

Town of Clifton Park

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PLANNING BOARD

ROCCO FERRARO
Chairman

ANTHONY MORELLI
Attorney

MEG SPRINGLI
Secretary



MEMBERS

Emad Andarawis
Denise Bagramian
Jeffery Jones
Andy Neubauer
Eric Ophardt
Greg Szczeny
(alternate) Teresa La Salle

Planning Board Minutes March 27, 2018

Those present at the March 27, 2018 Planning Board Meeting were:

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

Those also present were: J. Scavo, Director of Planning
A. Morelli, Counsel
M. Springli, Secretary
J. Bianchi, Town Designated Engineer
R. Casper, Trails SubCommittee

Absent: None

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

I. Minutes Approval - February 27, 2018

Mr. Ophardt moved, seconded by Mr. Neubauer, to approve the minutes of the meeting on February 27, 2018 as written.

Ayes: All Noes: None. Abstained: None Motion carried.

Mr. Ferraro noted that the applicant for the Pogoda Grooms Road project required public hearings for both the subdivision and the special use permit, and that at the agreement of the Planning Board, the public hearings would be heard simultaneously as one, but separate decisions would be considered. The Board members concurred.

II. Public Hearings

2018-005 Pogoda Grooms Rd 2 Lot Subdivision

and

2018-006 Pogoda Duplex Special Use Permit

The applicant proposes to subdivide 2.61+/- into 2 lots. Lot 532A will be 1.32+/- acres and Lot 532 B will be 1.29+/- acres. Both are for construction of duplexes which require a Special Use Permit to be granted by the Planning Board. Each lot will have its own public utility connections and both lots will share one curb cut to Grooms Road. An area variance for each lot was granted on January 2, 2018, 532 Grooms Rd, Zoned: R-3, Status: PB Preliminary Review w/possible determination.

SBL: 277.-3-96

Mr. Jones moved, seconded by Mr. Ophardt, to establish the Planning Board as Lead Agency for this subdivision application, an unlisted action, and to issue a negative declaration pursuant to SEQRA. All in favor, none opposed. The motion was unanimously carried.

Ms. Bagramian moved, seconded by Mr. Neubauer, to establish the Planning Board as Lead Agency for this Special Use Permit application, an unlisted action, and to issue a negative declaration pursuant to SEQRA. All in favor, none opposed. The motion was unanimously carried.

The secretary read the two public hearing notices as they were published in The Daily Gazette on March 14, 2018.

Duane Rabideau, with VanGuilder and Associates, presented the applications for a 2-lot subdivision, and Special Use Permit to allow construction of a two-family residence on each lot, resulting in four dwelling units. Mr. Rabideau stated that the architectural design of the street facing elevations would have more residential looking facades than the prior submission per the recommendations from Planning Board members. The consultant also noted that a 15' easement was added to the plan for a possible future trail and a single curb cut for the driveway.

Staff Comment

Scott Reese, Stormwater issued a memo dated 3/22/2018

- The proposed disturbance line is tight along the proposed grading and does not appear to provide for a standard lawn.

MJ Engineering

J. Bianchi issued a letter on 3/23/2018

- As noted in Comment 6 of our February 9, 2018 review, it is recommended that the Town be furnished with documentation that the CPWA is willing and capable of providing potable water to the project. This may be provided either prior to or as a condition of any approvals that may be offered.
- As noted in Comment 7 of our February 9, 2018 review, it was recommended that the Town be furnished with documentation of the SCSD's ability and willingness to service the project with public sewer. This may be provided either prior to or as a condition of any approvals that may be offered.
- As noted in Comment 8 of our February 9, 2018 review, it is recommended that the maintenance agreement language be provided to the Planning Board's legal counsel for review prior to filing. In response to Comment 9 of our February 9, 2018 review, a 12" culvert is shown at the proposed drive. Confirm with the Saratoga County Dept of Public Works that the size, location and materials of construction are appropriate. This may be provided either prior to or as a condition of any approvals that may be offered.

J. Scavo issued a review letter dated 3/16/2018

- Per my prior comment letter, a notation should be added to the Subdivision Plan which states, “The proposed ingress-egress easement shown hereon as a common driveway shall be used in common by the owners of lot(s) numbered 532A & 532B. All such easements shall be in effect and binding upon the owners of said lots, their heirs, successors, and assigns and all future owners of said lots, their heirs, successors, and assigns, upon filing of this subdivision plat in the Office of the Saratoga County Clerk.”
- A letter has been received from the Saratoga Co. Planning Board noting the project will have no significant county-wide or inter-community impact.

Public Hearing

No one wished to speak.

There being no public comment, Mr. Szczesny moved, seconded by Mr. Jones, to close the public hearing at 7:15p.m. The motion was unanimously carried.

Planning Board Review

Mr. Neubauer noted that he felt that the architectural renderings provided with this submittal was more appealing than the first proposal. Discussion ensued and several of the Board members expressed that they felt the applicant could have the discretion of whether the units would be identical on the street view or not, adding that they felt that this was a significant upgrade from the prior presentation.

Mr. Ferraro noted that a variance was granted by the ZBA for the width of the lots and that the applicant was now adding duplexes through a special use permit and he noted that he was concerned with precedence being set with the increased density in this area and a possible change in character. Mr. Szczesny asked members to revisit the concerns that the Planning Board had regarding the earlier submittal. Mr. Ferraro noted that there was no consensus but that board members expressed that they were concerned with the appearance of the units. Ms. Bagramian added that board members were questioning whether there were other duplexes in the area, and how this might change the character. Mr. Ferraro noted that he was surprised how many duplexes were actually in the vicinity to the west of Moe Road when he drove by because he felt that they were not obvious. Mr. Jones questioned whether the Planning Board had to consider precedence and stated that he felt that they were compelled to review each project on its own merits. Mr. Morelli concurred. Other board members appeared to agree. The Chairman stated he would be more comfortable with one lot with a duplex than 2 lots each with a duplex. Mr. Neubauer stated that since the ZBA had granted the area variance for the lot width, he considered that as a given situation and did not therefore have a problem.

Mr. Jones then noted that while the Planning Board reviewed each project on its own merits, that he felt that there needed to be some revision and clarification of the Code regarding duplexes or that the Planning Board would have discussion each time there is an application. Discussion ensued regarding the type of review required with a special use permit.

Mr. Jones moved, seconded by Ms. Bagramian, to make a formal request to the Town Board to critically examine Special Use Permits associated with 2-family structures and in-law apartments as part of Town Code.

Next, Board members expressed that they felt comfortable with the application as proposed, and that they felt it might be the best appropriate use of this location.

Warren Nelson, resident of 2 Stratford Court, remarked that he felt that the usable rear yard space was quite reduced due to the extensive wetlands.

Mr. Jones offered Resolution #4 of 2018, seconded by Mr. Ophardt, to waive the final hearing for this application for the 2-lot subdivision of Pogoda Associates, and to grant preliminary and final subdivision 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.

Roll call:

Ayes: D. Bagramian, E. Andarawis, A. Neubauer, J. Jones, G. Szczesny, E. Ophardt

Noes: R. Ferraro

The resolution passed.

Mr. Neubauer offered Resolution #5 of 2018, seconded by Mr. Szczesny, to waive the final hearing for this application and to grant preliminary and final approval of the special use permit, conditioned upon satisfaction of the comments offered by the Planning Board, Planning Department, and Town Designated Engineer prior to the stamping of the Special Use Permit.

Conditions/Comments: Recommend that the facades on Grooms Road be so that the eastern most unit have the one-story front view facing Grooms Road, and the western unit have the two-story elevation facing Grooms Road.

Roll Call

Ayes: D. Bagramian, E. Andarawis, A. Neubauer, J. Jones, G. Szczesny, E. Ophardt, R. Ferraro

Noes: none

The resolution passed.

Mr. Ophardt moved, seconded by Ms. Bagramian to waive the final hearing for this application for the site plan review of Pogoda Associates, 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: Split rail fencing to be installed with signage delineating the wetlands, and a shared driveway maintenance agreement should be included in the deed.

Ayes: All. Noes: none. The motion was unanimously carried.

III. Old Business - none

IV. New Business

2018-017 Prestige Motors Subdivision

Applicant proposes a subdivision of each building onto its own lot with common access and and maintenance for access parking, utilities and stormwater management, 1926/1928 Rt 9, Zoned: L 2, Status: PB Concept Review

SBL: 259.-2-108

Luigi Palleschi, with ABD Engineers, on behalf of Prestige Commerce, LLC. Described the application as a commercial 2- lot subdivision on Route 9 for an existing site plan with two buildings on one parcel and shared parking.

Staff Comment

ECC issued a memo dated 3/20/2018

- The ECC has concerns the applicant has not completed the storm water plan as previously approved. This proposed subdivision has distinct environmental impacts on the Dwaas Kill, being a Class A Trout stream and currently listed on the NYS Registry of Impaired Waterways. This unique classification is due in large part to siltation into the stream.
- In evaluating this application, the Zoning Board is required to weigh the benefits of the variants against any detriment to the health, safety and welfare of the neighborhood or community by such sanction. Because the storm water management has not been completed, the existing conditions are a potential detriment to the Dwaas Kill and the Town of Clifton Park. Therefore, no other approvals or modifications to this parcel should be considered until the stormwater management plan is fully implemented and construction has been completed on the retention basin.

S. Myers

- Property is zoned LI-2
- New property line will result in a variance required for the 25' buffer and parking setback (208-65 E(2)) required. Original lot appears to meet all other zoning requirements. Subdivision appears to meet all zoning requirements except as noted above.

Scott Reese, Stormwater

- Will Prestige Commerce Center LLC continue to be the entity responsible for the longterm Operation and Maintenance (O&M) of all the stormwater management features for the two commercial lots? If not an O&M agreement must be completed between the two owners and the town.

J. Scavo

- Since the project is adjacent U.S. Route 9, a referral to the Saratoga Co. Planning Board has been made in accordance with GML §239(m)&(n).
- Add a note to the plan indicating the variance identification number, date approved, details, and conditions of the variance granted by the Zoning Board of Appeals.
- Add a note to the plan that states, "This subdivision is bound by all covenants, restrictions, and conditions of prior site plan approvals for this location that include Planning Board Projects #2013-014 & #2016-029."
- Per the photo below, a 5' light pole appears to be illuminating a free-standing sign at the Route 9 ROW. The lighting should be angled down with cutoff shielding to avoid glare for drivers on Route 9.



MJ Engineering

- 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:
 - Saratoga County Planning Board: 239m referral due to the parcel being within 500 feet of U.S. Route 9.
- The project resides within the Town’s LI-2, Light Industrial District. Since the application does not include additional uses beyond what has been previously approved, it has not been reviewed against the requirements of Section 208-64(B) of Town Zoning.
- Based upon the proposed lot configurations and Section 208-65 of the Town’s Zoning, the following bulk lot deficiencies appear to exist:
 - Section 208-65(E)(1) indicated that no parking or maneuvering area shall be allowed in the front yard. It is believed that the parking lot configuration shown may have been granted relief.
- Any existing or proposed easements associated with access or utilities or maintenance agreements specific to parking or utilities shall incorporate, benefit and assign responsibility to the applicable newly created lots 911 emergency response addresses need to be obtained from the Town and included on the filed subdivision plat.

Roy Casper, Trails Subcommittee

- Proposed subdivision should identify the internal pedestrian facilities on the site plan.
- The 2 Story Automotive Service Building and the Addition Under Construction (3,867 SF) appear to have sidewalks alongside the building entranceways – sidewalks should be identified on the site plan.

Mr. Palleschi responded that the approved site plan from 2016 did show the sidewalk details and that this application included the minimum requirements for subdivision review. He then explained that Mr. Casper could review the site plan if he needed to see those details.

Public Comment

Anthony Lafleche, 21 Wheeler Drive, asked about drainage along Route 9. Mr. Palleschi stated that there was a drainage culvert but he did not have the exact details, which can be seen on the site plan. Mr. Lafleche asked about potential for a future trail along Route 9.

Raymond Seymour, 7 Nadler Road, asked about an agreement for maintenance of the common areas such as parking. Mr. Palleschi explained that there would be a cross access easement and a common maintenance agreement and Mr. Ferraro noted that this was a common practice with commercial subdivisions particularly relative to stormwater and shared parking lots, which would be reviewed by the Town.

Frank Berlin, 980 Main Street, questioned shared parking arrangements at the site and possible conflicts for owners if the lots are subdivided and owned by different entities.

Discussion ensued regarding the number of parking spaces allotted for the zoned use relative to a shared parking arrangement.

Planning Board Review

Mr. Jones questioned why the SWPPP was not completed. Mr. Palleschi stated that the SWPPP would be finalized at that time at the time the second building was constructed. Mr. Scavo explained that the Stormwater Pollution Prevention Plan requires that a notice of instruction be on file with DEC and weekly inspections take place throughout construction. Next, the Director explained that upon issuance of a Certificate of Occupancy, depending on weather conditions, a permit may be allowed an extension with a performance bond. Discussion ensued about normal business processes related to SWPPP.

Mr. Ferraro asked for clarification on the site statistics listed on the submitted plan for the proposed subdivision. The chairman stated that the approved site plan would need to be evaluated to see if an amendment was required since the site statistics for building coverage, paved areas, and green space provided with this application do not match the statistics of the previously approved site plan, or if there were mathematical errors in the calculations of space and the totals would need to be corrected. The applicant was then advised to double check site statistics, and to compare them to the existing site plan and SWPPP.

2018-015 Arnold Drive 2 Lot Subdivision

Applicant proposes to subdivide the 1.2 acre parcel into two residential lots., 4 Arnold Dr,

Zoned: B-1, Status: PB Concept Review

SBL: 271.-1-2.111

To be reviewed by: MJE Consultant: Harold Berger Applicant: Hallmark Property Holdings, LTD

Derek Miller, the owner of Hallmark Property Holdings, LTD, presented the project, a 2-lot subdivision located at the intersection of 4 Arnold Drive and Rt. 146. Mr. Miller explained that the site was previously approved as a day care center, but that he felt the proposed residential use was more compatible with the surrounding properties. Next, Mr. Miller noted that he had now amended the plan to include the comments received by the Planning Director and professional staff. The speaker then stated that the disturbance would be less than an acre, and that an easement for the Woodland Hills Monument sign would be reserved. Finally, Mr. Miller said that if the board was in general agreement that the project would proceed, he would seek variances from the Zoning Board of Appeals.

Mr. Scavo then noted that the variances granted to the day care center carried with the land. He also stated that any change of use in future would be evaluated on its own merits. The Planning Director added that this was not a change in the zoning of the parcels, as it is a permitted use in B-1 zoning, and the less intense residential use wouldn't preclude a future proposal for any allowed use under B-1, but it would have to fit the bulk and use standards of the newer lot sizes and could be conditioned on compatibility with surrounding area.

Staff Comment

S. Myers

- Subdivision requires several variances to be heard by ZBA on 4/17/18. Variances are for setbacks and lot size. These are in addition to and/or modification of previously granted variances.
- Applicant has indicated that he does not plan on putting any structures over easement at north end of property.

ECC

- In keeping with the recommendations and goals of the Town Comprehensive Plan, the Applicant should retain existing vegetation to the maximum extent practical and/or the use landscaping and grading to provide visual and auditory buffering between the project and adjacent roadways or other properties.

J. Scavo

- Since the project is adjacent U.S. Route 146, a referral to the Saratoga Co. Planning Board has been made in accordance with GML §239(m)&(n).
- Add a note to the preliminary plan indicating the variance identification number, date approved, details, and conditions of the variance granted by the Zoning Board of Appeals.
- The applicant should verify if the Woodland Hill – Monument Sign is located on 2 Arnold Drive or is within the public ROW. If the sign is located on 2 Arnold Drive, the applicant should verify that an easement is present for maintenance.
- Add a note to the Preliminary Plan that states, “Prior to work commencing within the public right-of-way, the property owner shall obtain a curb-cut permit from the Town of Clifton Park Highway Department.”
- If any utility work or construction is to occur within the State Highway Right-Of-Way, the property owner is to obtain a highway work permit from the NYS Department of Transportation, whether it is for construction or installation of facilities, or for repairs and maintenance.
- In accordance with §86-10 of the Town Code, “The applicant shall be required to plant two new trees per living unit on the street side of new construction sites.” As such please add the required trees to the Subdivision Plan prior to final stamping. This provision may be waived by the Planning Board if 2 existing mature deciduous trees are maintained within the front yards of each lot.
- Add a note to the preliminary plan that states, “Storage of Construction Materials Throughout Construction of the Site Plan. The Developer agrees that storage of construction materials, equipment and vehicles shall occur only on the site.” It is important to note that Arnold Drive should not be utilized for construction equipment storage or vehicle parking by contractors.

MJ Engineering

- 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:
 - Saratoga County Planning Board:239m referral due to the parcel being within 500 feet of NYS Route 146.
 - Saratoga County Sewer District: Additional reserve sewer capacity.
 - Clifton Park Water Authority: Taking of additional potable water.
 - New York State Dept of Transportation: Potential discharge of stormwater runoff to the Rt 146 right-of-way
- Short Environmental Assessment Form
 - Under 3.b, the response indicates the total disturbance associated with the project will be under 1 acre. This figure will need to be verified based upon more detailed site plans.
 - Under 12.b, please indicate how the response was determined that the site is not in the vicinity of an archeological sensitive area

- The project resides within the Town's B-1 Zoning District. The proposal is for the subdivision of a single parcel into two parcels that would be for single family homes. Pursuant to Section 208-32(A)(14) of the Town's Zoning, one family dwellings are permitting in the B-1 district.
- A review of Section 208-35 and 209-98 of the Town's Zoning, the following deficiencies have been identified for the lot configuration proposed:
 - 208-35(C) states the minimum lot area per establishment shall be 40,000 square feet and the minimum width at the front building line shall be 180 feet along Route 146. The original lot is 47,605 s.f. with the subdivision yielding two substandard lots. Further, the lot width along Route 146 is shown as 140.57 feet. It is acknowledged that the existing lot may have been granted relief for a 155.5-foot lot width.
 - 208-35(D)(1) states that no building shall be located closer to the front property line than 70 feet. The portions of the lots fronting on Arnold Street have 35-foot setbacks. It is acknowledged that the existing lot may have been granted relief for a 35-foot setback as shown.
 - 208-35(D)(2) states that no building or parking shall be placed closer to a side or rear property line than 25 feet. The plan proposed 10-foot side yard and 20-foot rear yard setbacks.
 - 209-98 states that no building or part of a building, other than steps, eaves and similar fixtures, shall extend nearer to the center line of State Route 146 than 130 feet. The lot fronting Rt. 146 has a setback of 98 feet. It is acknowledged that the existing lot may have been granted relief for a 108-foot setback.
- Provide the proposed lot area for each lot shown.
- The concept subdivision plan shall show speculative homes, driveways, utilities and grading. This information is necessary to support the stated area of disturbance of less than 1 acre.
- Any new access proposed onto Arnold Drive is subject to the review, approval and permitting from the Clifton Park Highway Department. Provide notation on the plat to that effect. It is recommended that the corner lot be limited to having access from Arnold Drive, rather than Rt. 146.
- 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.
- 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.
- The final subdivision plat shall be signed and sealed by a surveyor licensed to practice in New York State.
- Considering this plan is conceptual in nature, subsequent comments will be provided with a preliminary plan submission

Roy Casper, Trails Subcommittee

- The applicant should provide a 15' ROW/ Easement along Lot 2 frontage on Route 146 for a future sidewalk and utility realignment.

Note: A sidewalk along the north side of Route 146 from Route 9 to Route 146A is part of the Town of Clifton Park Trails Concept Plan's Long-Term Vision. (Please see the attached Trails Concept Plan Draft dated June 12, 2012.)

Public Comment

Anthony Lafleche, 21 Wheeler Drive, expressed his support for the proposal and asked for some clarification of variances being sought.

Planning Board Review

Mr. Morelli disclosed for the record that the applicant is an employee of the Town of Clifton Park, adding that that would not change the application in any way, nor preclude the applicant from proceeding with this submittal. Mr. Miller stated that he has been an employee for 33 years.

Mr. Andarawis felt it should be recommended to the ZBA that the variances be granted for residential use only, but if there was a change of use to be more compatible with residential standards and they need to be aware that the other uses allowed in B-1 would have difficulty meeting the setbacks and standards of commercial uses. Mr. Scavo responded that the Planning Board could not bind the Zoning Board of Appeals. Discussion ensued that the smaller lots would still need to meet site plan and zoning review. Mr. Ferraro reminded the board that the application was for an allowable use within the B-1 zoning.

Mr. Miller explained that he would plan to clear up to an acre per Town Code. He then noted that he would include landscaping plans in future submittals.

Recommendation:

Board members appeared generally favorable to the project, and Mr. Ferraro advised Mr. Miller that they felt he could proceed with his variance application.

2018-007 146A Holdings LLC Residential Subdivision (Open Space Incentive Zoning Referral from Town Board)

Applicant proposes the development of 34 single family residential lots and associated water, sewer, and stormwater infrastructure. Water will be provided by an extension of the CPWA main located along the west side of Route 146A. Sanitary Sewer will be provided by either gravity or forcemain connection to the existing gravity sewer located in Sratford Drive. Access to the lots will be provided by new roads connecting to Route 146A and Dawson Lane, Rt 146A, Zoned: CR, Status: Referral from Town Board for an advisory recommendation for the Open Space Incentive Zoning Request. SBL: 265.-3-7.11

The Chairman explained that this was not a public hearing but rather a public workshop to inform residents about the request for the density increase through the Open Space Incentive Zoning plan. He further stated that the Board was here to offer an advisory opinion to the Town Board on the transfer of development rights from the parcel of land on Sugar Hill Road to the parcel on Route 146A, and that the board was not here to discuss subdivision or design elements itself, just the merits of the land use. Mr. Ferraro noted that the Planning Board could decide up to 17 additional lots as a recommendation but that the Town Board would have the final say to decide the number of up to how many additional lots would be permitted as part of the subdivision review process. Further, he stated that a recommendation must be sent to the Town Board by April 19, 2018 (45 days from the receipt of the referral from the Town Board on March 5, 2018). Mr. Ferraro also reminded the residents that they could sign up for the agenda alerts on the Town website in order to know when an agenda is published for the Town Board, Planning Board and Zoning Board meetings.

Public Workshop

Scott Lansing with Lansing Engineering explained that a conceptual layout of the project was last presented February 27, 2018, so the Planning Board was familiar with the application that had been presented to the Town Board which was then referred to the Planning Board. Mr. Lansing described the proposal. The consultant stated that the base density for the parcel minus restricted lands was 49.95 acres, so 3 acres per parcel would net 17 lots. Chapter 208-5-b and 208-43 – Open Space Incentive zoning – would allow a transfer of development rights of up to 17 additional lots with a permanent conservation easement on Sugar Hill Road, Lands of Cotton. He noted that the Cotton parcel had been identified in the Western Clifton Park GEIS as a targeted parcel for preservation through the Open Space Incentive Plan and that it was adjacent to the Prescott parcel which has an existing conservation easement.

Mr. Lansing then summarized the request for the transfer of development rights:

- Both the parcels are appropriate for residential development
- Public water and sewer existing on or near Route 146A
- Cotton parcel is agricultural
- Public water and sewer would need to be extended or served by private well and septic
- Cotton adjacent to existing conservation areas and identified by Town studies as a prime area for preservation
- 51 acres of unconstrained lands to be preserved (out of 61.86 acres of Lands of Cotton)

The consultant then described the subdivision proposal for 34 residential lots, with 3 lots fronting on Route 146A, and the remaining lots would have one entrance on Route 146A and use a planned through connection to Dawson Lane. All lots would be served by public water and sewer. Mr. Lansing stated that there would be no wetland impacts with the project and the plan would meet or exceed open space requirements on the developed parcel. The applicant was requesting a 100% increase in the density.

The Planning Director explained that this would be a non-binding advisory recommendation from the Planning Board to the Town Board, and no consideration should be given at this time to the proposed subdivision of the project which would be handled at a later date should the Town Board approve the density increase.

J. Scavo, provided a flow chart of the steps in the process and a summary of the results to date of the adoption of the Western Clifton Park GEIS and subsequent western Clifton Park zoning amendments. The Director reminded those in attendance that a formal public hearing would take place at the Town Board level when they make a SEQRA determination, but that he would allow residents an opportunity to speak. The Planning Board would have leeway to further reduce the number of lots at subdivision review stage depending on engineering and other restrictive issues which might be discovered as the project might proceed, but the Town Board will set the maximum number of units allowed.

Public Comments

Noreen Grimmick, 13 Dawson Lane, submitted a letter on behalf of residents of Dawson Lane in opposition of the density increase, which was placed in the file in the Planning Department. Those in attendance at the meeting who introduced themselves included:

Dan Grimmick, 13 Dawson

Dan Petroff, 3 Dawson,

Ketaki Nagarkar, 7 Dawson Lane

Reza Sharghi, 5 Dawson Lane

Michael Stelzer, 11 Dawson Lane
David Horan, 12 Dawson Lane
Randal Symonds, 6 Dawson Lane
Claire Johnson, 16 Dawson Lane

The following Sherwood Forest residents also expressed their opposition to the density increase and identified themselves:

Warren & Wendy Nelson, 2 Stratford Ct.
Nancy & Charlie Palmer 7 Marlboro Drive
David and Lauri Dittmer, 42 Canterbury

Planning Board members, Jeff Jones and Rocco Ferraro, stated that they also live in the Sherwood Forest Subdivision and are members of the Sherwood Forest Park District.

Ms. Grimmick referred to the character of the area according to Section 208-43.1 B. The resident stated that they were concerned that the density and traffic connection was going to change the character of their neighborhood and adjoining developments. Ms. Grimmick noted that she and the neighbors strenuously objected to the density.

Randy Symonds, also added that he would like more safety measures like guard rails and pedestrian crossing light added at the location

Raymond Seymour, resident of 7 Nadler Road, asked if the Cotton Family would still own the lands. Mr. Scavo replied that it was the intent of the current owner, adding that if the property was sold in the future, any new owners would still be restricted from development although it could continue to be used as an agriculture use. Mr. Scavo noted that the Town would be a party to those development rights.

Mr. Lansing explained that the applicant has an agreement in place contingent upon the approval of the density increase.

Warren Nelson, 2 Stratford Ct., stated that he felt that the addition of several other proposed developments in the area on Route 146 and Miller Road are of more concern for traffic. Estimated 400+ units in a half square mile adding a lot of trips.

Mr. Scavo stated that traffic studies are being done to consider intersection improvements for 146 and 146A by DOT. He then said that a Traffic Analysis will be evaluated as part of the subdivision review process. Mr. Scavo added that the connection to Dawson Lane can be activated regardless of number of homes built on the parcel in question.

Wendy Nelson 2 Stratford, asked for clarification of

- Land being preserved
- Why the area was chosen for buildings
- Dawson Lane connection required?
- Expressed opposition to building on 146A rather than on Sugar Hill Road

Mr. Lansing explained that there would be a designated area of open space on the Route 146A parcel itself, and that additional open space above and beyond the 146A portion would be preserved on the Cotton parcel. The consultant noted that the applicant chose the particular location of development on the

parcel to align with the existing roadway into Sherwood Forest, and the connection to Dawson Lane that was created at time that subdivision was approved.

Mr. Scavo noted that a conservation easement would be preserved in perpetuity through a deed restriction, that it could be owned by either a private or public entity. Then Ms. Nelson asked about transfer of development rights, and whether there was a benefit to the developer by not building on Sugar Hill Road. Was this all just to save him from greater expenses developing out there?

Eric Miller, 213 Sugar Hill Road, did not appear to be in support of the transfer of development rights and offered the following:

- Preferred spreading out the homes, and avoiding clustering
- Preferred expansion of water and sewer on Sugar Hill Road
- Concerned that the plan would result in landlocking the Lands of Cotton
- Preferred more development in CR zone
- Concerned that limited access across Lands of Cotton affecting his potential for future development

Planning Board Review

Some discussion ensued regarding the pros and cons of clustering versus suburban sprawl, and the necessity of open space as part of the western Clifton Park zoning in particular.

Mr. Neubauer summarized the history of the Western GEIS and stated that a moratorium on development was in place in 2003 while a study was done. Then the board member stated that he felt that developers have a right to develop, and that the incentive zoning was created as a result of the study. Mr. Andarawis explained that the only way to preserve farmland was to do it on large parcels, not one acre at a time.

Mr. Lansing explained that he had designed Dawson Lane and Carpenter Way subdivision proposal before the Open Space requirements were enacted, and that those lots were zoned for 2 houses per acre. Currently, zoning dictates 1 house for every 3 acres. Mr. Lansing noted that past zoning would have allowed 80 units on the parcel, and the 34 parcels being requested was still less dense than the surrounding properties with significant open space on the Route 146A parcel.

Mr. Lansing stated that existing lot sizes on Dawson averaged about 20,000 sf, and that the proposed lots would range in size from 16,000 sf to 40,000 sf, averaging approximately 20,000 sf. He added that the footprint of the homes would be similar in size. A resident from 12 Dawson Lane, stated that he was concerned with the character of the neighborhood, traffic, and safety. The speaker also remarked that he felt that clustering in general makes sense, but not here.

Planning Board

Ms. LaSalle asked if the Town Board would arrive at a number, or could the Planning Board make a recommendation as to the number of lots. The Director stated that the Town Board may or may not elect to take the recommendation of the Planning Board, and if the incentive was approved by the Town Board and subsequently referred to the Planning Board for subdivision review, the Planning Board can then further limit the number of lots. Mr. Scavo added that if the Planning Board were to reduce number of lots, the development rights would be proportionately reduced as well.

Mr. Neubauer noted that if the project was complying with the zoning code, is what the Planning Board is supposed to consider. Board members discussed what they felt was the correct number and whether to

take consider the amenity of the preserved lands or not. Mr. Ferraro noted that he felt that the proposal was in keeping with the character of adjoining neighborhoods, Dawson Lane and Sherwood Forest included. Board members appeared to agree that they could recommend 34 homes. Discussion ensued about the advantages and/or disadvantage of clustering and open space. Several members expressed concerns about the proposed 3 lots fronting on Route 146A.

Mr. Jones moved, seconded by Ms. Bagramian, to authorize Mr. Ferraro, Chairman of the Planning Board to submit an advisory report with a recommendation regarding the request from 16A Holdings LLC to allow an increase in density up to an additional (14) lots at property located at SBL 265.-3-7.11, pursuant to Section 208-43.16D of the Town Code – Open Space Incentive Zoning, to the applicant and the Town Board based on public input and professional staff and Planning Board comment.

Pursuant to Section 208-43.16D(3), the report will be filed by April 19, 2018 - within 45 days of the referral from the Town Board dated March 5, 2018.

Mr. Ferraro asked for a roll call vote
Ayes: Bagramian, Neubauer, Szczesny, Jones
Noes: Andarawis, Ophardt, Ferraro

Motion carried 4 to 3 as a non-binding recommendation.

Mr. Scavo suggested that board members could send their reasons for their vote to be included in the document. The written report does not become official until it is approved by the Planning Board to be sent to the Town Board. Mr. Scavo noted that the draft can be adopted by a majority of members through email since it is a non-binding recommendation, and would not change the motion.

V. Discussion Items – 2016-041 Northway 9 Plaza Site Plan; Approved on 10-25-16 & stamped 3-28-17

Request for 1 year extension of Site plan Approval; 805 Rt 146

Mr. Neubauer moved, Bagramian seconded by to grant a 1 year extension of the site plan for Northway 9 Plaza site plan, stamped 3/28/2017, final expiration date 3/28/2019.

Ayes:all

Noes:

Motion was unanimously carried.

Mr. Ophardt moved, seconded by Mr. Jones to adjourn the meeting at 11:15 pm. The motion was unanimously carried.

Respectfully submitted,

Meg Springli