

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
December 11, 2018

Those present at the December 11, 2018 Planning Board meeting were:

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

Those absent were: D. Bagramian, G. Szczesny

Those also present were: J. Scavo, Director of Planning
S. Price, 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 announced that Ms. LaSalle would be sitting as a full voting member of the Board at this evening's meeting in the absence of two Board members.

Minutes Approval:

Mr. Jones moved, seconded by Mr. Ophardt, approval of the minutes of the November 27, 2018 Planning Board meeting as written. The motion was unanimously carried.

Public Hearings:

[2017-021] **Abele Limited Partnership** – Proposed fourteen (14) lot subdivision with proposed duplex units requiring approval of Special Use Permit #81126, access from John J. McKenna Way with frontage on Christina Marie Drive – Preliminary public hearing and possible determination. SBL: 284.-1-10.21

Mr. Ferraro's prelude to this agenda item focused on legislation adopted by the Town Board at its December 10, 2018 meeting that changed the minimum land area requirements per dwelling unit within the R-1 zoning district. The zoning amendment impacts this application specifically since it requires a minimum land area per dwelling unit of 20,000 SF within the zone if the lots are to be served with central sewer and water. The legislation further defined a two-family or semidetached dwellings, stating that "each structure shall be considered the equivalent of two dwelling units" and requiring that each structure conform with the minimum land area requirements per dwelling unit as prescribed by §208-11 of the Zoning Code. Mr. Ferraro pointed out that the impact of the new legislation on this application was significant since the amendment required a 40,000 SF lot size for duplex or two-family dwellings rather than the 20,000 SF bulk requirement which was in place when the application was first submitted to the Planning Department, effectively doubling the lot size requirement the applicant must comply with. Mr. Ferraro recommended that, in light of the Town Board action, the Planning Board place consideration of the proposed Special Use Permit component of the application "on hold" at this time.

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 the required public hearing on this application. He explained that although the Planning Board would pronounce the application complete, assume Lead Agency status, and issue a negative declaration, these actions would neither grant nor imply approval of the subdivision and Special Use Permit applications. Should it be determined that additional environmental review is warranted based on input received at the public hearing, SEQRA discussions will be reopened and a decision rendered when deemed appropriate.

Mr. Ophardt moved, seconded by Mr. Neubauer, to establish the Town of Clifton Park Planning Board as Lead Agency for this application, a Type I 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 7:10p.m. The Secretary read the public notice as published in the Daily Gazette on November 30, 2018.

Ms. Teresa Bakner, legal representative for the applicant, introduced Mr. Ed Abele, applicant, and Mr. John Hitchcock, consultant, who were in attendance at the meeting. She then presented this application that was last reviewed by the Board at its June 12, 2018 meeting, explaining that the current proposal calls for the subdivision of 20.74 acres of land lying just east of Christina Marie Drive into fourteen (14) building lots as well as approval of Special Use Permit #81126 which would permit the construction of fourteen (14) duplex units – twenty-eight (28) dwelling units – pursuant to Section 208-10B(9)(a)[7] of the Town Zoning Code. The speaker explained that since the application was initially submitted in April, 2017, the applicant has worked

diligently to meet all town directives, revising plans to reflect an ACOE change in deed restricted lands to allow for development of a “loop road,” designing of a multi-use pathway rather than a direct vehicular connection to Christina Marie Drive, increasing buffering between the proposed development and existing neighborhoods, and submitting of renderings of proposed duplex units. She respectfully asked that, at this evening’s meeting Board members consider approval of both the subdivision plan and the Special Use Permit, noting that the Town Board action which increased the bulk requirement for two-family dwellings within the R-1 zoning district would not become applicable until it was filed with the Department of State.

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 reported that Mr. Myers, Director of Building and Development, issued numerous comments regarding this application in a memo dated November 30, 2018. Mr. Myers recommends that further subdivision of the property from the current fourteen (14) lots should be discouraged or not allowed due to the lot sizes that would result. Prior to approval or filing of the subdivision plat with the County Clerk, the appropriate 911 emergency response numbers must be obtained for and assigned to each lot created and placed on the filed plat. It appears that an additional hydrant will be required near the entrance to the subdivision from Plaza 8. Though the project may not disturb more than five (5) acres at one time, the total project is more than five (5) acres: a full Stormwater Pollution Prevention Plan will be required. The claim that “smaller yards are appealing” is misleading. Potential owners should be made aware of the yard restriction so that they understand they will not be able to expand into the deed restricted areas. The issues with snow removal where the loop in the road is located must be addressed. Sewer lines are shown under driveways. This is not allowed. Sump drains are shown draining onto neighboring properties: this will not be allowed. All sump pumps shall drain to the storm water system if physically possible. Mr. Myers noted that storm sewers shall be installed low enough to facilitate this or basement elevations shall be high enough. Foundations shall not be allowed to be constructed in standing water. It is proposed that water will be pumped from the basins though this may not be feasible if the groundwater level is too high. A maintenance agreement will be required from the homeowners’ association owned infiltration basins.

Mr. Scavo reported that Ms. Reed, Chief of the Bureau of Fire Prevention, requested that the applicant provide street names for the purpose of obtaining postal addresses. The proposed second ingress/egress to be utilized as an emergency access road must be 16 feet wide. An additional hydrant near Lot #13 must be shown on the subdivision plan. Mr. Scavo reported that, after a meeting with the applicant yesterday, Ms. Reed reported that all issues regarding the hydrant location had been resolved.

Mr. Scavo reported that the ECC issued the following comments after review of application at its December 4, 2018 meeting. Due to the Deed Restrictions on Lots #8, 9, 11, & 12 noted on

the plan, the ECC recommends that these lots not be approved as configured, due to the potential environmental impacts and limited useable yard space.

- a. Due to the percentage of deed restricted area on these lots, there is a high degree of risk that there will be incursions into deed restricted areas.
- b. Although the project plans conform to R-1 zoning, it appears any proposed development of these lots should not be pursued, due to the above constraints.

Due to the location of the stream in close proximity to Lot #4, the ECC recommends a greater separation to prevent negative impacts to the water quality of the stream.

- a. The structure on Lot #3 is 18 feet from the top of the stream embankment. The structure on Lot #4 is 20 feet from the top of the stream embankment.
- b. The plan as proposed for these two lots is too ambitious in consideration of the deed restrictions and environmental constraints.

The parcel (subdivision) is located in an area which may be impacted by interstate vehicular traffic activity which may include noise or vibration. The applicant should make note of this condition on each of the property deeds. The ECC notes that the proposed project is directly adjacent to the lands of the Adirondack Northway as noted on the plans. The ECC strongly recommends that the Planning Board require the noise potential to be noted on each deed. The proposal does not meet the required standard of 2.17 units per acre for R-1 zoning district. The proposal does not meet the minimum building front setback of 50 feet on some lots.

Mr. Scavo stated that Mr. Reese, Stormwater Management Technician, provided the following comments regarding this application. The applicant is asked to verify the separation distances from the bottom of drywells to seasonal high ground water elevations and that the grading to the elevation of 291 behind units 6-9 will continue to drain to the natural retention area and will not result in disturbance past the Deed Restricted Line. Plans should indicate whether or not the overland drainage will run across the road at Station 15+00. The applicant should describe how Low Point 3 (behind Lot #9) will be maintained as it is in the Deed Restricted Area. The summary tables in the stormwater management report do not represent the runoff from the stormwater management areas into the deed restricted areas. When creating the Homeowners Association Guidelines, the applicant is asked to include a Long-Term Post-Construction Inspection and Maintenance manual for all stormwater management related treatment practices.

Mr. Scavo read comments prepared by the Planning Department. Note Number #9 on Sheets 2 and 3 of 10 should be eliminated from the current plan set. The final 911 addresses and street name should be added to the final plan set. Subdivision approval does not have to occur concurrently with the approval of the pending Special Use Permit application to construct 14 duplex structures on each of the proposed lots.

After review of the documents and subdivision plan submitted for preliminary review of this application, Mr. Scott Price reported that M J Engineering and Land Surveying, P.C. provided the following comments and recommendations. The HOA offering plan shall be provided to the Town for review prior to construction. Several comments related to the proposed subdivision plans. Sheet 2 of 6 of the Final Subdivision Plat shall include the 911 emergency response numbers as assigned by the Town. The Erosion Control Plan shall show actual phasing of earthwork to demonstrate how the total disturbance at one time will not exceed 5 acres – a notation on the plan

is not sufficient to demonstrate it is achievable. Stormwater Management Area #3 shows the bottom of the basin to be within 4 feet of seasonal high groundwater. The basin shall be adjusted to provide the minimum separation to groundwater. The home on Lot #10 shall be placed such that it is no closer than 25 feet from the adjacent infiltration basin pursuant to Section 6.3.1 of the NYSSMDM. The stone diaphragm shown along the proposed roadway, extending from Station 15+50 to 20+90(+/-) shall be shifted away from the edge of pavement to minimize Town plows doing damage and requiring continual repair at the Town's expense. Lots #13 and 14 have on-lot stormwater facilities. It is recommended that deed restrictions be considered for these lots to ensure these systems remain functioning and do not get filled by the individual lot owners. Each of the infiltration basins are proposed to be utilized as sediment traps during construction. The plans provide a suggested means to protect these basins during the construction phase. It is suggested that once the basins are excavated to final grades that confirmatory infiltration tests be performed to ensure that soil characteristics have not been altered from equipment and the potential resulting soil compaction (over compaction). In reviewing the current plans in comparison to the previous set dated October 1, 2018, it appears that the sidewalks have changed from concrete to asphalt. The change in materials shall be discussed further with the Planning Board. An accessible curb ramp shall be provided at the sidewalk shown at the intersection of the new road and John J McKenna IV Way. A note shall be added to the plans indicating that all sidewalks shall conform to NYSDOT standards in regard to slopes and tolerance for design and acceptance. The applicant is asked to confirm that the current proposed width and materials of construction for the paved access to Christina Marie Drive meets the requirements of the responding emergency services agencies. The roadway width and right-of-way has been modified at the eastern edge of the property. The modifications appear consistent with the discussions held with various Town staff in November of this year. Confirmation that this arrangement is acceptable with the Highway Superintendent must be provided. Additional comment related to the Stormwater Management Report. As noted in comment 34 of the October 22, 2018 review letter, the applicant is asked to provide an analysis of all segments of storm sewer pipe to show that the 10-year, 24-hour design storm freely discharges without backwater conditions occurring pursuant to Section 86-7(A)(1)(a) of the Town Code. The analysis shall also account for the design requirements outlined in Section 86-7(A)(2) of the Town Code. Mr. Price reported that there were no additional comments issued regarding the Stormwater Pollution Prevention Plan.

Mr. Brian Rivers, 20 Christina Marie Drive, expressed his concern regarding the "cut through" from the proposed development to the cul-de-sac on Christina Marie Drive. Mr. Scavo explained that the multi-use pathway connection that would also provide emergency access to the proposed development if needed, would be gated to prevent unauthorized motor vehicle use. The pathway would be 8' wide with 4' of grading on either side. In response to Mr. Rivers' request that the proposed gate be located more to the east to reduce its visibility from his residence, Mr. Abele stated that he was amenable to such a relocation if approved by emergency service officials.

Mr. Bill Kelly, 21 Hiawatha Drive, questioned why the Board was considering this application in light of the Town Board's action on December 10, 2018. Mr. Morelli explained that the Board reviews all applications that are presented for consideration. Mr. Ferraro responded to Mr. Kelly's question regarding the Board's review of "multi-family and duplex units" within the R-1 zone by explaining that the Special Use Permitting process allowed the Board to approve two-

family dwellings within various zoning districts. When Mr. Kelly asked if the Board considered if a proposal would provide a “benefit to the town,” Mr. Morelli explained that such a benefit was not listed in the list of criteria to be considered when determining whether or not a Special Use Permit would be granted. Mr. Ferraro pointed out that the applicant’s request for duplex units appeared reasonable based upon commercialization of surrounding properties and the apparent desirability of smaller homes requiring less maintenance, and the Planning Board is required to review it to determine whether or not it means the criteria as listed in the Zoning Code.

Mr. Anthony LaFleche, 21 Wheeler Drive, was informed that the roadway width of 26’ would narrow to 20’ in the “looped” portion of the roadway to minimize wetland disturbance. When he questioned the use of asphalt rather than concrete for the proposed sidewalk, Mr. Abele explained that the pathway materials had been changed due to cost. The pathway will be 6’ wide.

Mr. Ralph Reale, 13 Hiawatha Drive, labeled the applicant’s request for approval of Special Use Permits to allow for the construction of duplexes as a “gimmick,” stating his opposition to the application, explaining that “previous research had indicated that single-family homes were preferred over duplexes that do not benefit the town.” Ms. Bakner responded to his question regarding compliance with ACOE restrictive covenants by stating that restrictive covenants are included in the “chain of title as well as in HOA documents” Mr. Reale pointed out that the town’s Comprehensive Plan viewed “single-family” homes as the preferred type of housing stock. Mr. Ferraro took issue with the notion that the request for approval of Special Use Permits was a “gimmick,” describing that the Special Use Permit process as a valuable planning tool. Mr. Reale called the Board’s attention to the close proximity of the proposed roadway to his property.

Ms. Kathleen Kinnett, 15 Hiawatha Drive, asked Board members to consider the intent of the Town Board when approving increases to the bulk lot requirements necessary for approval of Special Use Permits when reviewing this application and called for the Board to deny the project. She accused the applicant of attempting to “make the proposal as dense as possible.” Mr. Ferraro explained that the applicant submitted this application in April, 2017 and has been “sequentially following the process,” working to address issues of concern. Mr. Ferraro noted that Board members will seriously consider other items such as stormwater management when reviewing the project.

Mr. Ryan McEvoy, 17 Hiawatha Drive, spoke of his disappointment that the applicant had not consulted with residents of Hiawatha Drive and of the failure of the plan to incorporate substantial buffering between the existing homes and those proposed. In response to the speaker’s question regarding the determinations to be made by the Board at this evening’s meeting, Mr. Ferraro explained that Board members were considering two actions. The first involved the proposed fourteen (14) lot subdivision. The second related to the fourteen (14) Special Use Permits which would allow the construction of a duplex unit on each of the fourteen (14) approved lots. Mr. Morelli advised Board members that the Special Use Permit application which included multiple lots could be considered on an individual or collective basis.

There being no additional public comment, Mr. Ferraro moved, seconded by Mr. Ophardt, to close the public hearing at 8:07p.m. The motion was unanimously carried.

Board members discussed at length the implications of the recently-adopted legislation related to Special Use Permit requirements for this application. Mr. Morelli explained that although the legislation, as Ms. Bakner pointed out, became effective when filed with the Secretary of State, the Planning Board may render a determination regarding the Special Use Permit application based on the “operative date” of December 10, 2018. Mr. Scavo recommended that the Board defer to the Town Board, citing the concerns expressed by the ECC. Mr. Ferraro explained that the applicant could revise the plans presented, reducing the number of lots proposed for duplex units, or if possible, extending and adjusting property lines to achieve the bulk lot requirement, or seek a variance for smaller lot sizes from the Zoning Board of Appeals. Mr. Morelli advised members to remember that even if the bulk requirement was considered, the applicant was still required to satisfy the eleven criteria outlined in §208-79 of the town Zoning Code. Ms. Bakner called for a decision on both the subdivision and Special Use Permit applications and Mr. Morelli advised the Board to render a decision. Mr. Ferraro called upon Board members to consider the Special Use Permit application.

Mr. Ophardt offered Resolution #19 of 2018, seconded by Mr. Neubauer, to deny Special Use Permit #81126 based upon Town Board approval of amendments to §208-10 and §208-11 of the Town Zoning Code which require that each two-family dwelling to be considered the equivalent of two dwelling units and that minimum land area per dwelling unit within the zone be 20,000 SF. Since the pending plan proposes fourteen (14) duplex units on lots of approximately 20,000 SF, the plan no longer complies with the zoning code. Ayes: Neubauer, Andarawis, LaSalle, Jones, Ophardt, Ferraro. Noes: None

Board members discussed the subdivision application with Mr. Scavo who commented that technical issues had been substantially addressed. In response to Mr. Ferraro’s question regarding the placement of split-rail fencing along the boundaries of designated restricted areas, Ms. Bakner explained that the fencing would be placed at property corners and strategically through the site to provide visual cues indicating restricted boundary limits. Mr. Ferraro encouraged the installation of such fencing and signage on each individual property, noting that the HOA provides an “additional oversight.” Mr. Ophardt asked that the applicant consider the installation of sidewalks from the proposed terminus at John J. McKenna IV Way northward to the signal at Crescent Road. Mr. Neubauer found this recommendation reasonable pointing out that the applicant had replaced concrete sidewalks with asphalt and eliminated the pocket park. He advised the applicant to consult with Ms. Viggiani regarding the design. Board members appeared to find the recommendation acceptable with Mr. Andarawis suggesting that the sidewalk be installed in lieu of the payment of parkland fees. Mr. Neubauer labeled the sidewalk “a significant public amenity,” though he was aware that the development area may have design challenges due to the presence of water lines and topographical anomalies. Mr. Ferraro asked that split-rail fencing be installed along the pathway behind 13 Hiawatha Drive.

Mr. Neubauer offered Resolution #20 of 2018, seconded by Mr. Ophardt, to waive the final hearing for this application and to grant preliminary and final subdivision approval conditioned upon the extension of the existing trail segment along John J. McKenna IV Way northward to the traffic signal on Crescent Road in lieu of parkland fees, the installation of split-rail fencing along the westerly side of the proposed pathway that lies adjacent to the Lands of Reale and strategically

located along the perimeter of areas designated as deed restricted or wetland boundaries on individual lots, and satisfaction of all items listed in the final comment letter issued by the Planning Department. Ayes: Neubauer, Andarawis, LaSalle, Jones, Ophardt, Ferraro. Noes: None

Mr. Ferraro explained that, since the following two agenda items relate to the same parcel and project, they will be reviewed concurrently.

[2017-033] **MDG Mill Creek – Grooms Road Subdivision** – Proposed (3) lot subdivision, 465 Grooms Road – Preliminary public hearing and possible determination. SBL: 278.-1-46.1; 278.-1-45; 278.1-46.2

[2017-034] **MDG Mill Creek – Grooms Road Duplex SUP** - Proposed Special Use Permit #81133 to allow construction of (3) duplex units at 465 Grooms Road – Preliminary public hearing and possible determination SBL: 278.-1-46.1; 278.-1-45; 278.-1-46.2

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 the required public hearing on this application. He explained that although the Planning Board would pronounce the application complete, assume Lead Agency status, and issue a negative declaration, these actions would neither grant nor imply approval of Special Use Permit #81133. Should it be determined that additional environmental review is warranted based on input received at the public hearing, SEQRA discussions will be reopened and a decision rendered when deemed appropriate.

Mr. Ophardt moved, seconded by Ms. LaSalle, to establish the Town of Clifton Park 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 9:00p.m. The Secretary read the public notice as published in the Daily Gazette on November 30, 2018.

Mr. Goldstein, property owner and applicant, explained that the project proposal remains generally as presented at the September 12, 2018 Planning Board meeting. Referencing the issues raised in relation to the adoption of new bulk standards, Mr. Goldstein pointed out that a simple lot line adjustment would allow all of the proposed three lots to meet the minimum requirements. The speaker noted that written responses to the engineering comments issued by M J Engineering and Land Surveying, P.C. were provided to the Planning Department on November 16, 2018. Summarizing the information provided in the letter, Mr. Goldstein reported that water service connections have been revised per CPWA comments, a Joint Permit application from the ACOE will be required for proposed wetland disturbances, requested notes regarding utility locations and work permits within town and county rights-of-way have been added to the plan, notation regarding the wetland delineation has been added to the plan, bulk lot information has been provided, a shared driveway maintenance agreement will be submitted, an appropriately-sized drainage culvert has been shown along Grooms Road, no sump pump laterals will be required since the duplexes will not have basements, sight distances from the proposed driveways have been added to the plan, and assigned 911 addresses will be placed on the plat prior to filing. Mr.

Goldstein explained that the sewer connection was originally proposed to be privately owned and maintained. Should an extension of the public sewer be required, the plan and sewer report will be submitted to Saratoga County Sewer District No. 1.

Mr. Scavo reported that Mr. Myers, Director of Building and Development, offered the following comments regarding this application in a memo dated November 30, 2018. No determination has yet been made regarding the applicant's ability to install utilities on the town property connecting to Esopus Drive. An erosion and sediment control plan is required if a full Stormwater Pollution Prevention Plan is not. Due to the potential for wetland impacts, more detail regarding stormwater management may be necessary. The Special Use Permits still must be approved by the Planning Board. Though the plans state that no utilities shall pass under driveways, they continue to be shown that way on the subdivision plan. Easements for utilities that pass between lots shall be required. The area of disturbance plan revision does not meet the requirement for "lot specific grading plans." Though the duplexes do not have basements, it must be noted that the foundations will not be allowed in standing water. Yard areas are still very limited due to the proximity of the buildings to each other and the delineated wetland areas.

Mr. Scavo reported that Ms. Reed, Chief of the Bureau of Fire Prevention, requested that postal addresses be obtained for each of the proposed parcels and placed on the final subdivision plan.

Mr. Scavo reported that the ECC issued the following comments after review of the application at its December 4, 2018 meeting. Lots #2 and 3 have very little usable yards due to the presence of wetlands. The ECC recommends delineation of the wetlands using split rail fencing along the wetland borders and deed restrictions to protect the remaining wetlands for all lots. The applicant should consult with the ACOE to determine the mitigation measures required for this proposal. The ECC notes that the project may result in intrusion into Federal Jurisdictional Wetlands. The applicant must avoid intrusion into ACOE Wetlands or apply for a Federal Wetlands Permit for any disturbances for the project. The Town of Clifton Park should be provided with copies of all related correspondence. There may be a presence of high groundwater and building codes require a certain separation of groundwater to the building foundation. This may result in added fill around the buildings increasing the grading footprint and additional disturbance to the existing wetlands. The ECC recommends that a grading plan be provided to show the possible limits of disturbance. As per Section 208-11 of the town Zoning Code, all three lots do not appear to meet the R-1 units per acre standard. The ECC recommends the applicant provide the data on the submitted plans to show how it meets the density standards. As per Zoning Code section 208-11(c), two of the three lots do not meet the 200 foot front building line width.

Mr. Scavo explained that Ms. Viggiani, Open Space Coordinator, offered the following comments in an email dated December 7, 2018. Since Grooms Road is "envisioned for long-term having a continuous route and there are existing segments along the roadway," it is recommended that the Planning Board request the establishment of a 15' right-of-way easement along the property's roadway frontage to provide for future roadway improvements or trail construction.

Mr. Scavo explained that the following comments were provided by the Planning Department. A single-family home owner to the rear property line of Lot #2 expressed concerns

to Planning Staff on December 7, 2018. Specifically, the owner was concerned that though the duplex meets the minimum rear yard requirement prescribed by the R-1 zoning of 25', the front yard is mostly constrained by wetlands and is unusable for residents of the duplexes. The property owner requested that, at a minimum, a 6' high solid fence be required along the common rear property boundary to mitigate any negative impacts the duplex will have on the adjacent single-family dwelling. The property owner also expressed a desire to see existing trees on the site be maintained to the greatest extent practicable since a mature vegetative buffer exists from the homes on Esopus Drive to Grooms Road. All outstanding technical comments have been addressed to date. In accordance with the Town's Lot Line Adjustment Regulations, any lot line adjustment that makes a non-conforming lot and/or non-buildable lot comply with the zoning requirements as a building lot shall be considered a subdivision.

Mr. Scavo reported that Mr. Reese, Stormwater Management Technician, provided the following comments regarding this application in a memo dated December 10, 2018. The limit of disturbance is limited from two to ten feet from the building face and from the proposed driveway edges. It is noted that the limits of disturbance do not provide lawns. Since the buildings being proposed are within and adjacent to wetlands, the lots may require fill to keep the foundation a minimum of 2 feet above the high water table. The applicant must verify that the wetland delineation is still valid since it was completed just over 5 years ago.

Mr. Scavo noted that, pursuant to state law, the Saratoga County Planning Board reviewed this application at its September 13, 2018 meeting, determining that the project had no significant countywide or intercommunity impact. The Board did, however, offer a number of comments regarding the application. The members of the County Board "were not swayed toward the applicant's argument that, due to the project's location and its proximity to Exit 8A it is more desirable to construct duplexes than single-family detached homes." The members, however, decided to "leave this as a determination for the local board." The approval noted that a wetland disturbance permit will be required for the driveway crossing of the wetland. There will be connection to municipal water along Grooms Road. Sanitary sewer is proposed to be by a force main extension from Esopus Drive and a rear-yard connection which will negatively impact house siting. There needs to be a current definition of what the existing groundwater elevations are in the immediate areas of construction. A high water elevation and the existence of wetlands obviously will impact construction associated with infrastructure and foundations. These influences on house siting could lead to a negative impact on the rear yard buffer. It is recommended that the plan be modified to lessen potential impacts by leaving Lot #1 as is and Lots #2 and 3 should be submitted as one lot for a single duplex with enhanced rear yard buffering.

Mr. Price stated that, after review of the application, M J Engineering and Land Surveying, P.C. offered the following comments. One comment concerned the Short Environmental Assessment Form. Part 12.b of the Short Environmental Assessment Form indicates that the site is located within an archeologically sensitive area. Should the project become subject to the requirements of GP 0-15-002, a "no effect" letter shall be obtained from the NYS Office of Parks, Recreation and Historic Preservation. An additional comment related to the subdivision and site plan. The wetland notes provided on Sheet C-2 indicate that the delineation was completed in November of 2013. The applicant is asked to confirm that the wetland boundary has had a jurisdictional determination from the ACOE and that the determination is still valid.

Mr. Brent Brunell, 22 Esopus Drive, expressed concerns regarding the close proximity of the proposed duplex units to the existing residences along Esopus Drive. He was also concerned that installation of the proposed sewer connection to the utility along Esopus Drive would require the disturbance of existing driveways. Mr. Scavo explained that the applicant would be responsible for any restoration of existing amenities. Mr. Goldstein agreed that the developer would be responsible for any driveway repairs, though he noted that the area “is not paved for most of the way.” Mr. Nick Daniels, engineering consultant for the applicant, explained that an attempt would be made to avoid any disruption of existing driveways by utilizing a directional bore techniques. Mr. Brunell again expressed his concerns regarding the proximity of the proposed homes to those existing and asked that the requested Special Use Permit be denied based on the change of character it would bring to the area.

Mr. Anthony LaFleche, 21 Wheeler Drive, asked about the setbacks from Grooms Road. Mr. Daniels stated that the western most duplex is situated approximately 60-75’ from the centerline of Grooms Road. Mr. LaFleche called for the establishment of a 15’ wide easement along Grooms Road for future roadway improvements or trail installation.

Mr. Zhang Jianbo, 26 Esopus Drive, complained that the proposed duplexes would allow for four units, rather than two, to be placed in close proximity to his deck, intruding on his family’s privacy. The speaker was also concerned about safety.

Mr. Ferraro read the correspondence received just prior to the meeting from Rose Marie Bard-Schrader, 28 Esopus Drive, who asked that the Planning Board deny this application due to the impact it would have on traffic in the area.

There being no further public comment, Mr. Ferraro moved, seconded by Ms. LaSalle, to close the public hearing at 9:27p.m. The motion was unanimously carried.

Mr. Goldstein presented an aerial photograph of the parcels with the proposed structures superimposed which he contended illustrated the substantial buffering that exists between his parcel and existing residences. The adjoining neighbors observed that the visual provided did not reflect current site conditions.

Though Board members discussed various development strategies, the constraints imposed by required setbacks and delineated wetlands precluded rearrangement of the structures. Mr. Ferraro cautioned Board members to “view the project proposal from a planning perspective,” calling attention to the fact that the applicant had failed to provide the requested façade drawings which would help members visualize how the proposed two-family dwellings would “fit into the neighborhood” and provide necessary rationale for approval of the Special Use Permit application. Both Mr. Ferraro and Mr. Jones noted the site’s environmental constraints, commenting that they would prefer that the applicant avoid any wetland disturbance. They did not support the application as presented. Mr. Neubauer remarked that the available building envelope appeared to be “right-sized for a single duplex.” Mr. Andarawis agreed that the site limitations unfortunately “fixed the [undesirable] design.”

Mr. Neubauer offered Resolution #21 of 2018, seconded by Mr. Ophardt, to deny approval of the proposed (3) lot subdivision due to issues related to the lack of detail provided by the applicant for conceptual building elevations requested by the Planning Board and proper siting of the proposed three two-family dwellings because of problematic site constraints including setback requirements and significant delineated wetland areas. Ayes: Neubauer, Andarawis, LaSalle, Jones, Ophardt, Ferraro. Noes: None

Old Business:

[2017-035] **Riggs, Vincent – Miller Road Subdivision** – Proposed (79) lot subdivision, Miller Road – Final review and possible determination. SBL: 270.-2-51.2; 270.-2-32.112; 270.-2-38.12

Mr. Ferraro introduced this application, noting that the Planning Board issued a negative declaration for this Type I action pursuant to SEQRA at its June 12, 2018 meeting. A public hearing was conducted and closed at the July 10, 2018 meeting.

Mr. Scott Lansing, consultant for the applicant, explained that this subdivision application received preliminary approval at the August 14, 2018 Planning Board meeting at which time the main issue of concern centered on the addition of sidewalks in the northerly portion of the project where forty (40) carriage lots are proposed. Mr. Lansing noted that the concerns of adjoining neighbor Boughton have been addressed with the addition of screening along his property boundary to minimize headlight glare and consultation with the contractor for installation of water and sewer connections to his residence. Approval has been received from the Saratoga County Sewer Department and productive discussions are on-going regarding the extension of water service to existing homes along Miller Road. Based upon a site plan analysis provided by a licensed professional considered to be an expert in the field of ADA requirements retained by the town, plans were revised to include a sidewalk along the entire length of proposed Road B. However, Mr. Lansing explained that in a recent conversation with Mr. Dominic Marinelli, Vice President for Accessibility Services for the United Spinal Association, the expert reported that he had not consulted with the town-hired professional and that he remained opposed to construction of sidewalks on slopes with 7% grades.

Mr. Scavo read comments issued by Mr. Myers, Director of Building and Development regarding this application. Mr. Myers noted that no new documents were submitted for consideration. Houses with basements below seasonal high groundwater levels will not be allowed. The overall proposed site grading plan shown on Sheets LMG-1 to LMG-4 does not qualify as “individual grading plans.” Due to numerous changes that are expected to the site during construction, including the elevating of the houses to keep them above the groundwater level, individual grading plans will be required. Sump pump lines that could flow back towards the houses will not be allowed. The stormwater drainage system shall be designed for elevations that ensure that positive drainage away from the house is obtained. The storm systems shall be deep enough to ensure foundation drain lines will always drain away from the houses. Mr. Myers expressed concerns with the proximity of the structures to one another, explaining that since the homes are “too close together,” issues are expected in the future. It is expected that erosion problems will occur due to the steep slopes alongside some of the homes. Mr. Myers recommended that the Planning Board consider that a 20% slope makes land “constrained” by one

standard, but that the 3:1 slope (or 33%) is acceptable in this case. Mr. Myers offered additional comments specific to the Stormwater Pollution Prevention Plan. He noted that the applicant claims a reduction in building by reducing the building footprint and comments that “it seems odd they claim this when they also request a cluster subdivision so they can pack as many buildings as possible into this project.” Mr. Myers believes that the “proposal is too dense for several reasons, including stormwater issues.” Although the response-to-comments letter provided by the applicant states that all references to infiltration have been removed, 5.3 of the Stormwater Pollution Prevention Plan still contains such a reference. Mr. Myers observes that “of the 12 potential green infrastructure techniques, only 3 are proposed for this project.” Due to the high groundwater, Mr. Myers is unconvinced that the proposed basins are viable for this project.

Mr. Scavo provided comments issued by the ECC after review of the application at its December 4, 2018 meeting. The ECC recommends that this project be carried out in keeping with the goals of tree preservation as stated in the Town Comprehensive Plan to the greatest extent practicable particularly preserving trees along the western portion of the project that borders the horse farm. The ECC strongly encourages the Planning Board to require that the trail be built out concurrently with the construction of the homes to enhance the existing trail network.

Mr. Scavo reported that Mr. Reese, Stormwater Management Technician, offered no comment on this application.

Mr. Scavo provided comments issued by the Planning Department. The plans have been modified to reflect the inner-loop sidewalk as previously requested by the Planning Board. All prior outstanding comments have been addressed by the applicant. The project has already received SEQR and preliminary subdivision approvals. The remaining action required is the granting of final subdivision approval by the Planning Board.

Mr. Ferraro questioned the validity of the Mr. Marinelli’s opinion regarding the proposed sidewalks, remarking that the disparate conclusions reflected “differing interpretations” of ADA regulations. He questioned the basis for Mr. Marinelli’s recommendation. Although Mr. Ophardt argued that “New York State has no problem building sidewalks on 7% slopes,” Mr. Lansing defended the expert’s recommendation explaining that ADA standards involve complex rules and regulations and that there is a liability issue with certifying plans that do not conform to those standards. Mr. Neubauer acknowledged the liability issue and questioned whether or not the engineering professional would be absolved of any liability if the sidewalks were conveyed to the town. Mr. Ferraro adamantly supported the installation of sidewalks, expressing his belief that the lack of sidewalks “within a high density subdivision” would create a less safe situation for residents than sidewalks constructed on 7% slopes.

Mr. Ophardt offered Resolution #22 of 2018, seconded by Mr. Andarawis, to grant final subdivision approval to this application conditioned upon build-out of the project with the installation of sidewalks within the northern node of the project which contains forty (40) carriage homes and all items listed in the final comment letter issued by the Planning Department. Should it be determined that the proposed sidewalks do not meet ADA standards or authorized exemptions from the regulations, the subdivision will be remanded back to the Planning Board for additional review. Ayes: Neubauer, Andarawis, LaSalle, Jones, Ophardt, Ferraro. Noes: None.

[2017-057] **Shenendehowa Medical Park** – Proposed demolition of three (3) existing 4,800 SF single-story medical office buildings and the construction of three (3) new medical office buildings, 989 Route 146 – Preliminary site plan review and possible determination. SBL: 271.6-1-44

Mr. Gavin Vuillaume, consultant for the applicant, introduced Mr. Richard Rosen, project developer, who was also in attendance at the meeting. Mr. Vuillaume explained that the plans presented for review at this evening's meeting remain generally as presented at the October 10, 2018 meeting, though technical issues of concern and recommendations offered by the Planning Board are reflected on the revised site plan set. The speaker noted that plans have been revised to preserve a majority of the deciduous trees with the front yard along Route 146, though many of the larger evergreen trees which are in poor condition will be removed. The planting plan has been upgraded to show a "replenishment" of existing trees and shrubs that are to be removed. A note has been added to the plans to indicate that a sidewalk connection will be installed along the property's Route 146 frontage once sidewalks are constructed in close proximity to the site as determined by the Town Planning Department. Easements have been provided to properties to the east and west of the site to allow for possible future interconnections. A lighting plan has been submitted for consideration. A 6' high vinyl fence will be placed along the tree line in the northern portion of the site. The 10' separation between buildings #1 and 3 has been approved by the Director of Building and Development. A bicycle rack has been relocated away from the normal pedestrian travel way along the sidewalk. Notations regarding upstream construction and infiltration practices have been added to the Erosion and Sediment Control Plan, the temporary sediment basin at the southwest corner of the site has been relocated as per Section 6.3.6 of the NYSSMDM, and temporary sediment basin size calculations have been added to the Erosion and Sediment Control Plan. The bollard detail has been removed and is replaced by a Trash Enclosure Detail on Sheet 8 of the plan set. No critical habitats for threatened or endangered species are located within the project area and a letter from SHPO has been received indicating that the project will have no impact on archeological or historic resources. The Notice of Intent included in Section 3 of the Stormwater Pollution Prevention Plan has been updated. Infiltration tests have been completed and exfiltration rates have been revised. Each of the proposed infiltration basins have surplus capacity to fully store all events up to a 100 year storm and no runoff from the site will occur.

Mr. Scavo reported that Mr. Myers, Director of Building and Development, provided the following comment regarding this application in a memo dated November 30, 2018. Although most previously-issued comments appear to have been addressed, an adequate response to Section 208-35D(3) of the Town Zoning Code has not been provided. Plans state that 1.4 acres of greenspace are provided while the Stormwater Pollution Prevention Plan states that there will be 1.8 acres of impervious surface on the site, bringing the total to 3.2 acres. Total acreage of the site, however, is only 2.8 acres. The applicant is asked to correct the discrepancy.

Mr. Scavo explained that Ms. Viggiani, Open Space Coordinator, provided a memo regarding this application on December 7, 2018. She observes that a sidewalk connection from the buildings to NYS Route 146 is missing along the access driveway and she recommends that the buildings be connected to the sidewalk along NYS Route 146 to provide pedestrian access.

The memo also recommends that the sidewalks along the parcel's Route 146 frontage be installed at the same time as the rest of the site construction.

Mr. Scavo read the comments issued by the ECC after review of the project plan at its December 4, 2018 meeting. Per 208-33C of the town Zoning Code, landscaping of lawn areas should reflect a residential character with the installation of trees, shrubs, and other plantings. There should be additional plantings proposed for the northern and eastern borders of the property adjacent to the residential lots. Additional plantings should be proposed along the southern portion of the stormwater management areas along Route 146 as the basins will require removal of most of the existing mature vegetation that buffers the building site.

Mr. Scavo explained that Mr. Reese, Stormwater Management Technician, provided a comment regarding this application in a memo dated December 10, 2018. If a Stormwater Pollution Prevention Plan is required, the following comments will apply:

- a) Project is within an archeological sensitive area and will require a letter of no effect from the NYS Office of Parks, Recreation and Historic Preservation.
- b) SWPPP states that soil test pits and infiltration tests are being scheduled and will update report. Please supply updated information to the Town once recorded.
- c) Provide rainfall data source used for this project in the Stormwater Report.
- d) Provide standard HydroCAD calculations in the Stormwater Report per GP-0-15-002 Part III.B.2.c.(iii).
- e) The stormwater report states that all green areas were assigned with higher hydrological soil groups to account for frozen ground conditions. This method is not per the New York State Stormwater Management Design Manual 6.3.7 Cold Climate Design Considerations.
- f) An Operations and Maintenance Plan shall be included in the SWPPP that will include inspection and maintenance schedules and actions to ensure continuous and effective operation of the Stormwater Management Practices.

Mr. Scavo reported that the Planning Department provided the following comments. The project appears to meet all the bulk and setback requirements of the B-1 (Business Non-Retail) zoning district. The parking requirements per Town Code is 1 parking space/150 gross SF of medical office. The required number is 98 spaces, though the applicant proposes 97 spaces. The Planning Board has the authority to waive the requirement for the additional parking space. Prior to stamping the final plans, a sign-off from the Clifton Park Water Authority is required to ensure the comments raised by Don Austin, Authority Administrator, in his October 17, 2018 letter have been adequately addressed. A note must be added to the plan that states the following:

Prior to the commencement of demolition and/or construction, trees to remain shall clearly delineated within the project site.

Mr. Price explained that M J Engineering and Land Surveying, P.C. reported that an updated Stormwater Pollution Prevention Plan has not been provided. All comments provided in the October 5, 2018 comment letter remain to be addressed. Mr. Price reported at the meeting that since the engineering comments were issued, the applicant has provided stormwater management information. The comment has been satisfied.

Mr. Anthony LaFleche, 21 Wheeler Drive, commented that he found the deferment of sidewalk construction along Route 146 until major segments of that trail are in place reasonable and asked that the sidewalk along the northerly side of Route 146 be located as far as possible from the roadway to accommodate snow removal.

In response to Mr. Ophardt's question regarding whether or not the applicant had contacted adjoining property owners to the east and west concerning possible utilization of the established access easement, Mr. Vuillaume explained that no discussions with neighbors had occurred but that he will encourage the applicant to "reach out to them." In response to Mr. Ferraro's question concerning disturbance along the westerly property boundary, Mr. Vuillaume stated that although "some disturbance" will occur in the area, vegetation will be replaced. When asked about the location of the proposed fencing to the rear of the site, Mr. Vuillaume reported that the treed buffer between the existing residences and the commercial site will remain: the fencing will be installed south of the tree line. The Planning Board requested more information about what trees will be removed and if it only included those in poor condition. Planning Board members expressed concern about the visual impact due to the loss of trees.

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

Mr. Neubauer moved, seconded by Mr. Ophardt, to grant preliminary and final site plan approval to this application conditioned upon the installation of a sidewalk along the westerly side of the entrance drive to connect the interior of the site to the Route 146 corridor, consultation with the Planning Department to determine which existing trees shall be preserved and to assess the need for the installation of additional landscaping to reflect a "residential character" and satisfaction of all items listed in the final comment letter issued by the Planning Department. The motion was unanimously carried.

Mr. Ferraro explained that, since the following two agenda items relate to the same parcel and project, they will be reviewed concurrently.

[2018-049] **Solitude Solar, LLC Community Solar Array** – Proposed development of a 7AMAW photovoltaic ground-mounted solar energy generating facility, 164 Sugar Hill Road – Preliminary site plan review. SBL: 282.-1-30.11 and 282.-1-28.12

[2018-050] **Solitude Solar, LLC Community Solar Array** – Approval of Special Use Permit #81184 to permit the construction of a ground-mounted solar array within the CR zone, 164 Sugar Hill Road – Preliminary review. SBL: 282.-1-30.11 and 282.-1-28.12

Mr. Mark Richardson, President of Solitude Solar, LLC, Mr. Michael Fingar, Project Engineer for Solitude Solar, LLC, and Mr. John Munsey, engineering consultant for the applicant, were all in attendance at the meeting. Mr. Richardson explained that this application remains generally as presented at the September 12, 2018 meeting.

Mr. Fingar explained that after reviewing the comments issued at the September meeting by town staff, the Town Engineer, and Planning Board members, the following significant revisions were made to the project plan. After discussions with Mr. Myers, Director of Building and Development, access roadway plans and profiles, along with a cross-sectional design plan have been revised and submitted for review. With the improvements provided emergency access vehicles will be able to gain access to the entire solar project area. The LC zone boundaries have been added to the plans. There will be no fill impacts to the NYSDEC designated wetlands or the 100 foot adjacent area. Direct impacts to the NYSDEC Freshwater Wetlands and its Adjacent Area along the proposed electrical transmission line include trimming and minimal clearing of trees and shrubs to facilitate the installation of an overhead electric line. Installation of the solar array within the portion of the adjacent area will be done with no grading or clearing and will result in discontinuance of the farming operations. The ground surface will be stabilized with vegetative growth and not subject to erosion and sedimentation which the current farming operations seasonally allow. It is anticipated that the proposed action will include the preparation of a Stormwater Pollution Prevention Plan with permanent stormwater treatment practices that will not result in any adverse impacts to wetlands, buffer areas, stream courses, or aquifers. Tree cutting in the wetland areas surrounding the solar array have been eliminated by reducing the overall footprint of the array. The limits of the underground and above ground portions of the electrical interconnection have been better defined. It is proposed that an overhead transmission line will be installed above the NYSDEC Freshwater Wetland to minimize wetland impacts. A temporary staging area of approximately 3,700 SF has been added with the objective of decreasing ground disturbance during construction. Mr. Fingar explained that the alternative access roadway from Riverview Road is not viable due to steep topography, bedrock outcrops, and unavoidable impacts to both ACOE and NYSDEC wetlands. The access road has been modified to 16' wide with a 100' long pull off at approximately 500' intervals as recommended by Mr. Myers, Director of Building and Development. Correspondence received from the NYS Office of Parks, Recreation, and Historic Preservation indicates that the office reviewed the Phase 1 archeological survey and determined that the development would have no impact. A letter from NYSDEC validates the boundaries of the NYSDEC Freshwater Wetlands in the project area. A glare analysis completed in accordance with Federal Aviation Administration regulations demonstrated that there will be no "yellow" or "green" glare for any flight path of the Albany International Airport. A Visual Impact Assessment was conducted to determine the potential visibility of the project from nearby public roadways. The results of the assessment have been provided to Planning Board members. In response to comments issued by the Town Engineer, appropriate revisions to Part 1 of Full Environmental Assessment Form have been made.

Mr. Scavo read comments issued by Mr. Myers in a memo dated November 30, 2018. The access road has been modified to 16' wide with a 100' long pull off at approximately 500' intervals. This was agreed to by town staff and the applicant. A certification from a licensed professional engineer will be required to verify that the roadway will be able to support a 75,000 lb. vehicle. No Stormwater Pollution Prevention Plan has been provided to date.

Mr. Scavo reported that Ms. Reed, Chief of the Bureau of Fire Prevention, requested that postal addresses be obtained for the proposed parcel and placed on the final site plan.

Mr. Scavo explained that the ECC provided the following comments after review of the application at its December 4, 2018 meeting. The Special Use Permit applicant has the burden of proving compliance with each of the Special Use Permit criteria listed in the zoning ordinance or local law. The Special Use Permit process is a technique to regulate land uses which a municipality seeks to encourage in a particular district or zone, but which could become problematic if not conditioned in a manner suitable for the particular location. The purpose of the CR (Conservation Residential) zoning district is to protect and enhance the area's rural character and the scenic qualities of open space that complements the traditional land uses in Western Clifton Park. New development should complement and harmonize the traditional rural and natural environmental vistas. This project does not meet the objective as valued by the community in Western Clifton Park. There are thirteen standards for Special Use Permits which should be satisfied by the applicant. Town Code 208-79 E (1)(d) states that "the use will be in harmony with and promote the general purposes of the Comprehensive Plan and this chapter." The applicant must demonstrate that this project is in compliance with this criteria. The ECC notes that a large percentage of Clifton Park's water comes from wells which are sourced from ground water under the direct influence of surface water (GWUDI). If the applicant is permitted to build within the 100 foot buffer zone, the ECC urges the Planning Board to specifically prohibit the use of pesticides for vegetative control. The applicant shall clarify the specific location of the connection point on Riverview Road and if there are any additional disturbances required.

Mr. Scavo reported that Mr. Reese, Stormwater Management Technician, offered the following comments regarding this application in a memo dated December 10, 2018. Mr. Reese reported meeting with the applicant's consulting engineer to discuss modifications of the Stormwater Pollution Prevention Plan on November 26, 2018. The applicant will need to submit a Full SWPPP for review. The Town of Clifton Park is a Municipal Separate Storm Sewer System (MS4) under the NYSDEC General Permit for Stormwater Discharges. The Town is concerned about the construction process when disturbance and limited ground cover will be at its maximum. The SWPPP should discuss in detail on how erosion control will be managed when large areas are being disturbed. The applicant shall describe in detail how previous projects of this size were handled and how the protection of the existing wetlands will be maintained. The SWPPP should address how the individual panels will be arranged to allow the following:

- i. Allow the passage of runoff between each module thereby minimizing the creation of concentrated runoff.
- ii. Allow the growth of vegetation beneath and between the panels.
- iii. Allow the preservation of existing vegetation by minimizing the construction equipment to disturb the earth.

The details show a Typical Rack Section, noting that actual rack size may vary. The Stormwater runoff calculations should address the tilt angle and length of run it will have over the panels. It appears that over 34± acres will be effected and a phasing plan should be included in the SWPPP.

Mr. Price reported that, after review of the materials submitted for preliminary review, M J Engineering and Land Surveying, P.C. offered the following comments. Mr. Price explained that since an updated Full Environmental Assessment Form has not been submitted, all prior comments provided as part of the September 7, 2018 comment letter remain applicable. Several comments related to the site plans. The proposed improvements reside within the LC zoning

district. As such, the applicant shall provide sufficient data to demonstrate that the proposed activity will not result in any of the changes noted in Section 208-69.3 of the Town Zoning Code. As noted in Comment 11 of the September 7, 2018 review letter, the project has no frontage on a public right-of-way but has access to an existing road that exits onto Sugar Hull Road. The applicant is asked to provide documentation that an access easement/agreement is in place or will be. Any easements (existing or proposed) shall be illustrated on the plans. If a new easement or agreement is required, it shall be provided to the Planning Board's legal counsel for review. As noted in Comment 13 of the September 7, 2018 review letter, the site plans indicate tree cutting but no stump removal and permanent improvements within the NYSDEC wetland adjacent areas. Correspondence with the NYSDEC shall be provided to the Town for their records. Any approvals offered by the Town should be conditioned upon the applicant receiving the necessary permits for activities planned within the regulated wetlands and/or adjacent areas. The Planning Board may consider delaying any action on the application until it is fully understood what NYSDEC's position is considering the extent of impacts within the adjacent area. As noted in Comment 14 of the September 7, 2018 comment letter, the Town's emergency services may consider a Knox Box be provided at the gated access to ensure access in case there is a need to respond to an event at the facility. The applicant is asked to coordinate plans for site access with the Town's emergency services official. The site plans show a 16 foot wide gravel access road with intermittent turnoffs. This is believed to be consistent with the requirements of the request of the Town's emergency service and Chief Zoning Officer, though confirmation of this fact is required. The project is subject to the NYSDEC Phase 2 Stormwater Regulations and General Permit GP 0-15-002. A project specific Stormwater Pollution Prevention Plan has not been provided for review. Mr. Price noted that a revised decommissioning plan has not been submitted. Therefore, the prior comments provided as part of the September 7, 2018 review letter have not been addressed. Referencing the Glare Analysis, Mr. Price reported that M J Engineering finds the conclusion that there is no indication of yellow glare for any flight path from threshold to 2 miles and no glare of any kind for air traffic control tower(s) at cab height acceptable. Addressing the Cultural Resource Survey, Mr. Price stated that the conclusions and recommendations of the Phase 1B study indicate no further archeological investigations of the project area are warranted. The applicant has obtained a "no effect" letter from the NYS Office of Parks, Recreation and Historic Preservation dated November 9, 2018 demonstrating its concurrence with the report's conclusions. The visual analysis appears to have been prepared from Google (or similar software). While the quality of the visual analysis is limited, it does to some respect show that the arrays will be substantially screened from the public right-of-way and adjacent properties. It appears the only location where the array would be visible is from the National Grid right-of-way (slide 6). It may be beneficial to complete an analysis of what the view may be from the rear of 591 Riverview Road which generally abuts the project site.

Mr. Anthony LaFleche, 21 Wheeler Drive, asked about the number of panels to be installed on the site. Mr. Fingar explained that 21,000 panels will be installed and that the energy produced is estimated to serve 500-700 homes. In response to Mr. LaFleche's question regarding whether or not Clifton Park residents will have access to the energy produced, Mr. Fingar stated that it flows to "the closest home."

Mr. Neubauer took issue with the ECC's comment that the proposed development does not adequately "complement and harmonize with the traditional Clifton Park," viewing the project as

“a positive project” for the town. He was pleased to learn that the Town Open Space Committee embraced the plan. In response to Mr. Ferraro’s question regarding the use of pesticides on site, Mr. Fingar explained that no chemicals would be used within the solar array area. Mr. Scavo responded to Mr. Ophardt’s question regarding fire access to the entire site, explaining that Mr. Myers and Ms. Reed deemed the access adequate. Mr. Jones encouraged the applicant to offer benefits from the site to Clifton Park residents first which Mr. Richardson agreed to do. Mr. Andarawis stated his support for this project but speculated that the town may wish to consider “setting limits” for such projects. He expressed his appreciation to the applicants and consultants for their commitment to limiting wetland and adjacent area disturbances and thanked them for providing wildlife gaps beneath the fencing to minimize disturbance of natural habitat areas.

New Business:

[2018-065] **Green-Cornell, Madeline – Moe Road Duplex – Special Use Permit** – Special Use Permit #81195 to permit the construction of a two-family residence within the R-1 zoning district, 376 Moe Road – Conceptual review. SBL: 277.-3-2

Ms. Madeline Green-Cornell, applicant and property owner, presented this application that requests approval of Special Use Permit #81195 to permit the construction of a two-family residence within the R-1 zoning district pursuant to Section 208-10B(90[7]) of the Town Zoning Code. The subject property is located on the westerly side of Moe Road approximately ½ mile north its intersection with Grooms Road. Ms. Green-Cornell explained that the proposal calls for the expansion of an existing 900 SF house by incorporating an existing garage in a significantly larger apartment addition to the existing residence. The stated purpose of the expansion is to provide additional square footage for a growing family and income from a rental unit to make the project affordable. Plans indicate that no additional changes to the property are proposed. The applicant produced numerous signatures from adjoining property owners, individually as well as on a petition that stated their support for the two-family dwelling indicating that the improvements would “not adversely affect property values, the neighborhood’s traffic congestion, or the aesthetics of the neighborhood.” The applicant stated that although the structure was now serviced by an onsite well and septic system, the expansion would require connection to the public utilities. Ms. Green-Cornell explained that although town officials have counseled her to request property from neighbors to establish a legal ingress/egress area, no neighbors are willing to transfer a strip of property due to the restricted lot widths.

Mr. Scavo explained that Mr. Myers, Director of Building and Development, provided comments regarding this application in a memo dated November 30, 2018. The applicant requests approval of a Special Use Permit to allow for the expansion of a single family home into a two family dwelling pursuant to Section 208-10B(90[7]) of the Town Zoning Code. The parcel is located within the R-1 zoning district. It appears that a subdivision was previously approved without frontage on a public roadway. Access to the existing residence is provided via an easement.

Mr. Scavo read comments prepared by the Planning Department. The existing lot size appears to meet the pending zoning law amendments proposed by the Town Board for two-family dwellings (an increase from 20,000 SF in an R-1 zoning district to 40,000 SF). The parcel is unfortunately “landlocked” and has no primary frontage on a public right-of-way. Access is

through an ingress/egress easement from adjacent parcels. If the applicant could obtain 40' of dedicated frontage along a public right-of-way (i.e. Moe Road), this project would bring the lot into conformance with the Town's requirements and eliminate a landlocked parcel. At minimum the applicant should consider obtaining 20' of dedicated frontage along Moe Road which, however, would also require an area variance for the proposed flag lot. It should also be understood that the permitting of a keyhole lot is at the sole discretion of the Planning Board to be used in "rare and unusual circumstances" as stated within the Town Code. The applicant should confirm if the dwelling is serviced by private well and septic. Adequacy of the existing well and septic system to handle anticipated flows from an additional residential dwelling unit will need to be confirmed by a licensed professional on behalf of the applicant. Mr. Scavo asked the applicant to ensure that the access easement also permitted utility extensions.

In response to Mr. Jones' question regarding whether or not the proposed two-family residence met the new guidelines for lot size, Mr. Scavo reported that the parcel was of sufficient size for construction of a two-family home. Mr. Andarawis asked that the applicant consult with the Historic Preservation Commission regarding any changes to the existing structure since it is more than 50 years old. Board members appeared to find the project proposal acceptable.

Discussion Item: Increased density proposal for redevelopment of Park Avenue Property

Mr. Scavo explained that at its November 19, 2018 meeting the Town Board unanimously voted to refer Windsor Development Group's Park Avenue Re-Development Application to the Planning Board for an advisory opinion.

Mr. Robert Miller, Jr. and Mr. Tim Miller were in attendance at the meeting. Mr. Joe Dannible, design consultant, provided an overview of the project plan, explaining that the project narrative states that the redevelopment project involves the demolition of the existing Kmart building and the construction of two (2) new four (4) story residential buildings containing a total of one hundred (100) luxury apartments on the thirteen (13) acre parcel which is part of the larger twenty-seven (27) acre Shoppers World Shopping Center. The proposed residential buildings will be located within a convenient walking distance of retail services and contain amenities including covered parking, rooftop terraces, a pocket park, new pedestrian connections, and a dog run. The stated purpose of the project is to redevelop the vacant and underutilized former Kmart building consistent with the vision set forth in the Town Center Plan and Form-Based Code and in a manner meeting changing market trends. Under the current Form-Based Code the allowable density is ten (10) units per acre up to a maximum of fifty (50) units per project. The project plan calls for one hundred (100) units; therefore, the request to the Town Board is for fifty (50) units above the allowable base residential density. Based on the acreage of the Kmart parcel only, the project has a density of 7.69 units per acre or 100 units/13 acres. Based on the entire acreage of the Shoppers World Shopping Center, the project has a density of 3.7 units per acre or 100 units /27 acres.

Mr. Dannible highlighted significant elements of the plan, noting that the project has been designed in accordance with TC5 zoning requirements. Such amenities as a vibrant streetscape, courtyard area, local street segment, fire access, sidewalks, and parking areas have been included in the modern design. Mr. Dannible especially noted that one acre of green space will be added to the site.

In response to Mr. Ferraro's question regarding the incorporation of a commercial component, Mr. Dannible explained that it was the applicant's vision to maintain a strictly residential development within the Shoppers World complex. Mr. Neubauer referenced correspondence he sent to the Town Board in 2015 as the Town Center plan and Form-Based Codes were being developed in which he encouraged areas where "concentrated residential uses" would be encouraged. He observed that the residential design would provide space, and likely stimulate, commercial development on the opposite side of the existing parking lot. Though Mr. Jones described the proposal as a "perfect complement to the area," Mr. Andarawis stated his preference for a project that included a commercial element. Mr. Ferraro commented that he "liked the parking in the rear."

Mr. Jones moved, seconded by Mr. Neubauer, to endorse Windsor Development's request for increased density within the Town Center zone and to authorize the Chairman to forward a positive recommendation to the Town Board. The motion was unanimously carried.

Mr. Jones moved, seconded by Mr. Ophardt, adjournment of the meeting at 11:55p.m. The motion was unanimously carried. The next meeting of the Planning Board will be held as scheduled on January 8, 2019.

Respectfully submitted,

Janis Dean, Secretary

Notice of Decision
Denial of Special Use Permit

Resolution #19 of 2018

At a meeting of the Planning Board held at the Town Hall of the Town of Clifton Park, Saratoga County, New York, held at the Town Office Building, One Town Hall Plaza, on December 11, 2018 there were:

Present: R. Ferraro, Chairman, E. Andarawis, J. Jones, A. Neubauer, E. Ophardt, T. LaSalle – Alternate Member
 Absent: D. Bagramian, G. Szczesny

Mr. Ophardt offered Resolution #19 of 2018, and Mr. Neubauer seconded, and

Whereas, an application was made to this Board by Abele Limited Partnership for approval of Special Use Permit #81126 to permit the construction of fourteen (14) duplex units on a proposed new roadway accessed from John J. McKenna IV Way with frontage on Christina Marie Drive;

Whereas, the Planning Board was established as Lead Agency for this application, a Type I action, and a negative declaration was issued pursuant to SEQRA on December 11, 2018, and

Whereas, pursuant to Section 276 of the Town Law, a public hearing was advertised and was held on December 11, 2018;

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

Now, therefore, be it resolved that Resolution #19 of 2018 denies Special Use Permit #81126 to permit the construction of fourteen (14) duplex units within the R-1 zoning district based upon Town Board approval of amendments to §208-10 and §208-11 of the Town Zoning Code which require that each two-family dwelling will be considered the equivalent of two dwelling units and that the minimum land area per dwelling unit within the zone be 20,000 SF. Since the pending plan proposes fourteen (14) duplex units on lots of approximately 20,000 SF, the plan no longer complies with zoning code requirements.

Resolution #19 of 2018 passed 12/11/2018

Ayes: Neubauer, Andarawis, LaSalle, Jones, Ophardt, Ferraro

Noes: None

R. Ferraro, Chairman

NOTICE OF DECISION
PRELIMINARY and FINAL SUBDIVISION APPROVAL
Resolution #20 of 2018

At a meeting of the Planning Board held at the Town Hall of the Town of Clifton Park, Saratoga County, New York, One Town Hall Plaza on December 11, 2018 there were:

Present: R. Ferraro, Chairman, E. Andarawis, J. Jones, A. Neubauer, E. Ophardt,
T. LaSalle – Alternate Member
Absent: D. Bagramian, G. Szczesny

Mr. Neubauer offered Resolution #20 of 2018, and Mr. Ophardt seconded, and

Whereas, an application has been made to the Planning Board by Abele Limited Partnership for approval of a subdivision entitled 14-Lot Residential Cluster Subdivision With Duplex Units – Abele Limited Partnership consisting of (14) lots;

Whereas, pursuant to Section 276 of the Town Law, a public hearing was advertised and was held on December 11, 2018;

Whereas, the Planning Board was established as Lead Agency for this application, a Type I action, and a negative declaration was issued pursuant to SEQRA on December 11, 2018;

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

Now, therefore, be it resolved that the final hearing for this application is waived and the subdivision entitled 14-Lot Residential Cluster Subdivision With Duplex Units – Abele Limited Partnership consisting of (14) lots is granted preliminary and final approval conditioned upon the extension of the existing trail segment along John J. McKenna IV Way northward to the traffic signal on Crescent Road in lieu of parkland fees, the installation of split-rail fencing along the westerly side of the proposed pathway that lies adjacent to the Lands of Reale and strategically located along the perimeter of areas designated as deed restricted or wetland boundaries on individual lots, and satisfaction of all items listed in the final comment letter issued by the Planning Department.

Resolution #20 of 2018 passed 12/11/2018

Ayes: Neubauer, Andarawis, LaSalle, Jones, Ophardt, Ferraro.

Noes: None

Rocco Ferraro, Chairman

NOTICE OF DECISION
DENIAL OF SUBDIVISION APPROVAL

Resolution #21 of 2018

At a meeting of the Planning Board held at the Town Hall of the Town of Clifton Park, Saratoga County, New York, One Town Hall Plaza on December 11, 2018 there were:

Present: R. Ferraro, Chairman, E. Andarawis, J. Jones, A. Neubauer, E. Ophardt,
T. LaSalle – Alternate Member
Absent: D. Bagramian, G. Szczesny

Mr. Neubauer offered Resolution #21 of 2018, and Mr. Ophardt seconded, and

Whereas, an application has been made to the Planning Board by MDG Mill Creek for approval of a subdivision entitled Proposed (3) Lot Subdivision: 463-471 Grooms Road consisting of (3) lots;

Whereas, pursuant to Section 276 of the Town Law, a public hearing was advertised and was held on December 11, 2018;

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 11, 2018;

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

Now, therefore, be it resolved that the subdivision entitled Proposed (3) Lot Subdivision: 463-471 Grooms Road consisting of (3) lots is denied due to issues related to the lack of detail provided by the applicant for conceptual building elevations requested by the Planning Board and the proper siting of the proposed three two-family dwellings because of problematic site constraints including setback requirements and significant delineated wetland areas.

Resolution #21 of 2018 passed 12/11/2018

Ayes: Neubauer, Andarawis, LaSalle, Jones, Ophardt, Ferraro.

Noes: None

Rocco Ferraro, Chairman

NOTICE OF DECISION
FINAL SUBDIVISION APPROVAL

Resolution #22 of 2018

At a meeting of the Planning Board held at the Town Hall of the Town of Clifton Park, Saratoga County, New York, One Town Hall Plaza on December 11, 2018 there were:

Present: R. Ferraro, Chairman, E. Andarawis, J. Jones, A. Neubauer, E. Ophardt,
T. LaSalle – Alternate Member
Absent: D. Bagramian, G. Szczesny

Mr. Ophardt offered Resolution #22 of 2018, and Mr. Andarawis seconded, and

Whereas, an application has been made to the Planning Board by V&R, LLC for approval of a subdivision entitled Subdivision of the Miller Road Residential Subdivision consisting of (79) lots;

Whereas, pursuant to Section 276 of the Town Law, a public hearing was advertised and was held on July 10, 2018;

Whereas, the Planning Board was established as Lead Agency for this application, a Type I action, and a negative declaration was issued pursuant to SEQRA on June 12, 2018;

Whereas, this application was granted preliminary subdivision approval on August 14, 2018;

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

Now, therefore, be it resolved that the subdivision entitled Miller Road Residential Subdivision consisting of (79) lots is granted final approval conditioned upon build-out of the project with the installation of sidewalks within the northern node of the project which contains forty (40) carriage homes and all items listed in the final comment letter issued by the Planning Department. Should it be determined that the proposed sidewalks do not meet ADA standards or authorized exemptions from the regulations, the subdivision will be remanded back to the Planning Board for additional review.

Resolution #22 of 2018 passed 12/11/2018

Ayes: Neubauer, Andarawis, LaSalle, Jones, Ophardt, Ferraro.

Noes: None

Rocco Ferraro, Chairman