road directly across from the entrance to the Llenroc mansion. The subdivision consists of two (2) lots of 36,044 SF and 37,125 SF, respectively. The lots are to be served with public water and connection to the Riverview Landing Sewer District. Access to the lots will be via a shared driveway from Riverview Road. The speaker explained that 35% greenspace has been maintained on the parcels and that less than one acre of disturbance is proposed.

Although Mr. Scavo reported comments regarding this application were received from Mr. Myers, Director of Building and Development, the ECC, Mr. Hartnett, Chairman of the Trails Subcommittee of the Open Space, Trails, and Riverfront Committee, and M J Engineering and Land Surveying, P.C. they would not be considered at this meeting since the application must first be considered by the Zoning Board of Appeals.

Mr. Scavo reiterated Mr. Ferraro's comments, stating that the project must obtain an area variance prior to consideration of preliminary approval by the Planning Board. He also reported that although the Planning Department has offered recommendations for use variances in the past, it has never offered recommendations on area variances. If the required area variances are obtained from the Zoning Board of Appeals, the Planning Department will schedule Planning Board review of the proposed subdivision.

[2014-055] **Mackey – Kendra Drive Extension** – Proposed (8) lot subdivision, 1644 Crescent Road – Conceptual review. SBL: 288.-2-43.11

Mr. Luigi Palleschi, consultant for the applicant, presented this application that calls for an eight (8) lot subdivision of the Lands of William F. Mackey. The 26.75 acre parcel located on the southerly side of Crescent Road approximately one half mile from its intersection with Foxwood Drive lies within the CR (Conservation Residential) zoning district. The proposed (8) lots will range in size from one acre to 2.4 acres: the subdivision has been designed to create an "estate feel" with minimal clearing. The minimum lot size within the zone is 10,000 SF. Front and rear yard setbacks must be a minimum of 25'; side yards must be a minimum of 10 feet; a minimum lot width of 80' at the building line is required. The speaker reported that there is 4.7 acres of constrained land on the parcel. Based upon the formula provided in the zoning code, Mr. Palleschi calculates that the allowable density would be or 8 lots. Open space to be deeded to the town totals approximately 11.3 acres – or 58% of the site - and is generally located along the southerly and easterly property boundaries. The open space portion abuts existing town-owned property. A note on the plan states that wetlands were delineated on February 1, 2013 by Gilbert VanGuilder Land Surveyor, PLLC and are "subject to agency review." Access to the residences will be from a cul-de-sac via the extension of Kendra Lane between Lots #15 and 19. All lots will be served by public water and sewer systems. The stormwater management area will be dedicated to the town.

Mr. Scavo reported that the ECC issued the following recommendations during its December 2, 2014 meeting. The ECC requests that there be no further subdivision of the proposed lots and that this condition of approval be stated in the individual property deeds. The

ECC is concerned with the close proximity of the wetlands and LC zone to the proposed residences and feel the limits of the wetlands and LC zone should be clearly marked by split rail fencing or some other defining boundary line.

Mr. Scavo reported that the Planning Department prepared the following comments. He explained that prior to the submission of this application, he met with Ms. Viggiani, Open Space Coordinator, the applicant, and the project consultant regarding the conceptual submission. It appears that the applicant attempted to incorporate many of the suggestions and recommendations made during that meeting into the design plan. Review by the Saratoga County Planning Board is required since the project is located less than 500' from County Route 92 (Crescent Road). The areas to remain privately owned but will have permanent deed restrictions for permanently protected open space should be shown and calculated in the site statistics table to show that the 50% open space requirement has been met.

Mr. Bianchi stated that M J Engineering and Land Surveying, P.C. reviewed this application and offered numerous comments in a letter dated December 5, 2014. The proposed project is considered a realty subdivision pursuant to NYSDOH regulations. Section 97.14(b)(2)(ii) of 10 NYCRR Part 97, which is the NYSDOH regulation implementing SEQRA (Article 8 of the ECL) requires that a realty subdivision be classified as a Type I action. For Type I actions, a coordinated review is required. Under a coordinated review, involved/interested agencies to be engaged may include, but are not necessarily limited to the following: Clifton Park Water Authority— public water supply and extension of public water mains; Saratoga County Sewer District #1— public sanitary sewers service and extension of public sewer mains; Saratoga County Planning Board – 239m referral for projects located within 500 feet of a County Road (Vischer Ferry/Crescent Road Co Rt. 92); NYS Department of Environmental Conservation— Permit coverage under GP-0-10-001, extension of public sewers and identification of the existence /absence of threatened and endangered species; NYS Office of Parks, Recreation and Historic Preservation – identifications of the existence/absence of historic and/or cultural resources; NYS Department of Health – Realty Subdivision Approval and extension of public water mains; United States Army Corps of Engineers – Impacts to federally regulated wetlands. Additional interested and involved agencies may be identified over the course of the Town's review of the application. Several comments related to the Full Environmental Assessment Form submitted. Under Part B, it is believed that Saratoga County Planning Board under a 239m referral must be added under item e. Under Part C.3.b the response indicates the use is permitted or allowed by a special or conditional use permit. The proposed use is allowed and does not appear subject to a special use permit under the CR (Conservation Residential) zoning district regulations. Under C.3.d, no response is provided. It is believed the parcel is located within the Riverview 1 Park District and should be noted as such. Under Part D.1.b.a, the acreage of the proposed action noted of 27.4 acres does not match the sum of the acreage listed under Part E.1.b "Current Acreage". Part D.1.f. has not been completed and requires the number residential units proposed upon build-out. Under Part D.1.h, the response indicates no impoundments are proposed. Under the online SEQRA guidance on the NYSDEC website, there is direction that stormwater impoundments fall into this category: the response should be corrected as necessary. Under Part D.2.c, additional information will be necessary to substantiate the responses with respect to the water provider having the ability to service the project. Under Part D.2.d, additional information will be necessary to substantiate the

responses with respect to the sewage facilities having the ability to service the project. Under Part D.2.k, the response indicates that the questions regarding energy consumption are not applicable to the project: the item must be completed based upon the full project build out. Under Part D.2.q, the response indicates that the questions regarding generation of solid waste is not applicable to the project. The item must be completed based upon the generation of solid waste during construction and for each new residential lot proposed upon full build out. Under Part E.1.b, the total of "Current Acreage" and Acreage After Project Completion" do not equal one another and should unless there is a loss of acreage not otherwise described. Under E.3.e through g, the applicant must provide documentation to support the responses relative to existence or absence of culturally or archeologically sensitive areas within the project area. Mr. Bianchi reported that several "general comments" were issued regarding the subdivision proposal. The project proposes to service each new lot with public water from the Clifton Park Water Authority via extension of a new public water main from the end of Kendra Drive. The applicant shall provide the Town documentation of the CPWA's ability and willingness to service the project with potable water. Any action on the subdivision application should be conditioned upon receipt of plan approval from the CPWA. The extension of public water mains to and throughout the project is subject to the review and approval by the NYSDOH. Any approvals offered by the Planning Board should be conditioned on receipt of NYSDOH's review and approval of the proposed public water mains associated with the project. The applicant has proposed to service each lot with public sanitary sewers from the Saratoga County Sewer District No. 1 via extending new public sewer mains from the end of Kendra Drive. The applicant shall provide the Town documentation of the SCSD's ability and willingness to service the project with public sewers. Any approvals offered by the Planning Board should be conditioned on receipt of SCSD's review and approval of the proposed public sanitary sewers associated with the project. The extension of public sanitary sewers to the project is subject to the review and approval by the NYSDEC. Any approvals offered by the Planning Board should be conditioned on receipt of NYSDEC's review and approval of the proposed public sewer mains associated with the project. The project is considered a realty subdivision in accordance with NYSDOH implementing regulations. Any approvals offered by the Planning Board should be conditioned on receipt of NYSDOH's review and approval of the realty subdivision. The project proposes more than 1 acre of land and is, therefore, subject to the NYSDEC Phase II Stormwater regulations and General Permit GP-0-10-001. Subsequent submissions will require a Stormwater Pollution Prevention Plan (SWPPP) that includes water quality controls as well as green infrastructure elements. The project is located within the Town's CR (Conservation Residential) zoning district. In reviewing Section 208-16(D)(1)(b), the proposal for single family homes is a permitted principal use. The plat indicated that there are 4.7 acres of constrained land within the project boundaries. A separate map should be prepared that clearly shows where and what kind of constrained lands exist within the project area for review. The constrained lands must include surface water bodies, NYSDEC-regulated freshwater wetlands, federally regulated wetlands, one-hundred-year floodplains, floodways, and lands with slopes 20% or greater (measured over a fifty-foot horizontal distance). In reviewing section 208-16(E) of the Town's Zoning Code, the project layout generally appears to meet the minimum requirements for bulk lot dimensions and permanent open space. As the project progresses with more detailed information provided, dimension requirements will be confirmed. The project proposes permanent open space that would be dedicated to the Town. The Planning Board and various advisory boards must determine whether accepting this proposed open space is desirable. The project provides a

proposed lot layout, however, there is no indication that the four step resource analysis has been conducted which is a requirement of Section 208-16(E)(13)(a)(2) of the Code. The original parcel was subdivided into two parcels, creating 17 and 1644 Crescent Road. As part of that subdivision, a portion of the original lot was dedicated to the Town as an unimproved right-of-way such that each of the two lots would have legal frontage. The current proposal suggests that the dedicated right-of-way will must be modified with a potential land swap with 17 Kendra Drive. The adjustment of the existing right-of-way or swapping of land between the Town and the existing owners of 17 Kendra Drive may require Town Board action. The engineering firm deferred to Town staff on this matter. Notation on the plat indicates that the wetland delineation was performed during February, 2013. Given the time of year the delineation was performed, some of the vegetative wetland indicators may not have been present. Ultimately, the delineation and/or wetland permitting is subject to the review and approval by the US Army Corps of Engineers and Mr. Bianchi deference is given to that agency with regard to the timing of the delineation. It is suggested that the Town be provided with approval letters from the agencies having jurisdiction over the wetlands shown on the plan.

Mr. Hartnett, Chairman of the Trails Subcommittee of the Open Space, Trails, and Riverfront Committee, requested that the applicant depict and label future trail connections on either side of the retention pond that would be used to connect Southwick Meadows to the adjacent Fox Run apartments. He commented that given the significant wetland crossings required, it is not reasonable to ask this applicant to construct the trail connection due to the project's limited size.

Mr. Ferraro supported the comments offered by Mr. Hartnett and asked that the consultant label the future trail connections on the subdivision plan and provide signage that clearly indicates the possibility of future trail construction at the cul-de-sac when the roadway is constructed. Mr. Andarawis stated that he supported the location of the potential future trail, commenting that it "could open up a nice opportunity" for connections to existing open space and adjoining developments. Mr. Hale's concern centered on the applicant's failure to utilize the existing 60' right-of-way from Crescent Road to access the subdivision. Mr. Palleschi explained that the designated curb cut could not be used because the existing residence is located in close proximity to the right-of-way. It was agreed that the reasons for not using the 60' wide right-of-way from Crescent Road should be clearly stated within the meeting minutes and/or on the subdivision plan. Mr. Koval observed that the subdivision created a parcel without the required 40' of frontage on a town road. After discussing possible ways to obtain the necessary 40' "stem" to make the lot code-compliant, Mr. Mackey explained that he would obtain the required frontage on Crescent Road from the adjoining property owner who happens to be his brother-in-law. The consultant will pursue this alternative to supply the necessary frontage. Board members found the plan generally acceptable.

Discussion Items:

Mr. Ferraro offered condolences on behalf of all Board members to Eric Prescott on the death of his mother.

Mr. Ferraro explained that the Town Board held a public forum on the proposed Form Based Zoning Code at its December 8, 2014 meeting. Planning Board members in attendance at that meeting reported that speakers offered many interesting comments on the proposed legislation. Mr. Werner reported that representatives of the school district encouraged development of a transitional zone that would include both commercial and residential uses between the main school campus and the retail district. Mr. Hale preferred the development of a mixed use area rather than a “strictly commercial” corridor and encouraged approval of regulations that would allow for the “flexibility” of design. Mr. Werner pointed out that many speakers at the forum recommended that “community spaces” be incorporated in the guidelines for design.

Ms. Paulsen moved, seconded by Mr. Ophardt, adjournment of the meeting at 8:50p.m. The motion was unanimously carried. The next meeting of the Planning Board will be held as scheduled on January 13, 2015.

Respectfully submitted,

Janis Dean, Secretary

NOTICE OF DECISION

Resolution #24 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 December 9, 2014, there were:

Present: R. Ferraro, E. Andarawis, M. Hale, J. Koval, E. Ophardt, K. Paulsen T. Werner

Absent: E. Prescott – Alternate Member

Mr. Werner offered Resolution #24 of 2014, and Mr. Hale seconded, and

Whereas, an application has been made to this Board by Michael Vopelak for approval of a subdivision entitled 2 Lot Minor Subdivision of the Lands of William Vopelak consisting of (2) lots;

Whereas, pursuant to Section 276 of the Town Law, a public hearing was advertised and was held on December 9, 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 December 12, 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, the park land fee is waived since no new dwelling will be created, and preliminary and final subdivision approval is granted to this subdivision plat entitled 2 Lot Minor Subdivision of the Lands of William Vopelak consisting of (2) lots conditioned upon satisfaction of all comments listed in the final comment letter prepared by the Planning Department.

Resolution #24 of 2014 passed 12/9/2014

Ayes: Ophardt, Paulsen, Andarawis, Hale, Werner, Koval, Ferraro
Noes: None

Rocco Ferraro, Chairman