

Town of Clifton Park Planning Board
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PLANNING BOARD

ROCCO FERRARO
Chairman

ROBERT WILCOX
Attorney

PAULA COOPER
Secretary



MEMBERS

Emad Andarawis
Eric Ophardt
Ram Lalukota
Andrew Neubauer
Denise Bagramian
Keith Martin

(alternate) Jennyfer Gleason

Planning Board Minutes
June 22nd, 2021

Those present at the June 22nd, 2021 Planning Board meeting were:

Planning Board: R. Ferraro, Chairman, E. Andarawis, D. Bagramian, R. Lalukota, A. Neubauer, E. Ophardt, K. Martin, J. Gleason – Alternate Member

Those absent were:

Those also present were: J. Scavo, Director of Planning
W. Lippmann, M J Engineering and Land Surveying, P.C.
R. Wilcox, Counsel
P. Cooper, Secretary

COVID-19 Note: Executive Order No. 202.1 suspends Article 7 of the Public Officers Law (also known as the Open Meetings Law), to the extent necessary to permit any public body to meet and take such actions authorized by law without allowing the public to be physically present at the meeting. The order also authorizes public bodies to meet remotely by conference call or similar service. For the Public Hearing Agenda Items during these unprecedented conditions, the Planning Board will provide the public reasonable and meaningful opportunities to submit comments via online videoconferencing technology during the meeting and in writing via email or mailed written comments.

Mr. Ferraro, Chairman, called the meeting to order at 7:00 p.m.

Minutes Approval:

Mr. Martin moved, seconded by Mr. Lalukota, approval of the minutes of the June 8th, 2021 Planning Board meeting as written. The motion was unanimously carried. Ms. Bagramian abstained as she was absent from this meeting. Ms. Gleason was not present for vote.

Public Hearings:

None

Old Business:

None

New Business:

2021-036 701 Carlton Road 2 Lot Subdivision (Freemire)

Applicant proposes subdividing 1.76 acres into 2 lots. The new lot will be for a single family home and will share the existing driveway, 701 Carlton Rd, Zoned: R-1, Status: PB Concept Review
SBL: 265.-1-38.22 To be reviewed by: MJE Consultant: F. Metzger Applicant: F. Metzger

Ms. Gleason joined the meeting at 7:09 p.m.

Consultant/Applicant Presentation:

Fred Metzger- Land surveyor representing Dawn Freemire – Mr. Metzger stated that the parcel is 1.76 acres in an R1 zoning district. He stated that there is an existing single family home on the property that was built in 2012/2013. Mr. Metzger stated that the application is requesting to subdivide the 1.76 parcel into two lots to create a 0.66 acre parcel to give to her child so that they would be able to build a home on it and live close to family. He stated that there would be an easement for a shared existing driveway and both homes would have water and sewer hookups. Mr. Metzger stated that the home would respect the 100 foot buffer from the stream on the property and the flood plain boundary as well, and meet all the R1 zoning requirements.

Staff Comments:

Steve Myers, Director of Building and Development issued a memo dated 6/10/21 stating:

- Proposed subdivision in the R-1 zone appears to be an allowed use so long as both properties have a minimum of 20,000 sf as required with public water and sewer.
- A topographical map may be warranted due to the slopes on this property.
- Permanently deeded access to the driveway should be required for the new lot.

Wade Schoenborn, Chief of the Bureau of Fire Prevention:

- Postal verification required

Mr. Scavo stated that her received the 911 addresses that were forwarded to the applicant this morning.

Scott Reese, Stormwater Management Technician issued a memo dated 6/17/21 with the following comments:

1. No stormwater comments at this time.

The Environmental Conservation Commission held a meeting on 6/15/21 and issued a memo recommending:

1. Site plan should include all easements along Carlton Road particularly those that may relate to a trail easement related to the trail and crossing on the south side Kinns Road.

John Scavo, Director of Planning issued a letter dated 6/18/21 with recommendations he made:

1. Since the project is adjacent to Kinns Road (County Route 109), a referral to the Saratoga Co. Planning Board has been made in accordance with GML §239(m)&(n).
2. Once the 911 address is provided by the Town Fire Marshall for Lot #1, it shall be added to the final plan.
3. I commend the applicant for providing an easement for a shared driveway arrangement in the location of an existing curb cut due to the proximity of the intersection of Kinns Road and Carlton Road.
4. The applicant will need to obtain a highway work permit from the Town's Highway Superintendent prior to any construction activities occurring within the Town's right-of-way (i.e. water/sewer lateral utility extensions).
5. Add a note to the plan that states, "A regulated 100' buffer area to a freshwater wetland is present on the lot. Prior to undertaking any project that may be within the wetland buffer, the property owner shall contact both the DEC Region 5 Office at (518) 623-1200, and the Town of Clifton Park at (518) 518-371-6651, to obtain required permits."
6. Add a notation that states, "The Clifton Park Land Conservation (LC) Zoning District is present this subdivision plan pursuant to §208-69.1A(2)(b) of the Clifton Park Town Code and only the permitted uses pursuant to §208-69.2 shall be allowed within the 100'

buffer area defined from each side of the outer bank of the high water mark for the Cooley Kill Stream.”

Mr. Scavo stated that he had received a letter from Saratoga County that stated that they did not find any County wide or intercommunity impact.

Professional Comments:

Walter Lippmann, P.E. of MJ Engineering in a letter dated 6/16/21 had the following comments:

STATE ENVIRONMENTAL QUALITY REVIEW

1. Based upon our review of Part 617 of NYS Environmental Conservation Law, the project appears to be an “Unlisted” action. If the Planning Board is to request Lead Agency status under SEQRA, the need to undergo a coordinated review is optional. Under a coordinated review, involved / interested agencies to be engaged may include, but is not necessarily limited to the following:
 - a. Town of Clifton Park Planning Board: Subdivision approval
 - b. NY State Office of Historic Preservation: identification of archeologically sensitive resources

Additional agencies may be identified by the Town during its review of the project.

SHORT ENVIRONMENTAL ASSESSMENT FORM

The applicant has submitted Part 1 of the Short Environmental Assessment Form (SEAF). Based upon our review of the submitted Part 1 SEAF, the following comments are offered:

2. Part I.12b – The response indicates that the project site is located within or adjacent to an area designated as sensitive for archeological sites on the NY State Historic Preservation Office (SHPO) archeological site inventory. Should the project require coverage under General Permit GP 0-20-001, a no effect letter from SHPO will be required.
3. Part I.13a – The response indicates that a portion of the site or lands adjoining the site of the proposed action, contains wetlands or other waterbodies regulated by a federal, state or local agency. The applicant should provide documentation that confirms the presence or absence of federally regulated wetlands adjacent to the project site.
4. Part I.16 - Indicates that portions of the site are within the 100-year flood plain, adjacent to the Cooley Kill. For future development to the lots, it may be necessary to complete a flood analysis to confirm no adverse impact.
5. No further comments at this time.

Additional comments may be forthcoming as the project advances.

SITE PLANS

6. The project is located within the Town’s Residential 1 District (R-1). The proposal for single family homes is a permitted principal use within the CR District as noted in Section 208-10(B)(2) of the Town’s Zoning.

7. In our review of the concept plan submitted, it would appear that the bulk lot requirements as outlined in Section 208-11 of the Town's Zoning are satisfied.
8. Provide a note on the plan indicates the individual/firm performing the wetland delineations shown and the date in which the delineations were performed.
9. Provide the building setback lines for each lot shown.
10. Subsequent submissions shall include the metes and bounds of all easements. 10. Subsequent plans shall show the Town's LC location and boundaries which are defined by Section 208-69.1 of the Town's Zoning.
11. The project proposes to service each new lot with public water from the Clifton Park Water Authority via extending a new public water main along Carlton Road. The applicant shall provide the Town documentation of the CPWA's ability and willingness to service the project with potable water.
12. The project proposes to service each new lot with public sewer from the Saratoga County Sewer District and Clifton Park Sewer District No. 1. The applicant shall provide the Town documentation from each ability and willingness to service the project with sanitary sewer.
13. The project proposed a shared drive. The applicant shall provide a draft maintenance agreement for review by the Planning Board's legal counsel
14. Provide a proposed grading plan to indicate that the LC boundary will not be disturbed.
15. The preliminary plans shall illustrate the proposed driveway and how new utility service laterals will be extended to the proposed home. 16. Provide notation on the plan as follows:
 - a. No Utilities shall be installed beneath the proposed driveways.
 - b. Any work required within the Town right-of-way shall be subject to any permitting from the Clifton Park Highway Department (driveway, culvert).
16. Provide information on the plans to indicate how potential sump pump laterals may be positioned which shall be in conformance with Section 86-7(A)(6) of the Town Code.
17. Prior to approval or filing of the subdivision plat with the Saratoga County Clerk, the appropriate 911 emergency response numbers must be obtained for and assigned to each lot created and placed on the filed plat.
18. Considering this plan is conceptual in nature, subsequent comments will be provided with a preliminary plan submission.

Public Comments:

No public comment.

Planning Board Review:

Mr. Neubauer stated that he feels the LC and R1 zoning needs to be clarified in regards to the Cooley Kill. Mr. Scavo stated that that buffer of 100 feet is from the high water mark on the banks of the stream and not from the center of the stream. Mr. Neubauer asked if the parcel was previously subdivided. Mr. Metzger stated it was back in 2012. Mr. Metzger forwarded a map to Mr. Scavo to verify this and Mr. Scavo showed the prior subdivision on the Zoom screen for all

in attendance to review. Mr. Scavo stated that this application complies with current zoning laws. Mr. Scavo stated that he will forward to all Board Members the prior subdivision map which includes the property to the east. Mr. Neubauer stated that it looks like a simple subdivision and he has no further comments.

Mr. Ferraro stated that he would like signage or fencing to mark the LC zoning buffer zone for the Cooley Kill.

Mr. Martin asked the applicant to try and preserve existing trees and to make sure runoff is minimized to the Cooley Kill as the project moves forward. Mr. Martin also suggested a silt fence to help buffer the stream.

Mr. Ferraro stated that most of his concerns were mentioned in staff comments and thanked the applicant for proposing a shared driveway to keep down on the disturbed areas as well as impervious surfaces. Mr. Ferraro asked Mr. Scavo about a trail easement along Carlton Road. Mr. Scavo stated that this is a pinch point as the bridge over the stream is narrow and would not allow for pedestrian access as well as the underpass for the railroad is also a one way with no room for a designated bike lane so there is no plan for a trail at this location. Mr. Ferraro asked for this to be confirmed with Ms. Viggiani. Mr. Ferraro asked for more details on the next submission so far as topography mapping as well as easements.

Discussion Items:

None

Ms. Bagramian moved, seconded by Mr. Ophardt, adjournment of the meeting at 7:37 p.m. The motion was unanimously carried.

The next meeting of the Planning Board will be held as scheduled on July 13th, 2021.

Respectfully submitted,

Paula Cooper

Paula Cooper, Secretary