

Town of Clifton Park Planning Board
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PLANNING BOARD

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Emad Andarawis
Denise Bagramian
Jeffery Jones
Andrew Neubauer
Eric Ophardt
Greg Szczesny

(alternate) Teresa LaSalle

Planning Board Minutes
October 23, 2018

Those present at the October 23, 2018 Planning Board meeting were:

Planning Board: R. Ferraro, Chairman, E. Andarawis, J. Jones, A. Neubauer, E. Ophardt,
G. Szczesny
T. LaSalle – Alternate Member

Those absent were: D. Bagramian

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

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

Mr. Ferraro explained that Ms. LaSalle would be sitting as a voting member of the Board at this evening's meeting in Ms. Bagramian's absence.

Minutes Approval:

Mr. Szczesny moved, seconded by Mr. Andarawis, approval of the minutes of the October 10, 2018 Planning Board meeting as written. Ayes: Neubauer, Andarawis, Szczesny, Jones, Ophardt, Ferraro. Noes: None. Abstained: LaSalle

Public Hearings:

[2017-021] **Abele Limited Partnership** – Proposed fourteen (14) lot subdivision with proposed duplex units, access from John J. McKenna Way with frontage on Christina Marie Drive – Preliminary public hearing and possible determination. SBL: 284.-1-10.21

This application was withdrawn from the evening's meeting at the request of the applicant.

Mr. Ferraro explained that, although the public hearing regarding this project was to be conducted this evening, the Planning Board is not comfortable with taking SEQRA action this evening due to the following outstanding considerations which need to be addressed before a final environmental determination can be made by this Board:

1. Lack of any site-specific soils data submitted to date that has been previously requested by both the Town's Stormwater Management Technician and Town's Engineer. This information is necessary to confirm that the stormwater features being proposed are appropriately designed and the home locations and finished floor elevations selected are not adversely impacted by seasonal high groundwater.
2. Emergency access comments raised by Steve Myers still have not been addressed for the trail connection to Christinamarie Drive. The Town has indicated being open to allowing more than 18 units on a single access project, but with that, a secondary emergency access would be required to address public safety.
3. The Planning Board requested conceptual façade renderings and elevations to review. This information is important to the Planning Board when considering environmental visual impacts and impacts to community character.
4. The applicant has non-standard design features relative to the proposed road that will ultimately be offered for dedication to the Town. To date there has been no dialog between the applicant and Highway Superintendent to verify that these non-standard features are acceptable.
5. Since the parcel is not serviced by Town or County Public Sewer, the Town Planning Board has previously requested documentation from CK Sanitary, a private transportation corporation, that it is both willing to and have the capacity to service the project. This documentation is necessary to confirm that there are adequate facilities in place to receive sanitary waste from the project.

Mr. Ferraro explained that, since the project is a Type I Action, a conditioned Negative Declaration is not an option. Since a determination relevant to SEQRA must be issued prior to the convening of a public hearing, the public hearing originally scheduled cannot be held as scheduled. Mr. Ferraro emphasized that the Planning Board must assure that it applies due diligence to all applications it reviews. This determination not to proceed with the public hearing before a SEQRA determination is made is in accordance with Case Law, Matter of Kitteredge V. Planning Board of the Town of Liberty. Mr. Morelli explained that the public hearing will be "renoticed" and conducted when all SEQRA issues are addressed.

Old Business:

[2018-056] **Waite Meadows – (34) Lot Subdivision** – Proposed revision of an approved (33) lot subdivision, now proposed as a thirty-four (34) lot subdivision, Waite Road. SBL: 270.-1 thru 20, 99, and 270.-1-19.11

Mr. Joe Dannible, consultant for the applicant, presented this application that was discussed at the September 25, 2018 meeting. Mr. Peter Belmonte, developer, was also in attendance at the meeting. Waite Meadows was originally approved on February 21, 2009 as a conventional thirty-three (33) lot subdivision of 125.43 acres located within the CR (Conservation Residential) zoning district, specifically situated on the easterly side of Waite Road approximately 1/4 of a mile north of its intersection with Route 146. Mr. Dannible explained that Mr. Belmonte seeks approval to amend that subdivision plat. The approved plans included thirty-three (33) building lots, a wide boulevard, and extensive paving. A 2017 delineation of the wetlands on the parcel concluded that there was a reduction in identified wetlands and the project was redesigned to include an additional building lot. The updated plan now includes a reduction in the size of the original boulevard, a single wetland crossing, and two cul-de-sacs which will provide for a diversity of housing styles. Existing hedgerows will remain and have been incorporated into the design as indicators of property boundaries. Enumerating the benefits of the revised project, Mr. Dannible noted that the revised plan calls for a reduction of 5,800 linear feet of roadway, a 2½ acre reduction in the amount of pavement, and an increase in the amount of open space from 65 to 71 acres. A looped trail system will be installed to link the proposed residences to the open space area located in the rear of the project. The applicant acknowledges that the number of units on a cul-de-sac exceeds the number permitted by law. Sprinkler systems will be installed in all of the homes in an effort to make the design acceptable to emergency service agencies.

Mr. Scavo reported that all comments prepared by Mr. Myers, Director of Building and Development, Ms. Reed, Chief of the Bureau of Fire Prevention, the ECC, Mr. Reese, Stormwater Management Technician, Mr. Dahn Bull, Highway Superintendent, M J Engineering and Land Surveying, P.C., and the Trails Subcommittee of the Open Space, Trails, and Riverfront Committee for items on this evening's agenda have been forwarded to Board members for their consideration.

Mr. Scavo explained that Ms. Reed, Chief of the Bureau of Fire Prevention, offered one comment regarding this application in a memo dated October 23, 2018. Section 86-6(f) of the Town Code requires a second ingress/egress point.

Mr. Scavo read the comments prepared by Mr. Myers, Director of Building and Development. Mr. Myers notes that the revised subdivision plan is a “new configuration of a previously approved subdivision.” A plan proposing thirty-four (34) lots on a dead end roadway does not appear to meet the requirements of Section 86-6F of the Town Code that limits the number of dwellings on such a road to eighteen (18). Although the developer has discussed installing sprinkler systems in all of the homes, Mr. Myers is not aware that a final decision regarding such equipment has been made. Consideration should be given to connecting the dead end cul-de-sacs as a looped road which would be a better configuration for utility installation. Mr. Myers noted that smaller lots, one additional lot, and changes to lot widths were requested.

Mr. Scavo reported that the ECC issued a single comment regarding this application after review at its October 16, 2018 meeting. The ECC, for environmental considerations, prefers the layout of proposed Lot #2 over the layout of alternate Lot #2 on the Concept Greenspace Subdivision Plan because alternate Lot #2 will impact wetlands via its access drive.

Mr. Scavo reported that Mr. Reese, Stormwater Management Technician, provided comments regarding this application in a memo dated October 19, 2018. The new concept plan states that impervious area has been reduced to approximately three acres. The reduction of impervious area increases Green Infrastructure Practices of preserving undisturbed areas and reducing clearing and grading. This may reduce the volume of stormwater runoff, increase groundwater recharge, and reduce pollutant loadings that would be generated from the site.

Mr. Scavo explained that the Planning Department provided the following comments regarding this application. The project is within 500' of a Saratoga County Consolidated Agricultural District. A referral to the Saratoga County Planning Board is required. The density as shown appears to meet the requirements of the CR zone for lot yield when constrained v. unconstrained lands are calculated with a 50% permanent open space requirement also being met. The current configuration appears to greatly reduce the amount of both impervious surface area and land distance area to construct the residential units from the previously approved and filed subdivision plan. A cluster mailbox design and location should be provided and be deemed acceptable to the local postmaster. 911 addresses will be reassigned based on the current configuration and proposed street names. An estimate of construction costs for the purpose of establishing a bond or letter of credit to cover the full cost of all required public improvements is required. Additional comments to follow when preliminary plans are presented.

After review of the materials submitted for conceptual review of this application, M J Engineering and Land Surveying, P.C. issued the following comment letter. Mr. Bianchi's comments related to the subdivision plan submitted for review. As noted in Comment 9 of the September 21, 2018 review letter, the proposal calls for a single boulevard entrance off Waite Road. Since receiving approval of the prior application, the State of New York adopted the current version of the International Fire Code (IFC). Pursuant to the IFC, Section D107.1, developments of one or two-family dwellings where the number of dwelling units exceeds 30 shall be provided with two separate and approved fire apparatus access roads. The two fire apparatus access roads shall be placed a distance apart equal to, but not less than, one-half of the length of the maximum overall diagonal dimension of the property area to be served, measured in a straight line between accesses. There are exceptions which include providing an approved automatic sprinkler system for each home. The current proposal does not meet the IFC for fire apparatus access and further revisions are necessary unless each home is going to include automatic sprinklers. As noted in Comment 10 of the September 21, 2018 review letter, the current plan does not show any planned connections to adjacent undeveloped parcels. There should be some level of evaluation of making connections or setting aside a right-of-way to adjacent parcels. Considering this plan is conceptual in nature, subsequent comments will be provided with a preliminary plan submission.

Ms. Caroline Trzeciak, 631 Waite Road, recommended that the ingress/egress location for Waite Meadows be moved for safety reasons, noting that there is a significant curve in the area.

Mr. Dannible explained that the location was consistent with recommendations issued in 2007 based upon sight distance information. In response to Mr. Jones' question regarding the validity of a traffic study prepared several years ago, Mr. Bianchi explained that it would depend on the amount of background growth used in the analysis. Though Mr. Ferraro suggested that signage indicating "Driveway Ahead" or some type of warning signal may be warranted for those traveling south on Waite Road, Mr. Dannible explained that such signage would require certain warrants to be met. Mr. Ferraro asked Mr. Dannible to review the background growth rates utilized in the previous traffic study.

Ms. Wendy Wagner, 608 Waite Road, asked for a development schedule. Mr. Dannible stated that the applicant hopes to begin road and infrastructure construction in the spring of 2019 with building construction likely to start about six months later. Completion is dependent on market demands. In response to her question regarding utilities, Mr. Dannible explained that both water and sewer services will be extended from the Waite Road – Route 146 intersection. Mr. Dannible responded to Ms. Wagner's question regarding site lighting by stating that it was likely that carriage lights would be placed near the driveway of each lot and that a street light would be placed at the intersection of Waite Road and the proposed new roadway. Ms. Wagner encouraged the use of "dark skies" lighting methods.

Ms. Maggie Cantanese, 607 Waite Road, asked why an additional lot had been requested. Mr. Dannible explained that changes to the original wetland delineation allowed the applicant to include an additional parcel on the property. When asked if the applicant had completed a market analysis to determine whether or not additional homes in the area were marketable, Mr. Dannible explained that the applicant had considered development trends.

A resident of 658 Waite Road noted that the proposal calls for a trail network that would generally be available to those residing within Waite Meadows and asked if consideration had been given to providing sidewalks along Waite Road for those already residing there. Mr. Dannible explained that it would be difficult for the applicant to provide such a sidewalk due to the issues involved with obtaining land from private owners, the existing open ditches along the road, and "challenging natural features." Mr. Belmonte explained that the trails internal to the project would be available for public use. Mr. Ferraro supported the recommendation for the establishment of a 15' wide easement along the property's frontage on Waite Road for future trail development.

Mr. Frank Herba, 739 Waite Road, asked why a sidewalk could not be constructed within the existing right-of-way. Mr. Belmonte explained that the existing right-of-way does not provide sufficient width for installation of a pathway.

Mr. Anthony LaFleche, 21 Wheeler Drive, recommended that future connections to adjoining lands be provided. Mr. Dannible explained that the property to the north would require a railroad track crossing to reach Route 146A and that other adjoining properties were commercially zoned.

In response to Ms. Wagner's question regarding the clearing of trees on the site, Mr. Dannible stated that there would be very little clearing required and that the subdivision design

had incorporated existing hedgerows as property boundaries. Ms. Wagner questioned whether or not the use of pesticides and herbicides would be permitted on the properties. Mr. Scavo explained that although there are local laws regarding the use of chemicals on commercial properties, there are no laws regulating their use by private homeowners.

Mr. Neubauer explained that Board members are charged with considering the advantages of the amended plan currently before them as opposed to allowing the applicant to build the subdivision based on the previously-approved plan. In his opinion, the latest plan is a “better conceived cluster plan” which is more appealing than the “sprawling design” originally approved. He asked that the applicant consult with the Highway Superintendent regarding the proposed cul-de-sacs. In response to Mr. Ferraro’s concerns regarding fire safety issues, Mr. Dannible explained that original waivers for the “18 lots on a cul-de-sac limit” were granted based upon the extensive boulevard design. Installing sprinklers in each residence should meet current requirements. Mr. Bianchi stated that the IFC requirements were updated in 2015, allowing for an exemption from the two-access requirement for more than thirty homes on a single entrance if the homes are sprinklered, though he explained that the Town Code is more restrictive, requiring two access points for more than 18 homes with a single entranceway. Mr. Belmonte stated that Mr. Myers, Director of Building and Development, encouraged the plan revisions and he will consult with him regarding the pending plan.

Ms. Trzeciak asked if there had been consideration given to the installation of a traffic signal at the intersection of Waite Road and Route 146. Mr. Scavo explained that NYSDOT must issue a warrant for such an installation based upon an evaluation of traffic in the area. He noted that NYSDOT officials were scheduled to meet with the town in early December to discuss future roadway improvements funded through its TIP (Traffic Improvement Program) and that improvements to the intersection would be encouraged as part of the 2020-2024 funding cycle.

Mr. Ophardt commented that he found the new plan more acceptable than the old since a bulk of the open space would be dedicated to the town. He called for a multi-use pathway connection to the east and encouraged the consideration of a bike path to the north. Mr. Dannible stated that the applicant would prefer not to place trail connections between properties. Mr. Ferraro questioned whether or not deed restrictions would be placed on Lots #25 and 26. Mr. Dannible stated that they would not be required since the delineated wetlands are non-jurisdictional. When Mr. Ferraro pointed out that the proposed home for Lot #25 was to be constructed over the wetland area, Mr. Dannible explained that each site-specific grading plan will address the issue of site preparation. When Mr. Ferraro cited the same concerns for Lot #16, Mr. Dannible explained that, since the areas were non-jurisdictional, property owners would be able to remove them. When questioned about the removal of trees to allow for trail installation, Mr. Dannible explained that the area was mostly an abandoned farm field that would require minimal clearing. Of the two options presented for the location of the home on Lot #2, Mr. Ferraro expressed his preference for the home to be situated closer to the roadway. Mr. Ferraro concluded the discussion by requesting the applicant to more clearly identify dedicated open space, privately held deed-restricted lands, areas where clearing would occur, and the land provided for the 15’ wide trail easement.

[2018-040] **Proctor, Fred – Riverview Road (5) Lot Subdivision** – Proposed (5) lot subdivision, 239 Riverview Road – Revised conceptual review. SBL: 288.-1-40.1

This application was originally submitted by the applicant for review at the July 10, 2018 meeting and remains generally as presented at that time. Mr. Duane Rabideau, consultant for the applicant, presented this application that calls for the subdivision of 32.07 acres of land on the northerly side of Riverview Road into (5) lots of 40,052 SF, 1.2 acres, 3.03 acres, 3.75 acres, and 23.17 acres, respectively. The property lies within the CR (Conservation Residential) zoning district. The speaker explained that application of density calculations pursuant to Conservation Residential zoning regulations results in a possible density of six (6) lots: only five (5) are proposed. Mr. Rabideau explained that the smallest lot (Lot A) would contain an existing house, barn, well, and septic system and be accessed by an individual curb cut onto Riverview Road. Proposed Lots B, C, D, and E would be accessed by a common driveway and serviced by individual wells and septic systems. Though NYSDEC wetlands have been delineated to the rear of the site, no impacts to these wetlands or LC zoned lands are proposed. No development is proposed for the forested area. Mr. Rabideau explained that the keyhole configuration design layout was proposed in an effort to meet the CR zoning requirements while creating a more aesthetically pleasing subdivision. Pursuant to code requirements, 51%, or 16.03 acres of the parcel, will remain as designated open space.

Mr. Scavo reported that Mr. Myers, Director of Building and Development, offered comments regarding this application in a memo dated October 15, 2018. The septic systems on Lots D and E are shown upgradient and within 200' of the proposed wells. The septic system for Lot E is located within 100' of an identified wetland buffer. Lot A remains less than one acre in size and, therefore, not in compliance with Section 208-16E(2)(b) of the Town Code. A full Stormwater Pollution Prevention Plan has not been provided. The Permanent Open Space is not publicly accessible. Lots B and C are configured as keyhole lots. The proposed driveway will be required to comply with the fire code per Section 511 of the residential code: it must be a minimum of 26' wide, capable of supporting a 75,000 lb. vehicle, and have compliant turnarounds within 100' of the proposed residences. The homestead lot does not meet the three (3) acre minimum: it appears that "not usable open space" is being offered instead.

Mr. Scavo explained that Ms. Reed, Chief of the Bureau of Fire Prevention, issued comments regarding this application in a memo dated October 23, 2018. The driveways are required to be 26' wide and built to carry a 75,000 lb. vehicle along with turnarounds pursuant to the IFC. Approved postal addresses must be added to the final plat.

Mr. Scavo read comments issued by the ECC after review of the application at the October 16, 2018 meeting. The ECC requests that the applicant provide a 15 foot wide multi-use trail easement along Riverview Road. The Commission recommends that subsurface geological studies (test pits) shall be made to determine the feasibility of the proposed well and septic system locations.

Mr. Scavo explained that Mr. Reese, Stormwater Management Technician, provided the following comments regarding this application. The applicant states that the project will disturb 3.68 acres of land and have approximately 0.7 acres of impervious surfaces. As plans move forward, a Basic Stormwater Pollution Prevention Plan will be required that includes an Erosion and Sediment Control Plan.

Mr. Scavo explained that the following comments were issued by the Planning Department. In a letter dated August 22, 2018, the Saratoga County Planning Board noted that the project will have no significant county-wide or inter-community impact. The project is located within the CR (Conservation Residential) zoning district which limits development to one lot per three developable (unconstrained) acres. Based on the submittal the total unconstrained land area is 18.08 acres which provides a density yield of 6. Test pit data must be provided to indicate the depth of ground water and seasonal high ground water. There is a large presence of regulated wetlands and designated floodplain areas adjacent to the project site. Significant fill may be required to raise the houses above the seasonal high water table. Percolation test results with a minimum pre-soak time of 24 hours will be required. It is recommended that a preliminary grading plan be prepared to evaluate the potential impacts of the proposed grading. According to Saratoga County Real Property Services Data, the existing farm house was built circa 1847. The project site also lies within an archeologically sensitive area. Based on the historic nature of this site, the Planning Board may consider the requirement for an archeological report to be completed. Based on feedback from the Town Historian, the proposed layout minimizes visibility of the new construction by siting the proposed dwellings behind the historic farm house. The adequacy of sight distances at the proposed intersection of the private driveway with Riverview Road should be verified. Mr. Scavo explained that he had asked Mr. Rabideau to review flood plain information. Mr. Radideau has verified that the flood plain will not be impacted by the subdivision.

Mr. Bianchi explained that M J Engineering and Land Surveying, P.C. provided the following comments regarding this application. As noted in comment of the July 6, 2018 review letter, the applicant shall identify ownership of the proposed open space, a requirement of Section 208-16(E)(3)(c) of the Town's Zoning Code. If held in private ownership, preservation in perpetuity shall follow the requirements of Section 208-16(F) of the Code. As noted in Comment 8 of the July 6, 2018 review letter, the Town's Chief Zoning Officer has determined that Lots B and C are considered keyhole lots. Pursuant to Section 208-86 of the Town's Zoning Code, keyhole lots may be permitted by the Planning Board only in Residential Districts R-1 and R-3 and only in rare instances when required due to unusual conditions of the area. The applicant has provided both a map and narrative description of the conservation analysis as required by Section 208-16(E) of the Zoning Code. In general, it appears the analysis is reasonably complete. As noted in Comment 12 of the July 6, 2018 review letter, the applicant is asked to provide the following notations on the plan:

- a. No utilities shall be installed beneath the proposed driveways.
- b. Work within the Riverview Road right-of-way shall require a permit from the Town of Clifton Park Highway Department.

As noted in Comment 14 of the July 6, 2018 review, the applicant is asked to identify the date and by whom the wetlands shown on the plat where delineated. As noted in Comment 14 of the July 6, 2018 review letter, the limits of the Town's LC zoning district need to be shown on the plan. As noted in Comment 16 of the July 6, 2018 review letter, confirmation that the proposed driveway has adequate sight distance based upon the posted speed limit of Riverview Road must be provided. As noted in Comment 17 of the July 6, 2018 review letter, subsequent plans shall identify whether or not a driveway culvert will be required at Riverview Road to adequately convey roadside drainage. Considering the extent wetlands present on the site, soil testing should be conducted to determine what septic system types would be viable. Poor soils may drastically impact how the

lot layouts are shown and/or the area of disturbance being reported. This testing will also determine whether home finished floor elevations need to be raised.

Mr. Anthony LaFleche, 21 Wheeler Drive, recommended that the applicant provide a 15' wide easement along Riverview Road to provide for future roadway improvements or trail installation. When he asked about the possible construction of a town roadway to serve the four (4) proposed lots, Mr. Rabideau explained that it would result in a "visual detriment" and that it was "not feasible" to install a public street in this location.

Mr. Andarawis stated his appreciation to the applicant for providing a conventional subdivision layout as a comparison to the conservation subdivision design, explaining that he found that the conventional layout offered the potential owner of the "farmstead" property the ability to continue agricultural activities on the parcel. Mr. Ferraro referenced Section 208.16(2)(b) of the Town Code which addresses "development on 10 acres or more," noting that this article of the law states that "a parcel consisting of 10 acres or more may be developed at a density of one residential dwelling unit per 10 acres." Therefore, based on his understanding of the code, under a conventional layout, only three (3) lots would be permitted and not the five (5) shown on the conventional subdivision alternative presented by the applicant. Five lots are permitted only if it applied a conservation based design layout. Mr. Morelli agreed. He finds the conservation design presented "too dense" and, with no provision for public access to permanently protected open space, "of no public benefit." Mr. Andarawis reported that the Historic Preservation Commission discussed this project at its last meeting, explaining that local lore asserts that at one time, a cemetery was located on this parcel. Over the course of time the gravestones were removed – apparently to make mowing of the property easier – and that, with the passing of time, the exact location of the cemetery was lost. Mr. Scavo noted that it would be the NYS Department of State that has oversight of burial grounds and cemeteries. Mr. Neubauer admonished Board members to "be careful of what is approved" within the CR zone, explaining that, notwithstanding that each application is reviewed by the Board on its own unique merits, there is a concern with establishing precedent. He noted that there are no contiguous wildlife corridor or environmental resource routes protected by the protected open space provided by this application and that maintenance of the "hamlet character" of the area would be significant. Mr. Szczesny labeled the conservation subdivision design "goofy" and urged the applicant to redesign the "oddly shaped lots." Mr. Rabideau argued that the proposed conservation subdivision plan kept the historical value of the homestead lot while minimizing curb cuts onto Riverview Road, condensing the area of development while preserving not only a significant amount of open space but also existing buffers on the easterly and westerly sides of the parcel. Mr. Ferraro stated his preference for a design that limited density to an additional two parcels incorporated into a conservation subdivision design. Mr. Ophardt commented that the conservation design that was presented "provides no benefit to the town." Mr. Ferraro stated that the conservation subdivision design does not "meet the goals the town is trying to achieve" with the preponderance of deed-restricted land. Mr. Neubauer favored the conventional plan since it was more "in line with the comprehensive plan." Mr. Andarawis also appeared to prefer that plan, stating that "CR zoning goes beyond the number of houses permitted on a parcel."

[2018-041] **Masseria, Rose and Santoro, Pauline** – Proposed (7) lot subdivision, Hubbs Road – Revised conceptual review. SBL: 258.-1-44.21

Mr. Andarawis explained that because he was a neighbor of the applicant, he would recuse himself from any discussion and/or vote on this application. He left the meeting room.

Mr. Duane Rabideau, consultant for the applicant, presented this application for the Board's consideration, noting that the plan calls for the subdivision of 35.37 acres of land on the southerly side of Hubbs Road approximately .5 miles east of its intersection with Schaubert Road. The parcel lies within the CR (Conservation Residential) zoning district as well as the Western Clifton Park GEIS Study area. The conventional layout originally presented has been modified to show a cluster design. The speaker explained that the project site contains 7.18 acres of NYSDEC wetlands and 8.14 acres of ACOE wetlands. The applicant has obtained a verbal NYSDEC wetland jurisdictional determination confirming the wetland delineation. There will be minimal impacts to the wetlands and 100' adjacent areas. The proposed areas of to be designated as Permanent Open Space will further protect the wetland complexes on the site. Utilizing methodology outlined within the Town of Clifton Park Zoning Code, the calculations result in an allowable density of seven (7) residential units. Five (5) of the proposed lots are clustered in the southeast corner of the parcel where there is a large, contiguous upland area. These lots would range in size from 3.86 acres to 13.78 acres and be utilize a common driveway for access and utility installation. The two (2) additional lots would be constructed in the northwest portion of the site on lots of 3.86 acres and 3.50 acres, respectively. These lots would also utilize a common driveway for access and utilities. All proposed lots will be compliant with the spatial requirements of the CR zoning district. Town of Clifton Park zoning requirements mandate that at least 50% of the project area be designated as Permanent Open Space which must contain a minimum of 25% of the unconstrained land of the overall parcel. The parcel, therefore, must provide 17.69 acres of permanent open space, with a minimum of 8.84 acres identified as unconstrained land. The applicant proposes a total of 25.84 acres of permanent open space. Mr. Rabideau explained that the project has been designed to minimize impacts to existing site features and resources. Individual wells and sanitary systems will be provided. Since the project proposes a total disturbance of 5.74 acres and includes approximately 1.71% impervious cover at completion, a Stormwater Pollution Prevention Plan must be submitted. Mr. Radibeau concluded his presentation by noting that the proposed subdivision offers efficient land utilization with minimal impacts on the surrounding areas and existing environmental resources. The conservation subdivision layout clusters the proposed residences into a smaller, condensed area to be developed, with a better lot layout for each of the homes. By clustering the proposed single-family residential houses in a keyhole configuration, the applicant believes that the criteria set forth in the CR zoning legislation has been met to the most practicable extent possible.

Mr. Scavo read the comments issued by Mr. Myers, Director of Building and Development, in a memo dated October 15, 2018. The applicant proposes the combining of two (2) parcels situated within the CR (Conservation Residential) zoning district. It appears that disturbance of the extensive wetlands delineated on site will require permitting from the applicable agencies. Most of the proposed open space is "useless constrained land" since it is blocked by wetlands. Grading plans for each parcel will be required to assure that the required distances between wells and septic systems is achieved. Section 511 of the residential code requires driveways on Lots #2, 3, 4, 5, 6, and 7 to comply with fire code requirements. Driveways for Lots #1 and 2 must be a

minimum of 20' wide. Lots #2, 3, 4, 5, 6, and 7 are proposed as keyhole lots. A full Stormwater Pollution Prevention Plan will be required, particularly due to the potential wetland impacts.

Mr. Scavo explained that Ms. Reed, Chief of the Bureau of Fire Prevention, issued comments regarding this application in a memo dated October 23, 2018. The driveways are required to be 26' wide and built to carry a 75,000 lb. vehicle and comply with all requirements of IFC Section 511. Approved postal addresses must be obtained and placed on the final subdivision plat.

Mr. Scavo reported that the ECC issued the following comments regarding this application after review of the documents submitted. The ECC is very concerned with the amount of disturbance to existing wetlands which appears necessary to access the proposed five (5) lots on the upland areas of the property. Crossing the ACOE wetlands to these houses could obstruct drainage patterns and natural flow for the extensive wetlands to the west and the surrounding area. The extent of the wetlands is indicative of the difficulty these houses may have in lot, roof, and basement drainage. Information on who completed the wetlands delineation and when it was conducted should be provided on the plan. A jurisdictional determination for wetlands is required.

Mr. Scavo stated that Mr. Reese, Stormwater Management Technician, provided the following comments regarding this application in a memo dated October 19, 2018. Per the Full EAF, Part E.1.b., it appears that more than 5 acres will be disturbed for this project; therefore, a Full Stormwater Pollution Prevention Plan that includes post-construction stormwater management practices will be required. Test Hole Data will be required at proposed stormwater management areas per the NYSDEC guidelines. The proposed driveway may cause a "damming" effect on the surface flow to and through the existing wetlands: future submittals shall address how this will be resolved. The proposed driveways should show connection to Hubbs Road and how roadside drainage will be handled.

Mr. Scavo read comments issued by the Planning Department. The project is located within the CR (Conservation Residential) zoning district which limits development to one lot per three developable (unconstrained) acres. Based upon the submittal, the total unconstrained land area is 19.86 acres which provides a density yield of 6.62. Pursuant to the Town Code the number is rounded up if equal to or greater than .50. Test pit data must be provided to indicate the depth of ground water and seasonal high ground water. Significant fill may be required to raise the houses above the seasonally high water table. The poorly drained soils which seem to encompass the entire site will most likely dictate the proposed septic systems to be engineered fill systems. Percolation test results within a minimum pre-soak time of 24 hours will be required. It is recommended that a preliminary grading plan be prepared to evaluate the potential impacts of the proposed grading. A clustered layout would allow for additional preservation of open space and decrease the length of the private driveways. The Saratoga County Planning Board determined that the proposed subdivision has no county-wide or inter-community impact; however, that Board was concerned with the large amount of wetlands on the site and the possibility of a high water table. The high water table may necessitate significant areas to construct the on-site septic systems and, therefore, additional wetland impacts may be necessary. Mr. Scavo, referring to the aerial photograph, pointed out that this parcel abuts a significantly-sized open space parcel slated to be conveyed to the town when the Rolling Meadows subdivision is completed which, in turn, adjoins

the town's Veterans Park, which borders the lands conveyed to the town by the Carrese family which ultimately provides access onto Route 146A.

Mr. Bianchi explained that, after review of the documents submitted for revised conceptual review, M J Engineering and Land Surveying, P.C. provided the following comments regarding this application. Mr. Bianchi noted that all comments provided on the Full Environmental Assessment Form as part of the July 6, 2018 review letter remain outstanding and shall be responded to. Several comments related to the subdivision plan. As noted in Comment 10 of the July 6, 2018 review letter, the applicant shall identify ownership of the proposed open space, a requirement of Section 208-16(E)(3)(c) of the Town's Zoning Code. If held in private ownership, preservation in perpetuity shall follow the requirements of Section 208-16(F) of the Zoning Code. As noted in Comment 11 of the July 6, 2018 review letter, the Town's Chief Zoning Officer has determined that, with the exception of Lot #5, all lots may be considered to be keyhole lots. Pursuant to Section 208-86 of the Zoning Code, keyhole lots may be permitted by the Planning Board only in Residential Districts R-1 and R-3 and only in rare instances when required due to unusual conditions of the area. As noted in Comment 12 of the July 6, 2018 review letter, it was noted that the bulk lot table on the plan identifies a front yard setback of 30 feet. This shall be corrected to state a minimum setback of 75 feet pursuant to Section 208-16(E)(8)(b) of the Zoning Code. The applicant has provided both a map and narrative description of the conservation analysis as required by Section 208-16(E) of the Zoning Code. In general, it appears the analysis is reasonably complete. As noted in Comment 15 of the July 6, 2018 review letter, the applicant is asked to provide the following notations on the plan:

- a. No utilities shall be installed beneath the proposed driveways.
- b. Work within the Hubbs Road right-of-way shall require a permit from the Town of Clifton Park Highway Department.

As noted in Comment 16 of the July 6, 2018 review letter, the applicant is asked to identify the date and by whom the wetlands shown on the plat were delineated. As noted in Comment 17 of the July 6, 2018 review letter, the applicant is asked to confirm that each proposed driveway has adequate sight distance based upon the posted speed limit of Hubbs Road. As noted in Comment 18 of the July 6, 2018 review letter, subsequent plans shall identify whether driveway culverts will be required at Hubbs Road to adequately convey roadside drainage. As noted in Comment 20 of the July 6, 2018 review letter, the proposal is for individual septic systems and wells. Without contours it cannot be determined whether the placement of these features is appropriate. Septic systems shall be 100 feet from wells and 200 feet from wells when downgradient of the septic system. Considering the extent of wetlands present on the site, soil testing should be conducted to determine septic system type. Poor soils may drastically impact how the lot layouts are shown and/or the area of disturbance being reported. This testing will also determine whether home finished floors need to be raised. The narrative indicates more than 5 acres of ground disturbance will occur for the development of the project. As such, a Stormwater Pollution Prevention Plan that addresses water quality and quantity controls will be required.

Mr. LaFleche, 21 Wheeler Drive, asked that the applicant provide a 15' wide easement along the property's frontage on Hubbs Road for future roadway improvements and/or trail installation.

Mr. Ferraro commented that his concerns regarding the previous project were applicable to this project since it appeared that all the open space lands were protected by deed restrictions rather than being dedicated to the Town of Clifton Park, though he conceded that he viewed the parcel's strategic location as a link between existing or "soon to be conveyed" town lands, Hubbs Road, and Route 146A as a significant benefit. The speaker commented on the minimal side yards available to the purchasers of Lots #1 and 2 due to the amount of deed-restricted property, yet noted the potential for pathway connections through the properties. Mr. Rabideau observed that reducing the proposed width of lot frontages from 80' to 40' would substantially increase the amount of property that could be conveyed to the town. Mr. Ferraro observed that it could be possible to provide a trail connection through the property with minimal environmental impacts. Mr. Ophardt stated that he was "able to see the benefit to the town." Mr. Scavo noted that he knows of "no other parcel that has so much potential to connect protected lands." Mr. Neubauer expressed his support for the project, stating that one of the major goals of the Open Space, Trails, and Riverfront Committee is to "connect parcels of land." Mr. Ferraro stated that he would support the subdivision if open space lands were to be dedicated to the town rather than deed restricted, though he noted that preliminary design plans addressing such issues as well and septic locations, site grading, stormwater management, and engineering issues may impact the subdivision design.

[2018-031] **Aqueduct Animal Hospital** – Proposed 8,500 SF animal hospital, Riverview Road – Revised conceptual review. SBL: 269.19-1-43

Mr. Scott Lansing, consultant for the applicant, introduced Dr. Matthew Pike, applicant, and presented this application that remains generally as presented at the June 26, 2018 meeting. The project site, a 2.68 acre parcel lying within the HM (Hamlet Mixed-Use) zoning district, is located on the southeasterly quadrant of the Route 146 - Riverview Road intersection. Project plans call for clearing and grading of the wooded area within the center and frontage areas of the site, the construction of an 8,290 SF animal hospital and boarding facility with a covered play area approximately 1,188 SF in size, and associated parking. Access to the site will be provided by a curb cut off of the existing entrance to the Riverview Medical Professional Park with a 22' wide two-way entrance. The building will be accessed by a front doorway; additional doors will be provided for employees to access the kennels at the rear and sides of the building. Thirty-three (33) parking spaces will be installed to the front of the building and a drop-off area will be provided to load and unload vehicles near the entranceway. Sidewalks will extend from the entrance doors on the eastern side of the building, running parallel to the unloading zone of the parking area. Two bike racks will be placed within the vicinity of the entrance doors. The entire site will be screened along the sides and rear of the buildings with a tree buffer utilizing the existing wooded area on the project site. Greenspace on the site will total approximately 91,339 SF or 77.6% of the parcel area. The existing tree buffer along Balltown Road and at the rear and western portion of the parcel will be preserved to provide a sound barrier from the animals within the covered play area to the neighboring parcels. The total land disturbance is estimated to be 1.10 acres. Water service will be provided by the Clifton Park Water Authority and sanitary services will be provided by the Old Nott Farm Sewer District. Stormwater runoff will be managed on-site through the use of NYSDEC approved measures. A project specific Stormwater Pollution Prevention Plan will be prepared. Mr. Lansing stated that he and his client look forward to working with the town to respect existing land features, adhere to existing zoning guidelines, and develop a desirable site.

Mr. Lansing explained that written responses have been provided to comments issued at the June 12, 2018 meeting and that a number of the issues of concern have been satisfied. Highlighting some of the significant issues, Mr. Lansing reported that the ITE trip generation land use code 640 for Animal Hospital/Veterinary Clinic for a 8,290 SF building would result in the following: an estimated 31 (21 entering, 10 exiting) AM peak hour trips and 32 (13 entering, 19 exiting) during the PM peak hour. An archeological study has been completed and consultation the NYSOPRHP has begun. The site statistics table has been updated to include the special front setback requirements from Route 146. A cross lot access easement currently exists with Riverview Medical Professional Park: a copy of the agreement will be provided. NYSDOT will be consulted if the stormwater discharge system discharges into the NYSDOT right-of-way.

Mr. Lansing specifically addressed three issues of concern. Referencing comment #5 of the M J Engineering and Land Surveying, P.C. review letter, Mr. Lansing stated that the proposed building may not be constructed with sprinklers: the applicant may need to provide 360° access to the facility. Directing attention to the ECC's concern regarding the treatment of animal waste, Mr. Lansing stated that it would be disposed of efficiently and effectively. With respect to the issue of noise, the speaker explained that the nearest house is over 300' away and across Route 146 from the building. Screening and fencing will be utilized to minimize noise levels.

Mr. Scavo explained that Ms. Reed, Chief of the Bureau of Fire Prevention, requested in a memo dated October 23, 2018 that the applicant obtain the approved postal address for the animal hospital and include it on the final site plan.

Mr. Scavo read comments issued by the ECC after review of the application at its October 16, 2018 meeting. The ECC is concerned with the proximity of the proposed outdoor bathroom area to the existing stream. The ECC requests that the applicant to address the possible noise levels of the outdoor play area to the existing adjacent residents.

Mr. Scavo stated that Mr. Reese, Stormwater Management Technician, reported that comments regarding the submission of a Full Stormwater Pollution Prevention Plan that specifically addresses how animal waste will be treated to maintain water quality on the project site have been satisfactorily addressed.

Mr. Scavo read comments issued by the Planning Department. He notes that the applicant has provided the following additional documentation for consideration:

- a. Letter dated 8/01/2018 from NYS DEC Division of Fish & Wildlife, noting, "There are no records of rare or state-listed animals, plants, or significant communities at the project site or in its immediate vicinity." The letter did note that the project site is 8/10 of a mile from a documented Bald Eagle breeding location.
- b. Letter dated 9/25/2018 from NYS DEC Division of Environmental Permits, Region 5, noting the project is not likely to result in the taking of a threatened or endanger species. The letter goes on to state, "Though a Bald Eagle nest is known to occur near your project location, the nest is far enough away that there should not be any disturbance to the eagles according to the National Bald Eagle Management Guidelines."

- c. Letter from the Clifton Park Sewer District dated 9/25/2018 noting the availability of the project to tie into public sewer.
- d. Phase I Archeological Investigation performed by Hartgen Archeological Associates, Inc., dated September 2018, noted, “Field work included the excavation of 39 dug test holes at standard 15 meter intervals covering the entire project site. No artifacts or other evidence of an archeological site were recovered and the project will not have an adverse impact on any cultural resources.” The report prepared by an archeologist concludes, “Based on the results of the Phase I Investigation, no further archeological work is recommended.”
- e. Letter dated 10/02/2018 from the NYS Office of Parks, Recreation, and Historic Preservation (SHPO), noted, “Based upon their agency’s review, the NYS SHPO has determined that no historic properties will be affected by the project.”
- f. Letter dated 9/28/2018 from the Clifton Park Water Authority, documenting its ability to service the site with a public water supply.

The applicant should confirm the ability to share common access onto Riverview Road with the existing driveway for the adjacent Riverview Medical Professional Offices. The conceptual plan has a reference to “Right of Way (See Deed Ref. #4)”. A copy of deed reference #4 should be provided to the Planning Board for the project file. It is the property owner’s responsibility to secure any necessary easements and maintenance agreements with adjacent property owners. A note should be added to the plan that states the following:

The waste and runoff from the outdoor play area and bathroom areas must not be directly or indirectly discharged into a storm drain or other channel that may drain to the local stream. The applicant must implement the animal waste management, clean-up, and disposal protocols for these outdoor areas.

The applicant should note the surface material type proposed for the outdoor animal bathroom area and outdoor play area (i.e. brushed concrete, astro turf, grass). The applicant should address whether or not the dogs are supervised by staff while in the outdoor play area. The applicant should consider a solid fence along the section of outdoor play area adjacent to the parking area and line of sight to the front entrance of the building. This will reduce visual stimuli of pets, vehicles, and patrons entering that facility that may encourage barking. As the site plan progresses into detailed design, all proposed exterior lighting on the property should be shown.

Mr. Bianchi reported that, after review of the documents and subdivision plans submitted for consideration, M J Engineering and Land Surveying, P.C. offered the following comments and recommendations. The applicant is working towards obtaining various utility “will serve” letters and correspondence from agencies having jurisdiction regarding environmental site conditions. As those documents and correspondence become available, the applicant shall furnish copies to the Town so they may rely upon them when considering site plan approval and issuance of a SEQRA determination. As noted in the June 8, 2018 review letter, various involved and interested agencies were identified should a coordinated SEQRA review occur. The updated concept plan suggests that there may be impacts to waters of the U.S. to construct the site entrance. If this is the case, the USACOE should added as a potential involved/interested agency. One comment referenced the Short Environmental Assessment Form provided with the application. The SEAF shall be updated based upon the current site layout as necessary. This may include adjustment in the area

of disturbance as noted in the most recent project narrative and identifying the potential need for impacts to waters of the U.S.

Several comments related to the site plans presented for review. As noted in Comment 17 of the June 8, 2018 review letter, subsequent submissions should include architectural renderings with a summary of building materials to be utilized for review by the Planning Board. It is understood that this information will be submitted when available. The updated parking lot layout appears to result in a potential deficient fire access condition. Pursuant to Section 5.3.1.1 of the International Fire Code, an approved fire apparatus access road shall be provided and shall extend to within 150 feet of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility. The fire code official is authorized to increase the dimension if the building is equipped with automatic sprinklers. Any increase in the minimum distance is a discretionary decision. It is recommended that this topic be discussed with the Town's fire code official prior to advancing to preliminary design. The current concept shows potential impacts to regulated waters of the U.S. Subsequent plans shall indicate whether these regulated waters will be impacted as part of the site development. Any impacts are subject to the appropriate permitting from the ACOE. Considering the plan submitted is conceptual in nature, M J Engineering and Land Surveying, P.C. will reserve further comments until more detailed plans and reports are submitted. Subsequent submissions shall include information as outlined in Section 208-115 of the Town Zoning Code specific to site grading, erosion control and stormwater management to fully assess the design and its compliance to the applicable standards.

Mr. Anthony LaFleche, 21 Wheeler Drive, asked that a 15' wide easement be provided along Riverview Road for future roadway and/or trail improvements. Mr. Lansing noted that the easement has already been shown on the site plan.

Dr. Pike questioned the Board's concern with run-off from the "outdoor bathroom," noting that employees at animal care facilities are well-trained in the proper disposal of animal waste. Mr. Ferraro explained that the issue involved environmental concerns since the site was in close proximity to a drainage corridor or stream.

A speaker from the audience reported that she has been a patron of Dr. Pike's animal treatment facility for many years and she stated her support for the project. Mr. Ophardt found the site layout and buffering acceptable. Mr. Ferraro expressed his concerns for the nuisance factor associated with barking dogs. Dr. Pike explained that the building would be soundproofed and that the nearby Route 146 operates at "higher decibel levels" than barking dogs. Mr. Ferraro asked that the applicant conduct noise level testing at the site, utilizing the sounds of barking dogs, to determine whether or not barking would impact adjoining property owners. In response to Mr. Ferraro's observation that the plan appears to call for the "clearing of foliage along Riverview Road" and the planting of new vegetation, Mr. Lansing explained that "selective clearing" may be employed to allow screening of the parking lot. Façade renderings will be provided at the next meeting. Mr. Neubauer, focusing on HM (Hamlet Mixed-Use) zoning requirements, called on the applicant to apply Western Clifton Park Design Guidelines where applicable to the project and to consult with Ms. Viggiani to create connectivity with and a visually appealing streetscape along

Riverview Road. Board members agreed that the treed area located on the northwesterly corner of the site should remain.

Mr. Ophardt moved, seconded by Mr. Szczesny, adjournment of the meeting at 10:20p.m. The motion was unanimously carried. The next meeting of the Planning Board will be held as scheduled on Wednesday, November 14, 2018.

Respectfully submitted,

Janis Dean, Secretary