

Town of Clifton Park Planning Board
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PLANNING BOARD

ROCCO FERRARO
Chairman

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JANIS DEAN
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MEMBERS

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

(alternate) Teresa LaSalle

Planning Board Minutes
July 10, 2018

Those present at the July 10, 2018 Planning Board meeting were:

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

Those absent were: A. Neubauer

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

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

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

Minutes Approval:

Mr. Jones moved, seconded by Ms. LaSalle, approval of the minutes of the June 12, 2018 Planning Board meeting as written. The motion was unanimously carried.

Mr. Ophardt moved, seconded by Ms. LaSalle, approval of the minutes of the June 26, 2018 Planning Board meeting as written. Ayes: Andarawis, Bagramian, LaSalle, Szczesny, Ophardt, Ferraro. Noes: None. Abstained: Jones.

Public Hearings:

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

Mr. Ferraro introduced this application, noting that the Planning Board issued a negative declaration for this Type I action pursuant to SEQRA at its June 12, 2018 meeting.

Mr. Ferraro, Chairman, called the public hearing to order at 7:04p.m. The Secretary read the public notice as published in the Daily Gazette on June 30, 2018.

Mr. Scott Lansing, consultant for the applicant, introduced Ms. Wendy Holzberger, traffic engineer, and presented the latest revisions of this subdivision proposal that has been reviewed by the Board at its July 17, 2017, September 12, 2017, February 27, 2018, May 8, 2018, and June 12, 2018 meetings. Providing a brief overview of this project plan, Mr. Lansing described surrounding property uses, soil conditions, wetland delineations, and density calculations that resulted in the design of a seventy-nine (79) lot cluster subdivision that consists of thirty-seven (37) carriage lots that are a minimum of 10,000 SF, nine (9) executive lots that are a minimum of 16,000 SF, and thirty-three (33) estate lots that will be a minimum of 20,000 SF. All lots will be accessed by private driveways. Access to subdivision properties will be provided by two curb cuts onto Miller Road and connections to Tisdale Lane and Gloucester Street. There will be a .15 acre wetland disturbance impact at the southerly access on Miller Road. 61.1 acres of open space (61% of the property's total acreage) will be dedicated to the Town of Clifton Park. Trails will be constructed to link adjoining neighborhoods to the new development. Mr. Lansing noted that trail construction would include a bridge over wetland areas within the central conservation corridor. Addressing issues of concern raised at the June 12th meeting, Mr. Lansing explained that although infrastructure will provide a means of “dewatering” properties, high water levels will be determined for individual lots and sump pumps added to building plans as necessary. Photographic simulations of homes situated on the streets with 7% slopes were presented for the Board's evaluation of visual impacts.

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

Mr. Scavo read the comment prepared by the ECC after review of the project plans at its July 3, 2018 meeting. The ECC recommends that Lots #9, 10, and 11 be relocated to the

community park area in order to preserve the existing tree line along the horse farm to maintain the character of this vista.

Mr. Scavo reported that, although Mr. Myers provided a number of comments regarding this subdivision plan in a memo dated June 28, 2018, all issues of concern were satisfactorily addressed by the applicant following a consultation with the applicant on July 3, 2018. Mr. Scavo reported that the consultant also met with representatives of the CPWA to resolve any outstanding issues regarding water line extensions and connections.

Mr. Scavo explained that Mr. Reese, Stormwater Management Technician, provided comments regarding this application in a memo dated July 6, 2018. The applicant is asked to add the following note on the plans that will be filed with the county:

Roof Gutters Note: The following Lots: (applicant to input the lot numbers with the proposed roof gutters) will require the installation of roof gutters to collect the entire roof surface runoff and be connected to catch basins located as shown on the plans.

The plans shall show the connections from the down spouts to the catch basins, the leaders shall not cross under the road but will need to connect to a catch basin on the same side of the home. The applicant is suggesting that the infrastructure of the stormwater piping will act as a “French drain” to intercept the ground water table and may be able to lower the water table in the area. The applicant is asked to provide details on how the piping will be transferring the ground water where it will not have impacts on the bedding of the proposed stormwater piping, structures and basins. The Stormwater Report shall be updated to indicate how the stormwater management areas will be able to handle the additional flows.

Mr. Scavo explained that comments previously issued by the Planning Department have been satisfactorily addressed.

Mr. Bianchi reported that the consultant has adequately addressed all of the items listed in the comment letter submitted for the June 12, 2018 meeting. The current letter issued by M J Engineering and Land Surveying, P.C. does contain comments regarding traffic safety. Crash rates show that there is the potential for a safety improvement at the Route 146 - Miller Road - Tanner Road intersection and this should be investigated to see if any improvements are warranted. For the Miller Road intersection approach, the volumes are increasing by 37% during the AM Peak and 39% during the PM Peak. This has the potential to increase the number of accidents involving vehicles crossing or entering Route 146 ultimately increasing the overall accident rate. This is an unsafe intersection as shown by the accident rate being more than twice the statewide average. The Town should consider improvements at this intersection including the addition of a right turn lane. Mr. Bianchi called for the consultant to identify the overall approach LOS (Level of Service) for the Miller Road approach with the addition of the right turn lane. Although the accidents did not involve right turning vehicles, the overall approach delay should decrease with the addition of a right turn lane and reduce the number of unsafe maneuvers made from the Miller Road approach. This would lead to a reduction in the accident rate. Sight distance is sufficient in both directions which would reduce the need for left turning vehicles to pull closer to Route 146 and limit left turning vehicles from blocking the sight lines for right turning vehicles.

If the Town is prepared to consider this mitigation option, NYSDOT should be consulted to determine their opinion on this prior to any further investigation.

Ms. Holzberger, traffic engineer for the applicant, reported that, although she had contacted NYSDOT representatives regarding this application and the impacts of the development on the Tanner Road – Miller Road – Route 146 intersection, no definitive information was provided regarding current levels of service or potential mitigation measures. She reported that representatives appeared more concerned about the timing of the build-out of other projects within the corridor and the proposed access points on Miller Road.

Mr. Anthony LaFleche, 21 Wheeler Drive, asked that the applicant consider placement of the water line to ensure that it will not impact or be impacted by future trail development. In response to his question regarding roadway widths within the proposed subdivision, Mr. Lansing explained that 24' wide roadways are proposed in accordance with NYS Code requirements.

Mr. Tim Sankowski, 518 Miller Road, questioned why the water line is to be installed from Route 146 to a location near the northerly entrance to the subdivision on Miller Road along the easterly side of Miller Road and then relocated to the westerly side. Mr. Lansing explained that the water line route was designed to avoid wetland impacts. Mr. Sankowski expressed concerns regarding traffic safety along the Route 146 corridor. Mr. Ferraro commented that he, too, was very concerned about traffic impacts and explained that, as a result of the Vischer Ferry Road Corridor GEIS that was prepared several years ago and the accompanying Capital Improvement Plan, mitigation fees assessed for this project as well as those that have been accruing from approved projects within the study area, the town may be positioned to make a significant local contribution to offset state costs for necessary traffic improvements along Route 146.

Ms. Christine Izzo, 478 Miller Road, observed that the alignment of proposed roadway C at its intersection with Miller Road appeared to be a bit offset and, as designed would result in headlight glare for her neighbor. Mr. Lansing explained that the road alignment was designed to reduce impacts to designated wetlands and that any change would result in significant environmental impacts. Ms. Izzo expressed concern about the sight distances along Miller Road and asked if the speed limit could be reduced. Mr. Ferraro stated that the current speed limit was 45 mph. Mr. Scavo agreed to forward the concerns to the Highway Safety Committee for review. Ms. Holzberger commented that the posted speed limit conformed to ASHTO standards. Mr. Scavo addressed Ms. Izzo's concerns regarding installation of the water line, stating that the applicant proposes an extension – at significant expense – of approximately 1800' of service. He noted that individual property owners will be responsible for the cost to “tie into” the system.

Mr. Joe Vitale, 481 Miller Road, questioned whether or not single stall garages and minimal driveway space would be sufficient to ensure off-street parking for all vehicles. He was concerned that cars parked on proposed streets would interfere with snow storage and emergency vehicles. Citing pedestrian safety, he called for the construction of sidewalks within the subdivision, particularly within the portion containing the carriage lot. Run-off from the site was also of concern. Mr. Lansing explained that there would be no stormwater management features on any of the residential lots and that stormwater regulations required that all stormwater be handled on site.

There being no additional public comment, Mr. Ferraro moved, seconded by Ms. Bagramian, to close the public hearing at 7:43p.m. The motion was unanimously carried.

Although Mr. Jones questioned whether it may be prudent to request realignment of proposed road C at its intersection with Miller Road, Mr. Bianchi explained that it is imperative that project designers avoid impacts to NYSDEC wetlands. In response to Mr. Jones' question regarding traffic calming measures through the development, Mr. Lansing pointed out that the curvilinear roadway design slows traffic. He agreed to consider the addition of STOP signs at various intersections. Mr. Lansing answered Mr. Andarawis' question regarding landscaping by noting that the two street trees per lot would not only be aesthetically pleasing but also traffic calming. Ms. LaSalle pointed out that Lots #22, 24, and 28 show only a single tree as opposed to the two (2) trees required by the Code. Explaining that he believes that sidewalks are "nice features for the town" and that they offer "lots of good attributes," Mr. Ophardt called for the installation of sidewalks within the subdivision. Mr. Lansing, explaining that the applicant has already committed to the construction of a costly trail through the center of the site, noted that the site grading and road geometry would make sidewalk installation difficult, if not impossible. Mr. Ferraro stated his support for sidewalks within subdivision, commenting that sidewalks within a subdivision "are a quality of life issue." Ms. Bagramian agreed that sidewalks provide "a valuable asset" to a community, though Mr. Jones commented that "properties sell with or without sidewalks." Though Mr. Ferraro acknowledged that Board members must consider "off-setting costs" such as the already proposed trail construction, he pointed out that the cluster subdivision considerably reduces the developer's infrastructure costs. Mr. Lansing agreed to discuss the sidewalk issue with his client. Mr. Andarawis asked whether the applicant had considered some means, such as the installation of landscaping, to delineate homeowners' property boundaries on Lots #37 and 38 within the carriage lot area of the subdivision from the adjoining 1.63 acre proposed park land. Mr. Lansing admitted that no consideration had been given to such a delineation but agreed to consider such plantings. Mr. Ophardt found the location of the existing driveway directly adjacent to proposed roadway A problematic, though Ms. Hozberger explained that "there were not a lot of options for the proposed road location" and the adjoining residence would generate very few vehicle trips. Although she believes that "no mitigation" would be required, she agreed to review the issue. Mr. Scavo reassured Mr. Ferraro that the inclusion of the proposed development into the Clifton Park Park District was indeed accurate. When asked if any improvements to the proposed park area were to be made by the developer, Mr. Lansing explained that park improvements would be made at the discretion of park district representatives. Mr. Ferraro called upon the applicant to be certain that the following issues are addressed: provision for a barrier at the end of Road D that includes signage indicating that there is a possibility that a future roadway will be installed and assurance that all potential property owners are aware of such a possibility; boundary signage indicating wetland boundaries on Lots #36, 54, and 55; evaluation of traffic service levels "at intersections impacted by cumulative growth" within the corridor; consideration of a "fair [development cost] offset" to provide the developer a rational basis for installing sidewalks "in higher traffic volume" areas of the proposed subdivision.

Old Business:

[2018-024] **Neet Automotive Addition** – Proposed addition to the front of the existing building and a 16' x 50' addition to the rear of the building – Conceptual site plan review. SBL: 259.-2-14.2

Mr. Ferraro explained that although the application form submitted for this application requested approval of two (2) additions to the existing building, the site plan submitted for review indicates that three (3) additions are proposed. A 16' x 50' addition is proposed at the rear of the building; a 12' x 20' addition for parts storage is proposed for the front of the building; a 50' x 28' addition is proposed for the easterly side of the building. Apparently as plans for site improvements progressed, it became clear that the third addition would be necessary. Mr. Ferraro asked that the applicant update the application form to include all proposed site changes. He noted that required Zoning Board of Appeals' approvals granted on June 19, 2018 were based upon the three proposed additions. In light of the fact that all proposed improvements have been shown on the site plan and that the Zoning Board of Appeals issued approval on the updated plan, Mr. Ferraro called for the application to be scheduled for preliminary review at the August meeting.

Since no company representative or consultant was present at the meeting, review of the project plan was deferred to the August 14, 2018 meeting.

New Business:

[2018-037] **Petraccione, Pat (Maat Services, LLC)** – Proposed subdivision of an existing two-family dwelling, 49 Bradt Road – Conceptual review. SBL: 263.-1-41

Mr. Pat Petraccione, property owner and applicant, presented this application that requests approval to subdivide an existing duplex situated on a 1.61 acre parcel on the easterly side of Bradt Road approximately ½ mile south of its intersection with Blue Barns Road. The lot is located within the CR (Conservation Residential) zoning district. The speaker explained that marketing the property, which was constructed in the 1970s has been very difficult due to its age, size, location, condition, and lack of comparable sales data. He believes that subdividing the property will make it easier to sell.

Mr. Scavo offered comments issued by the ECC after review of the application at its July 3, 2018 meeting. The ECC recommends that the Planning Board require the applicant to demonstrate the feasibility of installing one septic system on each lot to pre-plan for if and when the existing system fails. The ECC recommends there be a septic system maintenance agreement for the existing system between the two owners.

Mr. Scavo reported that Mr. Myers, Director of Building and Development, provided the following comments regarding this application in a memo dated June 28, 2018. Necessary variances were approved at the June 19, 2018 Zoning Board of Appeals meeting. Mr. Myers confirmed with the NYSDOH that separate septic systems are not required; however, failure of the existing septic system will require installation of separate systems.

Mr. Scavo stated that Mr. Reese, Stormwater Management Technician, offered no comments on the application at this time.

Mr. Scavo read comments prepared by the Planning Department. Since the project is within 500' of Blue Barns Road (County Route 110), a referral to the Saratoga County Planning Board for a recommendation is required. An updated survey with the proposed subdivision will be required for preliminary and final consideration by the Planning Board. It appears the original duplex was approved by the Town Planning Board in July of 1986 under the Town's Rural Residential Zoning designation which was in effect at that time. The applicant was granted area variances by the Zoning Board of Appeals on June 19, 2018. The area variances included relief for the following:

§208-16E(5)(c) of the Town Code which requires 30,000 SF minimum lot size with public water. Lot #2 is proposed to be 29,185 SF.

The site statistics table should be updated to reference area variance #81173 granted on June 19, 2018 and note the CR zoning district requirements. The applicant should provide for separate septic systems and laterals as a condition of subdivision approval. A parkland fee applied to any residential subdivided lot in the amount of \$1,250.00 will be due at final stamping if the subdivision is approved.

Mr. Bianchi reported that, after review of the documents submitted for this application, M J Engineering and Land Surveying, P.C. issued the following comments in a letter dated July 6, 2018. Based upon 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 are not necessarily limited to the following: Saratoga County Planning: 239m referral due to the project's proximity to NYS Route 146. Additional agencies may be identified by the Town during its review of the project. The project is located within the Town's CR (Conservation Residential) zoning district. The proposal for single family homes is a permitted use within the CR zone as noted in Section 208-16(D)(1)(b) of the Town's Zoning Code. It is noted that the project does not propose any new uses and is simply the creation of two lots from one, placing each of the units on its own lot. Pursuant to the Chief Zoning Officer's memo, all required area variances were granted by the Zoning Board of Appeals on June 19, 2018. The plan shall identify the variance granted, date they were granted, resolution number and extent of relief granted. It is understood that the NYSDOH has been contacted by the Town and it has been confirmed that separate septic systems were not required. The use of one septic system was likely permitted as it was on one lot with one owner. Due to the potential for different ownership of the two parcels created by the subdivision, individual septic systems should be provided for each lot. If not provided as part of the subdivision approval, at a minimum, there may be a need for a cross lot easement for maintenance as well as a maintenance agreement to ensure the system will remain operational and that there is a mechanism to address any needed repairs in the future. Should there be a failure of the septic system in the future, two separate systems should be constructed that reside on the individual lots and serving each home separately. An updated subdivision plan shall be provided and shall be prepared by a surveyor licensed to practice in the State of New York. 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. Considering this plan is conceptual in nature, subsequent comments will be provided with a preliminary plan submission.

There was no public comment on this application.

In response to Mr. Ferraro's concerns about the viability of the existing septic system and its ability to service both dwelling units, the owner explained that the system is newer than the residences which are both currently vacant. Mr. Ferraro stressed the importance of establishing a maintenance agreement and verifying that there is space for individual septic systems to be installed in the future. Mr. Ophardt questioned whether or not the subdivision would set a precedent within the CR (Conservation Residential) zoning district. Mr. Scavo explained that the town has established a policy of permitting in-law apartments within the district with the agreement that any unit not occupied by a family member is to be reincorporated into the principal residence.

[2018-038] **Sunshine Landscaping** – Proposed landscaping materials supply and storage facility with 52,260 SF of building coverage – Conceptual site plan review. SBL: 263.-1-41

Mr. Scott Lansing, consultant for the applicant, introduced this application for the Board's consideration. He explained that the 21.22 acre parcel slated for development lies within the B5 (Corporate Commerce) zoning district, specifically situated on the northwesterly quadrant of the Tanner Road – Route 146 intersection. Proposed site development includes the construction of nine (9) new buildings. The first building will be a 3,000 SF, 2-story accessory retail and office building for the sales of landscaping materials, supplies, and plants/trees with an area for future expansion to 7,200 SF. A 20,160 SF greenhouse and several storage areas for container plants, trees, and mums consisting of approximately 103,160 SF will be located behind the retail – office facility. Four (4) 4,000 SF gothic hoop houses will be constructed along the western property boundary. Included in the design to the north of the hoop houses is a 5,000 SF garage for nursery use and a 9,000 SF, 2-story "operations workers facility." A 3,000 SF garage for a landscaping business is proposed along the northern property boundary with a parking area for trucks, trailers, equipment, employees, and storage bulk bins. To the south of this landscaping garage will be a large laydown and storage area for landscape materials and pallets of materials with drive aisles in between for customers to drive down and load/unload vehicles with materials. The laydown area will consist of crushed stone. A two-way paved driving lane will extend from the connection point at the existing 21st Century Drive along the front of the project site to two full-service proposed curb cuts along Tanner Road and 110 parking stalls will be located along NYS Route 146 in front of the office and retail building. Additional parking will be located to the rear of the proposed development for employees and operations workers. The parking provided will satisfy the parking requirements mandated by the Town Zoning Code. Display areas will be installed on either side of the office-retail building for planting and landscape materials. A dumpster area will be located within the stone parking area to be accessed by a front load garbage truck. Sidewalks will extend from the office-retail building to the parking stalls along the front of the building. Additionally, two bike racks will be placed within the vicinity of the entrance doors to the building. The site will be screened along the sides and rear of the building to provide a buffer between the site and adjoining properties. A seating area, screened by the existing wooded area from the roadways, will be installed in front of the parking stalls at the corner of Tanner Road and NYS Route 146. A sign area with a fountain/waterfall will be constructed at this corner of the parcel and will be designed in accordance with zoning regulations. Greenspace will total 70.8% of the project site.

Installation of a treed buffer north and west of the development will provide screening for neighboring parcels. Total disturbance of the site is proposed to be 15.5 acres. A total of 172 parking spaces will be provided on site: 110 parking spaces with 6 accessible stalls for the general public; 48 parking spaces for employees and operations workers; 6 equipment spaces; 8 spaces for trucks and trailers for the landscaping business. Water service will be provided by the Clifton Park Water Authority. Sewer connection will be provided by the Saratoga County Sewer District through the Town of Clifton Park Corporate Commerce Sewer District. Stormwater will be managed on site through the use of NYSDEC approved measures.

In response to Mr. Ferraro's question regarding the possibility of "overnight accommodations" in the building labeled "operations workers facility," Mr. Lansing explained that no overnight stays were proposed.

Mr. Scavo read the comments issued by the ECC after review of the project plans at its July 3, 2018 meeting. The ECC requests that the applicant provide detailed plans/information concerning any installation of storage tanks or facilities that may contain or house hazardous materials. If hazardous materials are to be stored on this site, the applicant must submit a plan for approval addressing handling and storage and spill response to the Town of Clifton Park Stormwater Management Technician before such materials are stored.

Mr. Scavo explained that Mr. Myers, Director of Building and Development, issued several comments regarding this application in a memo dated June 28, 2018. The parcel is 22 acres in size and is situated within the B5 (Corporate Commerce) zoning district. The proposed use of "storage with accessory retail" appears to be "a lenient interpretation of the allowed use" since the retail portion of the proposal is not "accessory" but would be allowable. Housing for workers is not an allowed use and Mr. Myers commented that he does not believe that this proposal would be covered by the agriculture law by being considered a farm operation or an agricultural district. Roadways must be a minimum of 26' wide. All signage for the proposed business shall be approved by the Building Department and is not part of the Planning Board's site plan review. A full Stormwater Pollution Prevention Plan will be required. It appears that the project's design calls for ponds to be used for stormwater management. The applicant is asked to provide confirmation of the acceptance of water and sewer services from the appropriate agencies. The Planning Board should consider the effect that this proposal will have, if any, on the approved Vistas West project being developed on the easterly side of Tanner Road. Since the Environmental Assessment Form (EAF) indicates that the site will generate hazardous waste, more information should be provided. This appears to be an archaeologically sensitive area.

Mr. Scavo read the comment issued by Mr. Reese, Stormwater Management Technician. The proposed project is classified as a commercial container nursery that is identified as a stormwater hotspot with the NYSDEC. Future submittals shall include a Stormwater Pollution Prevention Plan that includes post-construction stormwater management practices to address how the stormwater management will be handled.

Mr. Scavo provided the following comments issued by the Planning Department. Since the project site is adjacent to NYS Route 146, a referral of the preliminary application will be made to the Saratoga County Planning Board for review and comment. The applicant and Planning

Board should discuss compliance of the project with the Corporate Commerce Area - GEIS Statement of Findings and specifically focus on page 11 – P1, P2, and P3 under the subject heading, “Future SEQR Actions” to determine the extent of additional information required for review of this site plan. The applicant should note if fuel storage and filling stations (i.e. propane) are planned for the site and list any hazardous materials that may be stored on site. The applicant should note the number of trucks, trailers, and heavy equipment for the proposed use, and call out what vehicles have dumping v. non-dumping capabilities. A lighting and photometric plan should be provided as plans progress. The applicant should consider utilizing motion sensor/dimming technology for all outdoor lighting, so lights are dimmed or off when no motion is detected on the site. Pursuant to Town Code §208-55(A) Development Standards within the B-5 Zone:

Ingress/egress. There shall not be more than one curb cut per lot unless the Planning Board finds that traffic safety will be improved with the addition of another curb cut. Such curb cut shall be wide enough to accommodate safely and in accordance with accepted traffic control standards approved by the Town's engineer the type of traffic to be generated by the use and shall meet all of the fire safety requirements of the Town of Clifton Park. The distance between curb cuts on two separate parcels shall be a minimum of 100 feet measured from the center line of the curb cut. Design should take into consideration the possibility of shared curb cuts with adjacent properties. In the case of a corner lot, no curb cut shall be located closer than 100 feet to an intersection. The applicant must provide information to the Planning Board to support the request for a second curb-cut as an improvement traffic safety.

As the site plan progresses, the applicant should provide documentation to comply with §208-54(c) of the Town Code which states:

Architectural. The architectural design shall consider building facade, including color, and other significant design features such as exterior materials and treatments, roof structures, exposed mechanical equipment and service and storage areas. Architectural block or similar facades, especially along the road frontage, shall be required.

The applicant should provide a sight distance evaluation at the proposed ingress/egress points from the site onto Tanner Road. The evaluation should note any advance notice to motorist (including but not limited to signs and markings) of turning vehicles.

Mr. Bianchi reported that, after review of the materials submitted for this conceptual site plan application, M J Engineering and Land Surveying, P.C. provided a lengthy comment letter. The project proposes to provide potable water to the site from the Clifton Park Water Authority (CPWA). The applicant shall provide the Town documentation indicating the CPWA's ability and willingness to provide additional potable water to the project. Any approvals offered by the Planning Board should be conditioned on receipt of CPWA's review and approval. The project proposes to provide sanitary sewer service to the site from the Clifton Park Sewer District /Saratoga County Sewer District No. 1 (SCSD). The applicant shall provide the Town documentation indicating the Town's Sewer District and SCSD's ability and willingness to provide additional sewer service to the project. Any approvals offered by the Planning Board should be conditioned on receipt of the Town's Sewer District and SCSD's review and approval. The Full Environmental Assessment Form submitted indicates that more than one acre of land will be disturbed. As such, a Stormwater Pollution Prevention Plan (SWPPP) addressing water

quality, quantity and green infrastructure is required. The SWPPP shall also indicate whether a 5-acre disturbance waiver will be requested. This project, while appearing to have a minimal amount of peak hour vehicle trips, represents the third development in the vicinity of the Route 146 - Miller Road intersection within the past 12 to 18 months and may have a cumulative impact on the level of service of the adjacent roadways or mentioned intersection. As such, it is recommended that a traffic impact study be completed that assesses peak hour vehicle trips, sight distance and accident data, specifically at the Miller Road - Route 146 intersection. Given the proximity to Route 146, the findings of the study should be provided to the Region 1 office of the NYSDOT for input. Should any work occur within the Route 146 right-of-way, approval and permitting from the NYSDOT will be required. For any work proposed within the Tanner Road right-of-way, approval and permitting from the Clifton Park Highway Department will be required. The applicant is asked to indicate whether there are plans to utilize any pesticides as part of on-going maintenance of nursery stock. If there is a plan to use pesticides, there needs to be consideration as to how they will be managed with an emphasis on how preventive measures will be put in place to avoid any pesticides from entering the proposed stormwater management facilities and/or other environmentally sensitive areas. This may be accomplished with the development of an integrated pest management plan which offers the opportunity to eliminate or drastically reduce the use of pesticides and to minimize the toxicity of and exposure to any products which are used.

Several comments related to the State Environmental Quality Review Act. Based upon review of Part 617 of NYS Environmental Conservation Law, specifically Section 617.4(b)(6) which states "activities, other than the construction of residential facilities, that involves the physical alteration of 10 acres," the project appears to be an "Type I" action. Assuming the Clifton Park Planning Board is to request Lead Agency status under SEQRA, a coordinated review is required for Type I actions. Under a coordinated review, involved/interested agencies to be engaged may include, but are not necessarily limited to the following: Clifton Park Water Authority – public water supply plan approval; Saratoga County Planning Board – 239m referral due to the parcel's proximity to NYS Route 146; Saratoga County Sewer District No. 1 – request for reserve capacity; NYS Department of Environmental Conservation – permit coverage under stormwater SPDES, identification of threatened and endangered species, potentially taking of additional water; NYS Office of Parks, Recreation and Historic Preservation – identification of cultural or historic resources; NYS Department of Transportation – potential utility/non-utility work within the NYS Route 146 right-of-way. Additional involved/interested agencies may be defined as the project proceeds through the Town's regulatory review.

Additional comments related to the Full Environmental Assessment Form. Under Part B., the applicant is asked to list the Saratoga County Planning Board as an additional agency having jurisdiction. Under Part D.2.c.ii, additional information must be furnished to substantiate the response that the existing water district is capable of servicing the project. The Water/Sewer Letter Report submitted does provide an analysis that is subject to the review and approval by the agencies having jurisdiction. Under Part D.2.d.iii, additional information must be furnished to substantiate the response that the existing sewer water district is capable of servicing the project. The Water/Sewer Letter Report submitted does provide an analysis that is subject to the review and approval by the agencies having jurisdiction. Under Part D.2.j, additional information must be furnished to substantiate the response that the project will not result in traffic that is

substantially above present levels. Under Part D.2.k.i, the applicant is asked to provide the estimated anticipated electrical demands of the project once known. Under Part D.2.t, the response indicates that hazardous materials will be generated, used for on-site treatment, or stored. Additional information shall be provided explaining the nature of the hazardous materials to be generated, stored and/or used for on-site treatments. Under Part E.2.o, the response indicates the site does not contain any species of plants or animals that are listed by the federal government or NYS as endangered or threatened. The applicant is asked to confirm the response includes a search of the USFW Ipac database. Under Part E.3.f, the response indicates that the site is located in or adjacent to an area designated as sensitive for archeologically sensitive sites on the SHPO site inventory. Additional information is required to demonstrate there will be no adverse impacts relating to adverse impacts to these resources.

Many comments related to the site plan submitted for consideration. The project is located within the Town's B5 (Corporate Commerce) zoning district. M J Engineering and Land Surveying, P.C. would defer to the Town's Chief Zoning Officer on determining whether the uses being proposed are permitted "as of right." Review of the concept plan submitted indicates that the minimum bulk lot requirements are being satisfied. This includes lot area, lot coverage (green space) and setbacks. The concept plan shows a "display area" along Tanner Road. With the CR (Conservation Residential) zoning district located on the west side of Tanner Road, the placement of the display area, depending upon what may be displayed, may need to be no closer than 100 feet from the CR district in order to meet the requirements of Section 208-54(C) of the Town's Zoning Code. Section 208-54(C) requires a minimum ten foot planted buffer along the rear and side property lines of all parcels. It appears that an existing buffer composed of shrubs will be maintained along the northern property line. This buffer extends approximately 90 feet into the project site and runs almost the entire length of the property line. There is, however, no discernable buffering being proposed (or maintained) along the western property line. It appears that there will be a maximum of 2 story buildings (store/office and worker's facility) proposed. If any of these buildings are in excess of 35 feet, the Planning Board will conduct a visual assessment and require the applicant to complete Appendix B of the State Environmental Quality Review, Visual EAF Addendum for its consideration as noted in Section 208-54(D) of the Town's Zoning Code. Section 208-55 of the Town Code indicates that there shall not be more than one curb cut per lot unless the Planning Board finds that traffic safety will be improved with the addition of another curb cut. After review of the project, M J Engineering and Land Surveying, P.C. takes no exception to the two proposed access points, noting that the access to Route 146 is being accomplished by connecting to an existing internal access and does not actually create a new curb cut onto Route 146. For the Tanner Road access, every attempt should be made to align it with the Vista's subdivision road currently under construction. Subsequent plans shall show how the project will meet the requirements of Section 208-55 of the Town's Zoning Code in regards to landscaping. Areas where existing buffers will be preserved, buffers exist but need to be enhanced or where buffers do not exist and need to be provided shall be presented. Elevations and materials of construction for the proposed buildings shall be submitted to the Planning Board for review as required in Section 208-55(C) of the Code. Section 503.1.1 of the IFC requires an approved fire apparatus access road be provided that shall extend to within 150 feet of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building. In reviewing the concept plan, it appears there are buildings that may not have adequate fire apparatus

access including the Operations Work Facility, Gothic Style Hoop Houses and the Greenhouse. This arrangement needs to be reviewed by the Fire Department. There needs to be a determination as to whether or not the proposed building construction and use will warrant automatic sprinklers as prescribed in the Building Code of New York State. This information is needed to determine whether an on-site hydrant is required to satisfy the requirements of Section 508.8 of the FCNYS. The applicant is asked to determine if a Knox Box is required for any of the buildings based upon the building arrangements, occupancy and materials of construction. If required, the location is subject to the review and approval of the Fire Chief. The detailed site plans need to illustrate how hydrant spacing satisfies the requirements of Table C102.1 of the IFC. Locations of any hydrants shall be reviewed and approved by the Fire Chief. Should hydrants be proposed on any of the designated fire apparatus access roads, the fire apparatus roads shall conform to Appendix D, Section D103.1 of the IFC. Plans should indicate the expected height of the proposed buildings so that a review of the fire access to the buildings may be completed. If the building is greater than 30 feet in height, an aerial fire apparatus access road will be required meeting the requirements of Appendix D, Section D105 of the Fire Code of New York State (FCNYS). Notation of when and by whom the federally regulated wetlands located within the project site were delineated must be provided on the project plans. Subsequent submissions shall include information as outlined in Section 208-115 of the Town Zoning Code specific to lighting, site grading, landscaping, erosion control and stormwater management to fully assess the design and its compliance to the applicable standards.

Final comments related to the Water and Sewer Letter Report. The applicant is asked to confirm whether the project will have any water irrigation needs associated with the ongoing maintenance of nursery stock. If there are and the water will be supplied by public mains, this demand shall be accounted for. In the first paragraph on page 4, there is reference to a “proposed apartment building” which appears to be erroneous data.

Mr. Anthony LaFleche, 21 Wheeler Drive, asked if there were existing structures on the parcel. Mr. Lansing explained that the site is currently vacant. Mr. LaFleche reiterated his past request for the realignment of the Tanner Road – Route 146 intersection and requested that the applicant provide a 15’ easement along both Tanner Road and Route 146 to provide for future roadway improvements, trail construction, or a designated turning lane. He asked if the applicant had considered accessing the northerly portion of the site from a curb cut further north on 21st Century Road.

Mr. Szczesny commented that he viewed the plan “as a great use of space.” Ms. Bagramian requested clarification regarding the types of structures proposed for the site. Mr. Lansing provided a detailed description of the structures proposed for various areas of the site, explaining that the retail-office structure would be conventional retail outlet facility, the shade structures would be comprised of translucent netting materials stretched on metal poles, the greenhouse would have translucent roofing as would the walled gothic hoop structures. He responded uncertainly to her question regarding the use and sales of pesticides at the site. Mr. Ferraro and Mr. Andarawis expressed concerns about the use and/or storage of pesticides on site and asked that additional information regarding the issue be included with the next submission. Mr. Lansing responded to Ms. LaSalle’s question regarding identification and traffic directional signage along Tanner Road by stating that such signage will be provided to ensure smooth traffic flow through

the site. In response to Ms. LaSalle's question regarding the purpose of the display areas, Mr. Lansing explained that the applicant proposes rotating displays seasonally. When questioned by Mr. Ophardt about the frequency of truck visits to the site, Mr. Lansing was uncertain of an exact number of truck trips, though he did state that the site would generate tractor trailer traffic. Mr. Ophardt requested additional information regarding the estimated number of trips pointing out that "volumes were important." Mr. Jones addressed the issue of traffic congestion at the Tanner Road – Route 146 – Miller Road intersection, asking about the thresholds necessary for the installation of a traffic signal at that intersection. Ms. Holzberger explained that while traffic flow was significant along the Route 146 corridor, traffic generation was "low on the side roads." No traffic signal or other mitigation appeared warranted at this time. Mr. Szczesny, Mr. Ferraro, and Mr. Ophardt all expressed concerns regarding the ability of larger vehicles to maneuver efficiently through the intersection. Mr. Jones called for installation of a traffic signal at the intersection. Ms. Holzberger agreed to re-evaluate the turning ratios. Mr. Ferraro commented that if the proposed roundabout at the intersection of Route 146 and 146A were to be installed, turning movements at the intersection would become even more difficult. Ms. Holzberger stated that the proposed retail business use "may not correspond" to the peak traffic times along the corridor. Mr. Ferraro concluded the discussion by stating his serious concerns about traffic congestion at the Tanner Road – Route 146 – Miller Road intersection due to the offset alignment of the roadways, the Route 146 speed limit in the area, and the impact of the area's cumulative growth rate. Of significant concern to him as well were site aesthetics: he called for the applicant to consider alignment of the proposed access drives onto Tanner Road with the curb cut for Vista Drive. He requested that the applicant supply architectural renderings of the proposed buildings and structures for the Board's consideration.

[2018-039] **Deuel, William F. (Herbinger Construction, LLC) Longkill Road (7) Lot Subdivision** – Proposed (7) lot subdivision, 96 Longkill Road – Conceptual review. SBL: 250.-1-2.2, 3.1, 250.13-4-20

Mr. Robert Wilklow, consultant for the applicant, distributed an updated, revised subdivision plan for Board review explaining that new information regarding "special setbacks" along Longkill Road had recently been forwarded to him. The proposed subdivision is located on the easterly side of Longkill Road approximately ¼ mile north of its intersection with Parkside Trail and is situated within the R1 zoning district. Although the original application called for preservation of the existing single-family residence, the current subdivision proposal indicates that the existing structures will be removed and a (7) lot subdivision will provide parcels for that number of new homes. The new lots will be accessed via a proposed new street located south of the existing curb cut. All lots will be serviced by connections to the existing municipal water and sewer lines. Special setback requirements mandate that the buildings be located 100' from the centerline of Longkill Road. A small portion of the property along its northerly border extends into the Town of Malta.

Mr. Scavo read comments issued by the ECC after review of the project at its July 3, 2018 meeting. The ECC recommends that the project maintain tree preservation practices to the greatest extent practicable. The ECC requests that the applicant depict any wetlands on the plot plan and that the applicant provide a 15' wide multi-use trail easement along Longkill Road.

Mr. Scavo explained that Mr. Myers, Director of Building and Development, provided the following comments in a memo dated June 28, 2018. Mr. Myers notes that the application calls for the consolidation of two adjacent parcels. All lots will be required to be served by public water and sewer. A full Stormwater Pollution Prevention Plan will be required. It appears that the parcel reserved for stormwater management is undersized and situated directly against adjoining residential properties located at 22 and 24 Parkside Trail. A fully contoured subdivision plan is needed. There are portions of the property and existing structures that extend into the Town of Malta. It is recommended that “some type of agreement” be reached between the two towns as to how this situation will be handled. The setbacks and lot width for Lot #2 shown on the original plan do not meet the requirements of the R1 zoning district. Pursuant to Section 208-98 of the Town Code, Longkill Road is designated as a “special road” with increased setbacks. Mr. Myers states that “obtaining variances for a new subdivision prior to construction seems unlikely.”

Mr. Scavo reported that Mr. Reese, Stormwater Management Technician, provided the following comments regarding this application. The applicant shall calculate the total impervious cover at total site build-out to determine the level of preparation required of the Stormwater Pollution Prevention Plan. If the impervious cover exceeds 25%, a Full SWPPP that includes post-construction stormwater management practices will be required.

Mr. Scavo read comments provided by Ms. Viggiani, Open Space Coordinator. It is recommended that the project include a multi-use trail along the property’s Longkill Road frontage to help the proposed residential neighborhood get closer to the Parkside Trail Soccer Fields and Longkill Park. Such a segment, ended by dropping to the existing shoulders, would also help with connections to the north into the Town of Malta and a local road, Maple Forest Drive, and lands owned by “Maple Forest Homeowners Association.” The Kain Subdivision to the southwest of this subject parcel was required to construct a very short segment of multi-use trail along Longkill Road so it is reasonable to request a small addition of a trail for this development.

Mr. Scavo provided comments issued by the Planning Department. The subdivision is a Type I Action since it meets the criteria for a realty subdivision pursuant to ECL Part 74: coordinated SEQR Review is required. It is recommended that the Planning Board pass a resolution seeking Lead Agency status. Since the proposed subdivision is adjacent to the town boundary with the Town of Malta and within 500’ of the boundary with the Town of Ballston, both adjacent municipalities will be notified of the project. A referral of the preliminary plan to the Saratoga County Planning Board shall be made in accordance with General Municipal Law §239-m. Under E.1.b of the FEAF and concept plan submitted, there is no indication of wetlands within the project site. The applicant should provide documentation as to how this determination was made. Section 86-6(E)(5) of the Town Code requires that street lighting be provided at the intersection of subdivision streets and an existing arterial or collector street. Subsequent plans may need to show a street light at the intersection with Longkill Road. A Site Statistics Table for the R-1 zoning district should be added to the subdivision plan. It appears that the proposed lots will all meet the required minimum bulk and setback standards prescribed by §208-11 of the Town Code.

Pursuant to §208-98 titled, “Special Setback Lines” within the Town Code:

On the streets and roads listed below, no building or part of a building, other than steps, eaves and similar fixtures, shall extend nearer to the center line of the street

or road than 100 feet in the case of a building in a residential district or 130 feet in the case of a building in any other district.

New York - U.S. Route 9
 State Road Nos. 146 and 146A
 Blue Barn Road
 Crescent Road
 Elnora-Jonesville Road (Main Street)
 Grooms Road
 Kinns Road (from Plank Road to Route 146A)
 Long Kill Road
 Vischer Ferry Road
 Lapp Road
 Plank Road
 Riverview Road (Vischer Ferry Road to Route 146)
 Ushers Road

Since Longkill Road is listed as having a special setback line, Lots #1 and 7 need to be adjusted to show that the required setbacks for the proposed dwellings are met. A note should be added to the Plan that states the following:

The proposed subdivision is to be included in Longkill Park District #1.

After review of the materials submitted for consideration, Mr. Bianchi reported that M J Engineering and Land Surveying, P.C. offered numerous comments regarding this application. The project proposes to service each new lot with public water from the Clifton Park Water Authority via extending a new public water main throughout the project. The applicant shall provide the Town documentation of the CPWA's ability and willingness to service the project with potable water. Any action on the subdivision application should be conditioned upon receipt of plan approval from the CPWA. 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. The project proposes to service each new lot with public sewer from the Town of Clifton Park Sewer District/Saratoga County Sewer District via extending a new public sewer main throughout the project. The applicant shall provide the Town documentation of the Town's and SCSD's ability and willingness to service the project with public sewer. Any action on the subdivision application should be conditioned upon receipt of plan approval from the Town and SCSD. 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. The project will disturb more than 1 acre of land. As such, it will be subject to the NYSDEC Phase II Stormwater Regulations and General Permit GP-0-15-002. It is noted that the project is a residential subdivision with between 1 and 5 acres of disturbance. Pursuant to GP 0-15-002, Table 1, if the project has less than 25% impervious cover at total site build-out, a SWPPP that addresses erosion and sediment control only is required. The submitted plans do not indicate the amount of impervious cover. However, there is a history of substandard drainage systems in this area of the town. Further discussions with the town officials regarding the level of

stormwater management to be provided shall occur. The proposed road will extend off of Longkill Road (County Route 82). All improvements within the Longkill Road right-of-way will require review and approval from the Saratoga County Department of Public Works. Portions of the project reside within the Town of Malta. Further discussion shall occur with the Town of Clifton Park regarding the need to coordinate with the Town of Malta for any necessary land use approvals.

Several comments related to State Environmental Quality Review. Based upon a review of the proposal, it is considered a realty subdivision under Environmental Conservation Law (ECL) Part 74. In accordance with 10 NYCRR Part 97 in the NYSDOH regulation implementing SEQRA (Article 8 of the ECL), Section 97.14(b)(2)(ii) requires that a realty subdivision be classified as a Type I action. Assuming the Clifton Park Planning Board is to request Lead Agency status under SEQRA, a coordinated review is required for Type I actions. Under a coordinated review, involved/interested agencies to be engaged may include, but are not necessarily limited to the following: Clifton Park Water Authority – public water supply plan approval; NYS Department of Health – realty subdivision approval and public water supply plan approval; NYS Department of Environmental Conservation – permit coverage under stormwater SPDES, identification of threatened and endangered species, potentially taking of additional water; NYS Office of Parks, Recreation and Historic Preservation – identification of cultural or historic resources; Saratoga County Planning Board – 239m referral due to the parcel’s proximity to the Town of Malta’s municipal boundary and County Route 82. Additional comments related to the Full Environmental Assessment Form. Under Part B, identification of all agencies having jurisdiction must be provided. Under Part D.2.c.ii, additional information must be furnished to substantiate the response that the existing water district is capable of servicing the project. Under Part D.2.c.iii the response indicated that new lines will not be required. It is anticipated a new water main will be required along the proposed road. As such, the response should be corrected to “yes”. With a “yes” answer, the subsequent two questions shall be answered. Under Part D.2.d.iii, additional information must be furnished to substantiate the response indicating that the existing sewer water district is capable of servicing the project. Additionally, an updated response must include the Clifton Park Sewer District. Under Part D.2.d.iii the response indicated that new lines will not be required. It is anticipated a new sewer main will be required along the proposed road. As such, the response should be corrected to “yes”. With a “yes” answer, the subsequent two questions shall be answered. Under Part D.2.j, additional information must be furnished to substantiate the response that the project will not result in traffic that is substantially above present levels. Under Part D.2.l, the applicant is asked to indicate the hours of operation. Under Part D.2.m the response provided is “no”. Typically, during construction existing ambient noise levels are usually exceeded. The applicant is asked to review the response provided and update accordingly. Under Part E.1.b, the applicant is asked to complete the land use cover types for the proposed condition and change. Under Part E.1.d the response is “no,” indicating that there are no facilities serving children within 1,500 feet of the site. The Martin Jewett Memorial Park is located approximately 540 feet south of the project site and is utilized by children. The applicant is asked to correct the response. Under Part E.2.o, the response indicates that the site does contain species of plants or animals that are listed by the federal government or NYS as endangered or threatened. Additional information is required to demonstrate there will be no adverse impacts relating to these resources. Under Part E.3.f, the response indicates that the site is located in or adjacent to an area designated as sensitive for archeologically sensitive sites on the SHPO site inventory.

Additional information is required to demonstrate that there will be no adverse impacts relating to these resources.

Many comments related to the subdivision plan. The project is located within the Town's R-1(Residential) zoning district. The proposal for single family homes is a permitted principal use within this district as noted in Section 208-10(B)(2) of the Town's Zoning Code. In reviewing the proposed lot layout in comparison to Section 208 -11 and 208-98 of the Code the following deficiencies appear to exist:

- a. Section 208-11 of the Town Zoning Code requires a 50 foot front setback in the R1 district. The front setback for each lot scales at 25 feet.
- b. Section 208-98 of the Town Zoning Code requires that no building or part of a building, other than steps, eaves and similar fixtures, shall extend nearer to the center line of the street or road than 100 feet of Longkill Road. Lots #1 and 7 appear to lack the required front yard setbacks.

Section 179-26(A) of the Town's Subdivision Regulations requires that the owner shall offer to the Town, Class A, B, money in lieu of land, or a combination of the three. The applicant is asked to advise the Town of the manner in which Section 179-26(A) of the Town's Subdivision Regulations is going to be satisfied. Section 86-6(E)(5) of the Town Code requires that street lighting be provided at the intersection of subdivision streets and an existing arterial or collector street. Subsequent plans may need to show a street light at the intersection of the proposed roadway with Longkill Road if deemed appropriate for the existing setting. The proposed point of access to the project appears to provide adequate sight distances for entering and exiting. Notwithstanding, there should be indication on the plan of what the required and provided turning sight distances are based upon the posted speed limit of Longkill Road. It is understood that the existing home will remain and be placed on its own lot. The preliminary plans shall illustrate how new utility service laterals will be extended to the existing home. The existing home that will remain will have an unusual position on the lot. While the home is within the required setbacks, the Planning Board should review this arrangement to ensure it is acceptable. The concept plan shows areas set aside for stormwater management. Given the conceptual nature of the plan, the type of practice has not yet been determined. The applicant should be aware that the Town prohibits the use of a P-5 practice and in the event it is determined that the P-5 practice is the only viable option, supporting materials will need to be submitted to the Town for review before it will be deemed acceptable for use. As the project proceeds through the Town's regulatory review process, the applicant is urged to meet with the Town's Stormwater Management Officer to review any proposed green infrastructure practices to avoid those that may be deemed undesirable. 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. Considering that this plan is conceptual in nature, subsequent comments will be provided with a preliminary plan submission. Mr. Bianchi noted that comments referencing preservation of the existing house were now irrelevant.

Mr. Anthony LaFleche, 21 Wheeler Drive, stated his support for the 50' setback requirement, requested that any potential trail segment along Longkill Road be situated as far as possible from the existing roadway pavement, and suggested that the small portion of properties located within the Town of Malta be transferred to parcels within that municipality.

Mr. Ferraro and Mr. Bianchi encouraged the applicant to discuss the proposal with officials from the Town of Malta as soon as possible since it is likely that the municipality will require approvals from its Zoning Board of Appeals for the subdivision of a substandard parcel. In response to Mr. Ophardt's question regarding the possible inclusion of a landscaped island within the proposed cul-de-sac, Mr. Wilklow explained that detailed plans had not yet been prepared. Mr. Ferraro observed that, due to an open ditch along the property's Longkill Road frontage, trail construction in that area would be difficult. He did, however, recommend the applicant's granting of a permanent easement to provide for a possible future connection to the soccer fields and park area to the south of the project site. Mr. Scavo recommended that the Board consider a request for the establishment of a 15' easement along the property frontage or the collection of parkland fees to be used for future property acquisition and/or trail construction. Mr. Ophardt called for the preservation and/or installation of landscaped buffering along the property's frontage. Board members all agreed that this was desirable. There was considerable discussion about alternatives for connectivity to the neighborhood directly north of the project site and to the park area approximately ¼ mile to the south, including establishing a connecting path to the rear of the proposed properties. However, such connections would present challenges since the project site is bordered by private residential properties to the south and the land to the north is part of an established homeowners' association situated within a different municipality. The applicant was asked to further investigate options for the trail connection from the proposed subdivision to the existing parkland to the south.

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

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

Mr. Scavo read comments issued by the ECC after review of the application at the July 3, 2018 meeting. ECC requests that the applicant provide a 15' wide multi-use trail easement along Riverview Road. The existing septic system shall be shown on the plans for the 1847 Farm House. The ECC recommends that subsurface geological studies (test pits) shall be made to determine feasibility of proposed well and septic system locations.

Mr. Scavo explained that Mr. Myers, Director of Building and Development, provided the following comments in a memo dated June 28, 2018. The septic location for the existing house is

not shown on the project plan. The proposed septic systems for Lots D and E are shown upgradient of the proposed wells. A minimum separation distance of 200' is required. The septic system proposed for Lot E is upgradient and within 100' of the delineated wetland buffer. Individual lot grading plans will be required to ensure compliance and no conflict with adjoining parcels. Lots B and C are configured as keyhole lots and subject to Planning Board approval. Section 208-16E(2)(b) states that "at least one acre of unconstrained land available to accommodate a residential use, including any required well and septic." Lot A is proposed to be less than one acre. A full Stormwater Pollution Prevention Plan will be required. A bulk of the unconstrained open space is unusable since it cannot be reached by the public.

Mr. Scavo read the comment prepared by Mr. Reese, Stormwater Management Technician, for this application. The applicant shall calculate the total impervious cover at total site build-out to determine the level of preparation required of the Stormwater Pollution Prevention Plan. If the impervious cover exceeds 25%, a Full SWPPP that includes post-construction stormwater management practices will be required.

Mr. Scavo read the comments prepared by Ms. Viggiani, Open Space Coordinator, regarding this application. Ms. Viggiani points out that the application submitted lacks the required Conservation Analysis which is mandated by CR (Conservation Residential) zoning legislation. The Conservation Analysis would help Board members consider several salient points related to the proposed subdivision. Riverview Road and the historic and scenic landscapes along the corridor "are the heart of the Clifton Park centerpiece of the Mohawk Towpath National Scenic Byway." The site contains an existing house and barn with historic features and resources. The applicant should clarify whether or not these structures are listed on local, state, or national historic registers. The applicant should determine if the overall parcel is located within the Vischer Ferry National Historic District. This parcel may be located within 500' of a designated agricultural property. Tax map data indicates that the property is situated within Saratoga County Agricultural District #2 and it appears that it lies within 500' of other agricultural district parcels. Riverview Road is recognized as a bicycling route. Based upon local and regional plans, the corridor is considered a primary route for a regional bicycle and pedestrian pathway. Ms. Viggiani recommends that this project provide a 15' wide easement along the property frontage for future roadway improvements and/or trail development.

Mr. Scavo offered comments prepared by the Planning Department. The Saratoga County Agricultural Data Statement and Control Form is required to be completed and submitted by the applicant. The Planning Board will decide if GML §239(m) & (n) are applicable based on a review of the information provided on the completed form. Based on County GIS Mapping, it appears that the parcel is located within Saratoga County Agricultural District #2. The project is located within the CR (Conservation Residential) zoning district which limits development to one lot per three developable (unconstrained) acres. Based on the submittal the total unconstrained land area is 18.08 acres which provides a density yield of 6. The applicant should provide information as to whether or not the project is within a FEMA designated flood plain boundary. It appears from County GIS Mapping the parcel lies just beyond the 100-year designated floodplain. Test pit data must be provided to indicate the depth of ground water and seasonal high ground water. There is a large presence of regulated wetlands and designated floodplain areas adjacent to the project site.

Significant fill may be required to raise the houses above the seasonally high water table. Percolation test results within a minimum pre-soak time of 24 hours will be required. Based on USGS Soils Survey Mapping of the area, it appears the soil types have the potential to vary greatly within individual properties adjacent to Riverview Road. It is recommended that a preliminary grading plan be prepared to evaluate the potential impacts of the proposed grading. According to Saratoga County Real Property Services Data, the existing farm house was built circa 1847. The project site also lies within an archeologically sensitive area. Based on the historic nature of this site the Planning Board may consider the requirement for an archeological report to be completed. Information on who delineated the wetlands and when should be provided. A jurisdictional determination for the wetlands will be required. It appears the current layout and configuration will result in no disturbance of identified wetlands. The adequacy of sight distances at the proposed intersection of the private driveway and Riverview Road should be verified.

Mr. Bianchi reported that M J Engineering and Land Surveying, P.C. provided the following comments regarding this application after review of the subdivision plan and supporting documents submitted. Review of Part 617 of NYS Environmental Conservation Law indicates that 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 are not necessarily limited to the following: Saratoga County Planning: parcel is within the boundaries of Consolidated Agriculture District No. 2; NYS Department of Health: potential approval for on lot septic systems and water supply wells; NYS Department of Environmental Conservation – NYSDEC Phase II Stormwater Regulations and coverage under stormwater SPDES and identification of threatened and endangered species; NYS Office of Parks, Recreation and Historic Preservation – identification of cultural or historic resources. Additional involved/interested agencies may be defined as the project proceeds through the Town’s regulatory review. Two comments related to the Short Environmental Assessment Form. Under Part 1.2, the applicant is asked to list all agencies having jurisdiction or will be issuing a permit for the project. Under Part 1.15, the applicant is asked to confirm the response is inclusive of the USFW Ipac database search.

Mr. Bianchi explained that several comments related to the subdivision plan. The project is located within the Town’s CR (Conservation Residential) zoning district. The proposal for four single family homes is a permitted principal use within the CR district as noted in Section 208-16 D (1) (b) [1] of the Town Zoning Code. The applicant is proposing to create four new lots from one existing 32.07 acre parcel for a total of five lots. The proposal follows the development option outlined in Section 208-16(E)(2)(b) of Town Zoning Code where the density may not exceed 0.33 units per acre of unconstrained land, provided 50% of the area of the development site is designated as permanent open space. In reviewing the submission, there will be 16.38 acres of permanent open space (51%) and there is 18.08 acres of unconstrained land, yielding a maximum number of 6 lots. With the proposal of four (4) new lots and one existing, the proposal appears to meet the requirements of Section 208-16(E)(2)(b) of the Code. Should additional constrained lands be identified as the application progresses, the number of proposed lots may be reduced. The project proposes 5.22 acres (or 32% of total open space) of unconstrained open space, which exceeds the 25% minimum required of Section 208-16(E)(3)(a). The plans state 29% will be provided and should be corrected. The applicant shall identify ownership of the

proposed open space, a requirement of Section 208-16(E)(3)(c) of the Code. If held in private ownership, preservation in perpetuity shall follow the requirements outlined in Section 208-16(F). The Town's Chief Zoning Officer has determined that Lots B and C are keyhole lots. Pursuant to Section 208-86 of the Town's Zoning Code, keyhole lots may be permitted by the Planning Board only in Residential Districts R-1 and R-3 and only in rare instances when required due to unusual conditions of the area. Based upon a review of Section 208-16(E)(5) through (10) of the Code, it appears the proposed lot configurations meet the bulk lot requirements of the CR zoning district. It is noted that the bulk lot table on the plan identifies a front yard setback of 25 feet. This shall be corrected to state a minimum setback of 75 feet pursuant to Section 208-16(E)(8)(b) of the Code. Subdivisions proposed within the CR district are to follow a four step resource analysis. In reviewing the submission, several of the steps do not appear to have been fully completed and are necessary for the Planning Board to fully review the layout as proposed. In the preparation of the existing resources and site analysis plan under Step 1, items outlined in Section 208-16(E)(13)(b)(3) shall be identified. If the feature or resource do not exist, it shall be noted as such. For Step 2, which is the conservation analysis and prioritizing of conservation concepts, there needs to be an analysis or consideration of the key conservation principals for Western Clifton Park, much of which are outlined in the Western Clifton Park GEIS. Items to be considered are outlined in Section 208-16(E)(13)(c)(2). The SEAF form indicates an estimated site disturbance of 4.1 acres which requires the preparation of a "basic" Stormwater Pollution Prevention Plan that addresses construction phase erosion and sediment controls. Subsequent submissions need to include the noted SWPPP and plans for review. The following notations should be added to the plan:

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

The plans should identify the date and by whom the wetlands shown on the plat were delineated, show the limits of the Town's LC Zoning District, and indicate the location of the existing septic system for Lot A. The applicant is asked to confirm that the proposed driveway has adequate sight distance based upon the posted speed limit of Riverview Road. Subsequent plans shall identify whether a driveway culvert will be required at Riverview Road to adequately convey roadside drainage. It is proposed to have a shared driveway. A shared driveway maintenance agreement will be required. A draft of the agreement shall be provided to the Planning Board's legal counsel for review. The shared driveways for proposed Lots B through E are required to conform to Section 511.2 of the IFC (NY Supplement). The driveway layouts shall be reviewed by the responding emergency service agencies. Subsequent plans shall include appropriate information demonstrating compliance with the referenced codes. This shall include confirmation that the appropriate road width, road clear height and road loading conditions are being satisfied. The project does not have access to a public water supply, with all lots being serviced by on-lot wells for drinking water. Section 507.2 of The New York Supplement to the FCNYS allows the fire code official to approve the use of NFPA 1142, in rural and suburban areas in which adequate and reliable water supply systems do not exist. The applicant shall discuss with the Town's emergency response agencies whether NFPA 1142 will be applied to the project. Information on the plans must 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 number obtained for Lot B must be placed on the filed plat.

Mr. Ferraro read aloud Section 208-86 of the Town Code which states the following: 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.

He explained that since keyhole lots can only be considered in R-1 and R-3 zones and this parcel lies with the CR zoning district, the Planning Board is not in a position to review the proposed subdivision application as submitted. He advised the applicant to discuss the issue with Mr. Myers, Director of Building and Development and Chief Zoning Officer. Mr. Scavo explained that the lot configurations proposed were designed to allow the applicant to meet the bulk standards, lot width requirements, and setbacks while designing a more aesthetically pleasing layout while adhering to the CR zoning regulations. He pointed out that the proposed homes could be placed with significantly more visual impacts in linear fashion along Riverview Road. Mr. Ferraro rejected this explanation and called on the applicant to design a “conservation layout,” noting that the zoning legislation was created to “provide public open space.” In response to Mr. Jones’ question regarding the possibility that approval of such a subdivision design would “set a precedent” for future applications, Mr. Morelli advised Board members that applications “always have enough uniqueness” to be considered on their individual merits. Mr. Jones supported Ms. Viggiani’s request for a preparation of a Conservation Analysis that would help the Board weigh the benefits and deficiencies of the proposed subdivision.

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

Mr. Andarawis stated that since he lived on Hubbs Road in close proximity to the proposed subdivision, he felt obligated to recuse himself from any discussion and/or vote on this application. He left the meeting.

Mr. Robert Wilklow, consultant for the applicant, explained that, since this application requesting approval for a subdivision of lands within the CR zone had been configured in a similar fashion as the proposed Proctor subdivision just discussed, it would be futile to present it in detail to the Board. He agreed to consult with Mr. Myers, Director of Building and Development as well as Mr. Scavo, Director of Planning, in an attempt to create a more acceptable subdivision design.

Mr. Ferraro advised the consultant to clearly delineate constrained and unconstrained lands, emphasizing that all adjacent areas should be considered constrained.

Ms. Bagramian moved, seconded by Mr. Jones, adjournment of the meeting at 10:48p.m. The motion was unanimously carried. The next meeting of the Planning Board will be held as scheduled on August 14, 2018.

Respectfully submitted,

Janis Dean, Secretary

