

Town of Clifton Park Planning Board
One Town Hall Plaza
Clifton Park, New York 12065
(518) 371-6054 FAX (518)371-1136

PLANNING BOARD

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Emad Andarawis
Eric Ophardt
Heather Fariello
Andrew Neubauer
Denise Bagramian
Keith Martin
Jennyfer Gleason

Planning Board Minutes
May 10th, 2022

Those present at the May 10th, 2022 Planning Board meeting were:

Planning Board: E. Andarawis, D. Bagramian, H. Fariello, A. Neubauer, E. Ophardt, J. Gleason

Those absent were: K. Martin

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

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

Minutes Approval:

Mr. Neubauer moved, seconded by Ms. Bagramian, approval of the minutes of the April 26th, 2022 Planning Board meeting as written. The motion was unanimously carried.

Public Hearings:

None

Old Business:**2021-051 Chick-fil-A Site Plan**

Applicant proposes redevelopment of the Pier 1 retail store site to a quick-serve restaurant with a drive thru. The project includes demolition of existing building and redevelopment of the site to include A 5,000 sf restaurant, drive-thru, drive aisles, parking spaces, lighting, landscaping, utilities and stormwater management, 304 Clifton Park Center Rd, Zoned: TC-5 & TC-3, Status: PB Prelim Review - Poss. Determination SBL: 272.-1-41.1 To be reviewed by: MJE Consultant: Bohler Applicant: Chick-fil-A Last Seen on: 4-12-22

Consultant/Applicant Presentation:

Tim Freytag – Bohler Engineering – Mr. Freytag stated that this application is for 304 Clifton Park Center Road and the applicant is seeking a SEQR determination, site plan approval and Special Use Permit approval. He stated that last time he was before the board; the applications were tabled not voted on as board asked to see alternative layouts. Mr. Freytag stated that layouts were submitted about 2 weeks ago for the Board’s review. The alternative layouts do have traffic and safety concerns and that they provide affirmation that the layout previously presented is the safest and efficient. Mr. Freytag stated that the Board has received a letter from the Saratoga Chamber in support of the application. Mr. Freytag showed a layout of the building, highlighted on the left side of the site, and how the driveway leads the drive thru to the front of the building through pedestrian access. Mr. Freytag showed a second layout with the building parallel to Clifton Park Center Road. He stated this would likely cause stacking onto Clifton Park Center Road. He then showed another layout showing the building in the front of the site and leading traffic in the drive thru clockwise and having the passenger’s side of the cars facing the building. He stated the layout would have the employees crossing traffic or deliver food through the passenger’s side window. Mr. Freytag stated that the entrance cannot be moved as it is a shared entry with the 99. Mr. Freytag stated that they have enhanced landscaping on the originally submitted site plan along Clifton Park Center Road and have moved the pedestrian access as requested by the Board.

Mr. Andarawis asked how lanes 2 and 3 would be serviced in the drive thru. Mr. Freytag stated that they would have employees working outdoors, but if the temperature were under a threshold in the winter, those lanes would be closed for safety.

Staff Comments:

Steve Myers, Director of Building and Development issued a memo dated 5/2/22 stating:

- No further comments

Scott Reese, Stormwater Management Technician issued a memo dated 5/6/22 with the following comments:

1. I support MJ Engineering Stormwater related comments for this project, dated April 8, 2022.

The Environmental Conservation Commission held a meeting on 5/3/22 and issued a memo recommending:

1. The ECC is concerned with the potential increased congestion and limited accessibility of this proposed location makes this location for this business. Other more appropriate location are readily available in the Clifton Park area
2. The ECC recommends that any future signage for this establishment be consolidated with the existing sign for the Clifton Park Center Mall.

John Scavo, Director of Planning:

Mr. Scavo stated in the meeting that he has no additional comments

Professional Comments:

Walter Lippmann, P.E. of MJ Engineering in a letter dated 5/6/22 had the following comments:

1. Based upon our review of the above documents, MJ does not offer any additional comments. The applicant has acknowledged receipt of our previous comment letter dated April 8, 2022, which are technical in nature and will address all comments once the Planning Board provides direction in regards to the Town Center Code setbacks.

Public Comments:

Chris Randolph – Mr. Randolph asked if a pedestrian bridge could be built to allow for pedestrian crossing. Mr. Freytag stated that the current layout does not have pedestrians crossing the drive thru.

Ralph Reale – 12 Hiawatha Drive – Mr. Reale asked if there were ever a widening of Route 146 if this would make it more difficult to do so with the proposed development being so close to the rear of the site. He stated that he does not feel this is in line with Town Center Code and that this is not the place for this establishment as the applicant stated that this will bring patrons from the highway and it would not be bringing the community together.

Felicia Gosch – Ms. Gosch asked if there were any other locations that were looked at as an alternative. Mr. Freytag stated that he was not a part of the real-estate end of this application, but the landlord for this location was willing and able to accommodate. Mr. Ophardt stated that this is beneficial due to the site is already developed and the applicant is not taking more green space in the Town.

Planning Board Review:

Ms. Gleason stated that she supports the business and stated that she felt the applicant addressed concerns that were brought to them.

Ms. Bagramian stated that she is satisfied with seeing the rendition and appreciates the applicant fitting into form-based code as best it can and feels traffic can be managed. Mr. Freytag stated that there are 53 parking spots and the site can stack 47 cars as well. Ms. Bagramian stated that this would take up to 100 cars off the road and onto the site.

Mr. Ophardt stated that he liked that the applicant was diligent and came up with other models and circulation of traffic with safety in mind. Mr. Ophardt asked the applicant where they stood when it came to the outer curb in the parking lot. Mr. Freytag stated that the applicant is willing to do what the Board requires but feels that the cars in the lot would keep others from cutting through. Mr. Ophardt stated that he would leave this to the Town Staff to decide.

Mr. Neubauer stated that he feels that the best layout for the site is the proposed one and not the alternative layouts as they don't work for this site. However, this reinforces that the proposed drive-thru use doesn't work within the form-based code zoning for this site.

Mr. Andarawis stated that there are pros and cons to this application and site. He stated that he has concerns with the TC5 and the comprehensive plan. He stated that he feels the application does not fill this standard fully and he understands that other layouts do not work but questioned if this is the appropriate location for this project. He stated that this being a high vehicular use project against the intent of the TC5-neighborhood zone which intends to make the area more walkable. He stated that he supports the business but not at this location. Mr. Freytag stated that the site's current layout does not promote pedestrian access due to major roadways surrounding it, and this traffic would affect only 3 parcels there. He stated that the drive thru frontage is the only part of the plan that does not comply with code. Mr. Andarawis stated that the TC5 code

calls for buildings to be placed by the street and parking areas to be placed behind from the buildings screened from view to encourage walkability, and to him the other layouts confirm that this is not the ideal location for this application. He stated that the TC zoning and code is to help move the vision forward and not to continue with the preexisting conditions.

Mr. Ophardt stated that he feels that the applicant is trying to conform by making pedestrian access for this application and with the fencing; they are helping to screen the site while bringing the site into better compliance with the form-based code.

Ms. Bagramian stated that this would bring in other people from the Capital Region and this would also help other businesses while they go to this one as well. She stated that this would also create jobs within the Town and viability for the other businesses.

Ms. Fariello stated that she understands the traffic concerns brought up by others but if this starts to help people drive less then it will lead to less traffic. She stated that it is unfair to have the applicant meet the standards for the future as it is always uncertain. Mr. Neubauer stated that the applicant needs to meet today's code and not the future. Mr. Freytag stated that the applicant invests in the future and if the community changes he feels the applicant will as well. He stated that the applicant will invest in the site for the next 20-30 years and may invest in change thereafter, but those changes are currently unknown.

Mr. Ophardt stated that he liked the applicant's presentations and feels that pedestrian safety has been addressed, and hopes that neighbors will follow suit.

Ms. Bagramian moved, second by Ms. Fariello, to establish the Planning Board as Lead Agency for this application, an Unlisted action, and to issue a negative declaration pursuant to SEQRA.

The motion was unanimously carried.

Ms. Bagramian offered Resolution No. 04 of 2022, seconded by Mr. Neubauer to waive the final hearing for this application for the Chick-fil-A Special Use Permit, and to grant preliminary and final approval conditioned upon satisfaction of all comments, provided by the Planning Department, Town Designated Engineer, and all items listed in the final comment letter issued by the Planning Department.

Roll Call:

- D. Bagramian - Yes
- E. Andarawis - No
- E. Ophardt - Yes
- H. Fariello - Yes
- A. Neubauer - No

K. Martin – Absent

J. Gleason -- Yes

Ayes 4

Noes: 2

The resolution is carried

Ms. Fariello moved, second by Ms. Bagramian, to waive the final hearing for this application for the site plan review of Chick-fil-A, and to grant preliminary and final site plan approval conditioned upon satisfaction of all comments provided by the Planning Department, Town Designated Engineer, and all items listened in the final comment letter issued by the Planning Department.

Conditions:

1. Dimensional Waivers being requested by the applicant and cited on the site statistics table are approved by the Planning Board

Ayes: 4

Noes: 2

The motion is carried

Old Business:

2021-069 Boni Wooddale Drive 9 Lot Subdivision

Applicant proposes subdividing 28.6 acres into 9 lots with access from Wooddale Drive. The 9 lots will be for duplex units on a new Town road dead ending into a cul-de-sac. Serviced by CPWA and Saratoga County Sewer District via Wooddale Drive, Wood Dale Dr. Rear, Zoned: B-1, Status: PB Preliminary Review SBL: 259.-2-71
 To be reviewed by: MJE Consultant: ABD Applicant: KLB Enterprises
 Last Seen on: 3-8-21

Consultant/Applicant Presentation:

Luigi Palleschi – ABD – Mr. Palleschi stated that he is here with a conventional layout for the Board to review as well as a cluster layout and noted that there are some steep slope concerns brought up by the Board and Town Staff. Mr. Palleschi showed a map of the application

indicating some conventional layout instead of a cluster. He stated that the previous plan had retaining walls and that the new layout can keep the homes away from the steep slopes to avoid the walls. He stated that the new configuration has the west side on a 1 on 3 slopes and the proposed grading does not interfere as the homes would be closer to the road. He stated that the homes would be about 40' from the right of way. Mr. Palleschi stated that there are 6% slopes on the site and that they have pulled the proposed homes away from them and looked at a new Town road to access the homes. Mr. Palleschi stated that the proposed Town road is on the outside of the curve on Wood Dale Drive and the studies have been submitted that include site distances from Arbor View as well. He stated that the application meets all site distance requirements and that the applicant has received all town comments and feels they can be addressed.

Staff Comments:

Steve Myers, Director of Building and Development issued a memo dated 5/2/22 stating:

- Hydrants shall be a maximum of 400' apart. They are currently further apart.
- All foundation drains and sump lines appear to daylighting towards the rear of the properties.
- Dimensions from house to the top or bottom of slopes shall be shown on each lot.
- The ECC does not have approval authority, just recommendations to Planning and Zoning

Scott Reese, Stormwater Management Technician issued a memo dated 5/6/22 with the following comments:

1. With the Stormwater Management Basin being proposed adjacent to the wetlands, provide test pit information indicating the seasonal high-water table.
2. Slope stabilization, open drainage channel stabilization will need to be designed with the appropriate level of erosion and sediment control measures.
3. Show on the plans the information (size, type, condition) of the existing drainage structure (culvert) that collects the stream under the Adirondack Northway (South
4. The stream that runs along the eastern portion of the site is a Class C – Trout Spawning Stream according to NYSDEC Environmental Resource Mapper. Protection of this stream during construction will be essential.
5. The proposed footing drains for Lots 13-18 should be connected to the catch basins located in the road. With the outlets going out in the rear yard pose future drainage issues with the adjacent downhill neighbors.
6. The plans General Notes and Erosion and Sediment Control Notes rely heavily on the contractor to provide proper grading and erosion and sediment control of the site. Since this site has major earth disturbance and environmental sensitive areas, it would be best if the engineered plans were in more detail for the contractor to follow. When the plans progress to preliminary stage, more detail in the construction sequence will be required.
7. Future plans should address how the water quality volume will be treated from Lots 1-10 prior to runoff entering into the federal wetlands.

The Environmental Conservation Commission held a meeting on 5/3/22 and issued a memo recommending:

1. The ECC notes that a DRAFT EAF that included this site was conducted in 2010. The ECC recommends that the DRAFT EAF be revived and reviewed to incorporate the impacts of this design on this difficult environment. Particular attention should be taken to the access road from this project to Wood Dale Drive, traffic impacts, and the significant grading which is necessary to construct this project.
2. The ECC recommends the applicant develop a comprehensive plan to stabilize the disturbed slopes. Special attention should be given to minimize sloughing of the steep slopes.
3. The development of this site will not only fundamentally change the natural character of the neighborhood, but also the existing character of the local residents and all those on Wood Dale Drive particularly to the south. The proposed access road to this development given its location is an impediment to safe traffic flow on Wood Dale Drive (e.g., site distance and crowded intersections). The project has impacts far beyond the proposed site, particularly the residents along the entire length of Wood Dale Drive.
4. The ECC notes that the applicant has not provided information as to the depth of the water table on the western side of the proposed roadway. Given the steep slopes and permeable soils present in this vicinity it is imperative to provide this information in order to determine the susceptibility of the area to structural integrity (e.g. land slide)
5. Independent verification of the site distance and other pressing factors on this complex intersection need to be provided to the Planning Board due to the road geometry of Wood Dale Drive
6. The ECC recommends based upon the complexity of the proposed plan and detailed comments by the town engineer Walter Lippmann the Planning Board authorize an independent study that explores the physical characteristics and emphasizes slopes and soils of the site. In addition, a study of the proposed road emphasizing legally permitted slopes and intersection with Wood Dale Drive, sight distances, and the influence of Arbor View Drive with the proposed intersection. Completion of this overall study should be part of the SEQR process before is deemed completed

The Town of Clifton Park Sewer Department submitted the following comments from a letter dated 5/4/22:

- Project lies within the Clifton Park Sewer District #1. Project will require exterior grinder pumps.
- Town will need documents from Applicants engineer regarding flows and design provide to the Clifton Park Sewer Department to determine if the existing pump station and system has capacity for this project.
- Since this project is within the Clifton Park Sewer District #1, \$1,000 hook up fee per connection (\$9000 total currently) shall be paid prior to any work or connection involving a Town sewer main.
- Grinder Pumps are required to be exterior. And placed within fifteen feet of the driveway per Town sewer use law.

- A SCSD#1 grinder pump permit will be required for each connection.

John Scavo, Director of Planning:

Mr. Scavo stated in the meeting that he has no new comments. He stated that the applicant is here tonight for feedback on a cluster vs. conventional subdivision so that he can go to the Town Board for the possible road adoption.

Professional Comments:

**Walter Lippmann, P.E. of MJ Engineering in a letter dated had the following comments:
LONG ENVIRONMENTAL ASSESSMENT FORM**

1. No further comments at this time.

SITE PLANS

2. It appears the latest cluster subdivision is still proposing 9 residential duplex buildings totaling 18 units, however the building has been adjusted.
3. Provide a subdivision plat that shows the entire tax map parcel.
4. Provide metes and bounds for all parcel boundaries and right of ways.
5. Identify the date and by whom the wetlands shown on the plat were delineated. The applicant has indicated the delineation will be updated as plans progress.
6. The applicant shall provide the Town documentation of the CPWA's ability and willingness to service the project with potable water.
7. The extension of public water mains to the project is subject to NYSDOH plan approval and potentially the NYSDEC for the taking of additional water. As part of the project's regulatory review, the applicant will have to apply for the referenced plan approvals. Any action on the subdivision application should be conditioned upon receipt of plan approval from the NYSDOH and/or NYSDEC for the additional taking of water.
8. The applicant shall provide the Town documentation from SCSD#1 ability and willingness to service the project with sanitary sewer.
9. The extension of public sewer mains to the project is subject to NYSDEC plan approval. As part of the project's regulatory review, the applicant will have to apply for the referenced plan approvals. Any action on the subdivision application should be conditioned upon receipt of plan approval from the NYSDEC.
10. Provide the locations of the individual water services and sewer laterals to each unit.
11. Verify the locations of the proposed grinder pump units, adjust as necessary.
12. A full SWPPP will be required that addressed water quantity and quality controls. As the project proceeds through the Town's regulatory review process, a fully conforming SWPPP shall be provided for review.
13. In-situ soil testing should be performed to confirm the seasonal high groundwater.
14. The proposed road design/layout should be reviewed by the Town Highway Department as it is proposed to dedicate it to the Town upon completion.
15. Provide typical road section detail meeting the requirements of the Town Code.

16. It appears the drainage along the backs of Lots 13 through 18 is directing and trapping runoff behind Lots 13 and 14 at the 230 contour, revise as necessary to provide positive drainage.
17. Provide wetland protection fence along wetland limits in addition to the proposed silt fence.
18. Provide notation on the plat indicating the presences of regulated Waters of the U.S. being located on Lots 6, 7, 8, 9, 10,11 and 12 and that any disturbance to these wetlands is subject to the review and approval by the U.S. Army Corps of Engineers. The future landowner shall be responsible for applying for and obtaining any permits for temporary or permanent disturbances of these regulated waters.

SITE DISTANCE ANALYSIS

19. The report states that the estimated speeds were 35 mph. The report should include the methodology on how this speed was estimated.
20. The report only discusses the shortest sight distance measured and the comparison to AASHTO stopping sight distance. The discussion should include all intersection sight distance cases that apply to this roadway in addition to stopping sight distances for vehicles approaching from both directions on Wood Dale Drive. Intersection sight distance cases B1, B2, and F from AASHTO should be included as well as a comparison to sight measured distances for all cases. If any of the AASHTO distances are not available given the distances measured, explanation of what is required to achieve those distances or other mitigation shall be included and how the developer plans implement the mitigation. Photos of the site would be useful to include in the report as well to demonstrate the sight distances from the proposed road and identify any limiting factors.

Public Comments:

Chris Randolph – 62 Wood Dale Drive – Mr. Randolph stated that he can sit in his driveway and not see Ushers Road. He asked what happens when grinder pumps for the sewer break or has power failure as he is afraid it will back up into the wetlands. Mr. Scavo stated that the pumps are owner maintained. Mr. Randolph asked about fire access on the new road. Mr. Ophardt stated that an access study has been done. Mr. Palleschi stated that there is a max of 10% for grading for a fire truck and that they are compliant for that as well as turnarounds.

Jonathan Holton – Hidden Valley Drive – Mr. Holton stated that the turn on Wood Dale is a blind one and you cannot see around or over it. He stated that he is concerned with traffic and safety and feels this would be a dangerous intersection being created. He stated that school buses stop along this road as well. Mr. Palleschi stated that the roadway meets all AASHTO (American Association of State Highway and Transportation Officials) standards in all directions and even though the road is posted at 30 mph, the standards at 40 mph were all still met.

Felicia Gotsh – Sweet Brier – Ms. Gotsh stated that people go 50 mph or over down Wood Dale and they also blow through the stop sign at the intersection. She stated that she feels the angle and sight distance are very short. She asked if the road was wide enough for cars to safely park

on the side of the road. Mr. Palleschi stated that the road is proposed to be built to Town standards and is no different from Wood Dale Drive. He stated that the homes are set more forward but they can be moved a few feet to accommodate parked cars. Mr. Palleschi stated that he has a letter from the Highway Superintendent also. Mr. Ophardt stated that if the road did not meet AASHTO standards it would not be allowed.

Diane Goldsmith – Arbor View – Ms. Goldsmith stated that she supports Ms. Gotsh’s comments and feels that standards are different from real life. Mr. Palleschi stated that the proposed road is on the outside of the curb which is better than the inside like Arbor View is. Ms. Goldsmith stated that when she comes out of Arbor View she has to hope that no oncoming cars are coming from beyond the hill as it is the hill and not trees or bushes that limit the site distance.

Matt Rulley – 141 Wood Dale Drive – Mr. Rulley asked if the new plan eliminates the retaining wall by moving the homes away from the slope. Mr. Palleschi stated it does and the homes are now 25’ away from the toe of the steep slopes and drainage from them are present as well. Mr. Rulley asked if a boring test was done. Mr. Palleschi stated one was done when it was a PDD but not now. He stated that further testing for separation of groundwater will be done and they will be required to meet requirements.

Eric Kohler – Vistas West – Mr. Kohler stated that this type of housing would not add kids to the school district but rather older couples. He stated that new builds in Clifton Park are averaging \$585,000 and this is a more affordable option for people.

John Mildren – Mr. Mildren asked if the dark green indicated undeveloped areas on the map. Mr. Palleschi stated it was and the light green would be the disturbed areas. Mr. Mildren asked if there would be grinder pumps in the homes. Mr. Palleschi stated that there would 2 per building; one for each townhome. Mr. Mildren asked if grinder pumps could be connected in case one fails. Mr. Palleschi stated they could not each home needed their own, and they could not interconnect.

Planning Board Review:

Mr. Andarawis asked if it was possible to run the sight distance from Arbor View as it may be a good comparison. Mr. Palleschi stated that it was already done and it is in the proposal. Mr. Andarawis stated that he likes the cluster over the conventional to help protect the slopes and would like to see the houses pulled as close to the road as possible. Mr. Palleschi stated that they will consider moving the homes closer but would like to leave room for cars to park in the driveway.

Mr. Ophardt asked what the Vistas West setback is. Mr. Kohler stated it is about 51’. Mr. Ophardt stated he has been through there and feels that this setback is comfortable enough. Mr. Ophardt stated that there would be no cutting on the slopes and the wetlands and the applicant

has met the requirement to move the pond out of the LC zone. He stated that they demonstrated they can meet the standards and that moving the homes closer to the road is a benefit. He stated that he would refer them to the Town Board.

Mr. Neubauer asked what the setback for this proposal is. Mr. Palleschi stated that it is 40' from the right of way to the front of the garage and 12' to the edge of the road line. Mr. Neubauer stated that the cluster development lends itself to maximizing rear buffers and thereby decreases the impact to surrounding existing development, so the homes may want to be closer to the road than the 40' now proposed. He stated that he still has concerns with the grading impacts of the development, but the further away the applicant can keep from the slopes would keep them more viable. Mr. Palleschi stated that he can vary setbacks close to 25' and others 30'. Mr. Scavo stated that a 50% decrease is allowable by the Planning Board so the applicant can go down to 25'. Mr. Neubauer stated that there are swales mentioned for lots 14 and 15 and asked how the applicant plans to manage this. Mr. Palleschi stated that the water would run towards the road and under the Town access and they would provide easements for this. Mr. Ophardt stated he would like to see confirmation of this by the Highway Department.

Mr. Boni – owner – asked why he has to go to the Town Board to get approval for this. Mr. Scavo stated that the courts determined that only the Town can build a road over the private property where it is proposed so the Town needs to accept an offer of cession for the roadway, which the Town Board is the only entity authorized to do so.

New Business:

2022-008 292/294 Riverview Road 5 Lot Subdivision (Sciocchetti)

Applicant proposes subdividing two parcels into 5 residential lots. Project also includes parcel 288.-1-113. Each lot will be serviced with private well and sewer systems, 292 Riverview Rd, Zoned: CR, Status: PB Concept Review SBL: 288.-1-51.12
 To be reviewed by: MJE Consultant: Insite Northeast Eng.
 Applicant: A. Sciocchetti

Consultant/Applicant Presentation:

Mark Jacobson – Insite Northeast Engineering – Mr. Jacobson stated that this application is for a subdivision for a 2 lot and a 3 lot subdivision. He stated everything meets code and minimum lot sizes. Mr. Jacobson stated that the applicant lives on the property with his brother and father on

either side and would like to subdivide his land for his family. Mr. Jacobson stated that there are wetlands to the rear and the east of the property but they would not be disturbing them. He stated that they are here tonight for feedback from the Board regarding this subdivision.

Staff Comments:

Steve Myers, Director of Building and Development issued a memo dated 5/2/22 stating:

- No further comments

Scott Reese, Stormwater Management Technician issued a memo dated 5/6/22 with the following comments:

1. When plans progress, an erosion and sediment control plan will be required. Once the applicant knows the area of total soil disturbance will determine if a Basic or Full SWPPP is required.

The Environmental Conservation Commission held a meeting on 5/3/22 and issued a memo recommending:

1. The limits of (the LC Zone and 100-foot buffer zone, DEC Wetlands, Federal Jurisdictional Wetlands) shall be identified on the plot plan.
2. The applicant shall provide the calculations for constrained and unconstrained land on the project. All proposed lots do not appear to meet the three acres of unconstrained land as required by CR Zoning. In addition, the applicant shall indicate what lands will be preserved in perpetuity and whether the preservation will be deeded private or public.
3. The driveway access to Lots 2 & 3 are not fully delineated on the plans. There is a gap between the cul-de-sac and the driveways

John Scavo, Director of Planning issued a letter dated 3/30/22 with recommendations he made:

1. The project appears to be an unlisted action pursuant to SEQR, and as such, a coordinated review is optional.
2. Test pit and percolation test pit results should be provided for the new lots to verify the parcels are acceptable for individual septic systems. Test pits should be done per the standards noted by the NYS DOH, Individual Residential Wastewater Treatment Systems Design Handbook.
3. A note should be added to the plan that no additional curb cuts are to be granted along Riverview Road for the subdivision serviced by an existing private roadway.
4. Add the following notes to the preliminary plan set:
 - a. “Identified Freshwater Wetlands are protected and regulated under federal law (Section 404 of the Clean Waters Act) by the U.S. Army Corps of Engineers and NYS DEC. Before undertaking any project within or adjacent to the wetlands, contact the DEC Region 5 Office at (518) 623-1282 and the US Army Corps of Engineers at 518-266-6350 to obtain required permits.

- b. This subdivision is located in an area where aviation activity occurs. Such activity may include but is not limited to periodic noise, vibration, hours of operation, and other associated activities. A study describing this impact in detail is available for inspection in the offices of the Albany International Airport.
 - c. Clifton Park is a Right to Farm Community. Residents should be aware that farmers have the right to undertake farm practices that may generate dust, odor, noise, smoke, and vibration associated with farming practices.
 - d. STANDARD NOTE FOR KEYHOLE LOT SUBDIVISION:
The final location and orientation of each house are subject to the approval of the Director of Building and Development at the time the building permit is issued. Foundation location surveys (plot plans) are to be provided and approved prior to proceeding with framing in order to ensure compliance with the original approval.
 - e. STANDARD NOTE FOR ADDRESS IDENTIFICATION FOR KEYHOLE LOTS:
The street number of a dwelling situated on a keyhole lot shall be permanently and conspicuously displayed on a sign, with lettering no less than 3 inches nor greater than 8 inches in height, and placed no more than 25 feet from the road pavement. The sign shall be displayed for both directions of travel and be reflective. Identification markers must also be placed at any location where a common drive splits.
5. Since two existing lots are being proposed to be reconfigured, the applicable parkland mitigation fee is based on three new residential dwelling lots.

Professional Comments:

Walter Lippmann, P.E. of MJ Engineering in a letter dated 4/8/22 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: Plan approval
 - b. Saratoga County Planning: Plan approval
 - c. Clifton Park Water Authority (CPWA): Connection to municipal water
 - d. Saratoga County Sewer District #1: Connection to public wastewater infrastructure
 - e. NY State Historic Preservation Office: Archeologically sensitive resources on project site

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), however a Full EAF should be submitted for review. 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. The applicant should provide a correspondence letter from SHPO to confirm the presence or absence of archeologically sensitive resources.
3. Part I.13 – 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 1.15 - The response indicates that the project site may contain species of animals or associated habitats, listed by the State or Federal government as threatened or endangered, including the Bald Eagle. The applicant will need to provide correspondence from the Permits staff at the NYSDEC Region 5 Office to confirm the presence or absence of the listed species and for any permit considerations. The applicant should also provide correspondence from the NY Natural Heritage Program to confirm the presence or absence of rare plants or animals and significant natural communities as well as the US Fish and Wildlife Service IPaC database.
5. No further comments at this time.

SITE PLANS

6. The project is located within the Town's Conservation Residential District (CR). The proposal for single family homes is a permitted principal use within the CR District as noted in Section 208-16(D)(1)(b) of the Town's Zoning.
7. A review of the proposed lot configuration appears to meet the minimum requirements of Section 208-16(E), 5 through 12 of the Town's Zoning.
8. Add the following into the site statistics table:
 - a. Constrained and Unconstrained Land
 - b. Permanent Open Space
 - c. Density Calculation
 - d. Minimum width of lot at front building line is 80 feet in the CR District
 - e. Keyhole lots all setbacks whether front, side or back shall be minimum of 50 feet main building
9. Provide contour lines at a minimum of two-foot intervals to United State Geological Survey datum within the parcel. This will provide the necessary information to determine if the wells and on-site septic system have the proper horizontal separations per NYSDOH Appendix 75A.
10. The project proposes a main shared drive. The applicant shall provide a draft maintenance agreement for review by the Planning Board's legal counsel.
11. It appears several driveways cross over onto neighboring lots and will also be shared. The applicant shall provide a draft maintenance agreement for review by the Planning Board's legal counsel.

12. The proposed shared driveway shall comply with the IRC and New York Supplement. Details or description of the proposed drive materials of construction shall be provided, confirming it will can support the load of the responding emergency vehicles.
13. Indicate whether any permanent or protected open space is proposed with the project. If proposed, the method of protection in perpetuity needs to be provided.
14. It appears the proposed driveway to Lot 3 is up against the neighboring garage.
15. On-site septic systems are proposed. Subsequent submissions shall include the percolation and test pit results.
16. The applicant proposes to service the lots with an on-site septic systems. The proposed septic systems shall be designed by a New York State licensed professional engineer and conform to the requirements of the New York State Department of Health (Section 208-91) for review and approval by the Town Building Department
17. All lot grading shall be such that drainage is directed away from the homes and towards lot lines and ultimately to an approved drainage course as required by Section 86-7(A)(5) of the Town Code. In order to demonstrate conformance to the stated regulations, an overall project grading plan must be developed for review.
18. Verify location of proposed septic system including the 50% expansion area. Confirm it meets the setbacks required of Appendix 75-A of the State Sanitary Code.
19. Identify the date and by whom the wetlands shown on the plat were delineated.
20. The Short Environmental Assessment Form does not provide the limits of disturbance. Provide limits of disturbance on the plans. Any disturbance between 1 and 5 acres will require the preparation of a Basic Stormwater Pollution Prevention Plan (SWPPP) and a Full SWPPP for anything over 5 acres pursuant to Part III.B of the general permit.
21. Any new access proposed onto Riverview Road is subject to the review, approval and permitting from the Town of Clifton Park Highway Department. Provide notation on the plat to that effect.
22. The Town's Chief Zoning Officer has determined Lots 1-4 are Keyhole lots. Pursuant to Section 208-86 of the Town's Zoning, keyhole lots may be permitted by the Planning Board only in Residential Districts R-1 and R-3 and only in rare instances when required due to unusual conditions of the area.
23. All driveways to keyhole lots shall be constructed and maintained at a minimum of 16 feet wide and to meet the standards contained in Chapter 73 of the Code of the Town of Clifton Park
24. To ensure privacy for adjacent lot to the east, a landscaped buffer shall be planted on the keyhole lot wherever deemed necessary by the Planning Board.
25. Appropriate signage must be provided as indicated in the following note which will be placed on the final plat of any subdivision containing a keyhole lot: "STANDARD NOTE FOR ADDRESS IDENTIFICATION. The street number of a dwelling situated on a keyhole lot shall be permanently and conspicuously displayed on a sign, with lettering no less than 3 inches nor greater than 8 inches in height, and placed no more than 25 feet from the road pavement. The sign shall be displayed for both directions of travel and be reflective. Identification markers must also be placed at any location where a common drive splits."
26. 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.

27. 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).
28. 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.
29. Considering this plan is conceptual in nature, subsequent comments will be provided with a preliminary plan submission.

Public Comments:

Anthony LaFleche – 21 Wheeler Drive – Mr. LaFleche asked if existing homes are on the property or if this is just a concept. Mr. Jacobson stated that there is one existing home on the property and it is the applicants. He stated that there is a garage that is existing as well and the rest is conceptual. Mr. LaFleche asked if there is an easement for a bike path or if one could be given. Mr. Scavo stated that it would be a 15' easement. Mr. Jacobson stated he does not believe the applicant would have a problem granting an easement for a possible path. Mr. LaFleche asked if there were ponds on the site. Mr. Jacobson stated there are ponds both on and off-site that are depicted on the map shown.

Planning Board Review:

Mr. Andarawis asked what the zoning was on the lot. Mr. Scavo stated that all of it is in the CR zone. Mr. Scavo stated that there is foot traffic to the rear of the property due to there being a lock there from the Erie Canal and asked if the applicant would agree to no further subdivision. Mr. Jacobson stated they would. Mr. Andarawis asked if the wetlands have been delineated. Mr. Jacobson stated that they have been and a buffer has been provided. He stated that there are 28 acres total and 3-4 wetlands. Mr. Scavo stated that 15 acres are unconstrained. Mr. Scavo stated that the applicant could permanently deed restrict the front of the land to help with the view shed. Mr. Andarawis asked how narrow the flag portion of the proposal is. Mr. Jacobson stated about 40'.

Ms. Bagramian stated that she is struggling with the number of keyhole lots in this proposal. Mr. Jacobson stated that the land is long and narrow and that one parcel would be subdivided into 2 lots and the other would be 3 lots. He stated that they could do a road but it wouldn't make sense. She stated that she does not see anything that would justify an approval for a keyhole. Mr. Jacobson stated that the applicant would just like to subdivide the land to have a family compound.

Mr. Neubauer cited zoning code that keyhole lots are only permitted with Planning Board approval with limited special circumstances. He stated that this is for rare or unusual conditions.

Mr. Jacobson stated that he hopes it makes sense to the Town and they can work together on this. He stated that they can put in a road, but more than 5 acres would be disturbed. Mr. Neubauer stated that he is concerned with precedent-setting for keyhole lots in the Town and he does not want to see this open up more of them.

Ms. Fariello stated that she would rather see a road than a keyhole.

Mr. Andarawis stated that he would like to see both presented with tables and disturbance to help back up what the applicant is presenting. Ms. Bagramian agrees with the comment. Mr. Andarawis stated that he does not want a road but showing this layout may help the current layout. Mr. Jacobson stated they can look at a road option but does not feel it is beneficial to the land or the Town.

Mr. Ophardt stated there are benefits to Clifton Park having these keyhole lots and this could be to have possible access to the locks to the rear. Mr. Scavo stated that the rear portions of the land are wetlands and he would hate to disturb them. Mr. Ophardt stated then it may not meet keyhole requirements.

Discussion Items:

None

Ms. Fariello moved, seconded by Mr. Andarawis, adjournment of the meeting at 9:18 p.m. The motion was unanimously carried.

The next meeting of the Planning Board will be held as scheduled on Wednesday May 25th, 2022.

Respectfully submitted,

Paula Cooper

Paula Cooper, Secretary