

# 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 Szczesny

(alternate) Teresa La Salle

## Planning Board Minutes

June 12, 2018

Those present at the June 12, 2018 Planning Board Meeting were:

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

Those also present were: J. Scavo, Director of Planning  
A. Morelli, Counsel  
J. Hakes, Town Designated Engineer  
M. Springli, Secretary

### I. Minutes Approval – postponed

Pledge of Allegiance

### II. Public Hearings

#### **2013-022 Khan, Lands of Subdivision**

*Applicant proposes the construction of 6 single family residential lots and associated water, sewer and stormwater infrastructure. Water will be provided by an extension of the CPWA main located at he Meadow View Apartments. Sanitary Sewer will be provided by individual septic systems or connection to the Saratoga County Sewer District #1 system. Access to the lots will be provided by private and shared driveway, Waite Rd, Zoned: C-R, Status: PB Preliminary Review w/ possible Determination SBL: 270.-1-44*

### **SEQR**

Mr. Ferraro explained the review and approval process to those present, stating that the Board was required to render a determination pursuant to SEQRA (State Environmental Quality Review Act) prior to conducting a public hearing on this application. He explained that the Planning Board would assume Lead Agency status for the project and issue a negative declaration as a “formality” which neither granted nor implied approval of the subdivision application. Should it be determined that additional environmental review is required, SEQRA discussions will be reopened and a decision rendered when deemed appropriate.

A motion was made to establish the Planning Board as Lead Agency for this application, and to issue a negative declaration pursuant to SEQRA.

Action type: Unlisted

Moved: Mr. Szczesny

Seconded by: Ms. Bagramian

The motion was unanimously carried.

Mr. Ferraro, Chairman, called the public hearing to order at 7: 08pm and the Secretary read the public notice as published in the Daily Gazette on May 30, 2018.

### **Consultant/Applicant Presentation:**

Scott Lansing, with Lansing Engineering and Land Surveying presented the application, a 6-lot residential subdivision with frontage on Waite Road. Mr. Lansing explained that two of the lots to the rear would have larger acreage and that a private shared driveway with a deeded maintenance agreement will service all homes with one access point on Waite Road.

### **Staff Comments:**

#### **Environmental Conservation Commission**

The ECC held a meeting on June 5, 2018 to discuss the project and issued a comment letter with the following recommendations:

- The ECC requests that wetland signage and/or split rail fencing to be installed along the border of the ACOE wetlands.
- The planning board should require that the dedicated permanent open space deed restrictions be in perpetuity and so noted on any plat or plans submitted to the town.

#### **Stormwater**

Scott Reese issued a memo dated 6/8/2018

- If it is the intent to leave the total disturbance at 4.79 acres for this project. The limits of clearing and grading does not consider the disturbance for the proposed force main or the proposed estate homes on having patios, pools or other accessory structures. The following is recommended:
  - On the Erosion and Sediment Control Plan: Construction fencing shall be installed along the perimeter of the area of disturbance when each lot is being cleared and graded. The disturbance of the private driveways and the perimeter of the individual lot fencing shall be surveyed to confirm the proposed disturbance area will be below five acres.
  - If ground disturbances exceed the five acres, then a FULL SWPPP will be required and post-construction stormwater management practice components will need to be designed and installed.

#### **Fire Prevention**

Sheryl Reed issued a memo dated June 12, 2018 with the following comment(s):

- Provide postal verification for 911 addresses.
- The driveway (Fire Apparatus Access Road) is required to be a minimum of 20 feet wide and have a turnaround within 100 feet of each structure for emergency services. The Fire Apparatus Access Road shall be designed to have a vehicle loading of 75,000 lbs.
- Based on the size of the proposed 2"water line I have concerns with the availability of adequate fire flow for the fire department. This needs to be addressed prior to approvals.

#### **Building and Development**

Steve Myers issued a memo dated May 30, 2018 with the following comment(s):

- It has been noted in previous comments that the number of lots available to be built is 4. (10-24-17) This proposal still incorrectly contends 6 is possible. They use a density of 0.24 units per unconstrained acre. The required density is 0.33 units per unconstrained acre.  $25.4 \div 2$  (for 59% open space) = 12.7 acres divided by 3 = 4.23 units. The requirement that 25% of the entire parcel (7.74 a) be unconstrained land appears to be met.

*[Note: At this point, Mr. Scavo read from Town Code Section 208.16 (E)(2)(b) that the Open Space is not part of the unconstrained land, and the Planning Board Chairman noted that felt that the calculations by the applicant were therefore correct.]*

- The driveway lengths are noted as 1350' and are actually 1580' +/- to lot 6 and 1640' +/- to lot 5.
- Driveways will be required to be a minimum of 20' wide to each house and shall have a vehicle turnaround within 100' of each house. Lot 1,2,3 & 4 do not meet the width requirements and lots 1 & 4 do not meet the turnaround requirements.

*[Mr. Lansing responded that driveway lengths would be conforming]*

- Lots 5 & 6 are keyhole lots.

*[Mr. Scavo noted that the Planning Board has ability to approve keyhole lots per Town Code.]*

- It is strongly urged to extend a water main into the property rather than individual service laterals. Due to the distance it is expected a minimum of 2" service laterals will be required. A fire flow test will be required at the new hydrant. It is also strongly recommended to provide fire sprinklers to each house due to the distance from a fire access road.
- I am skeptical about the claims that the development is not a realty subdivision and will disturb less than 5 acres. This also has resulted in a request to reclassify the project as unlisted under SEQRA rather than a Type 1 action.
- Driveways must be certified to be able to hold a 75,000 lb vehicle.

### **Open Space, Trails and Riverfront Committee**

Roy Casper sent a memo dated 6/12/2018 with the following comments:

- A 10 Ft. to 15 Ft. ROW should be provided on the property along Waite Rd. for future bicycle and pedestrian needs.

### **Planning**

John Scavo offered the following:

- The project is adjacent to the Saratoga County Agricultural District #2- with no farming operations reported within 500' of the project property. Therefore, a referral to the Saratoga Co. County Planning Board is not required.
- Add a note to the subdivision plan which states, "A timber harvest – Special Use Permit is required if individual lots in which the maximum area affected by future logging operation is greater than one acre. In either scenario, the Town Highway Superintendent shall be notified by the property owner before any logging operation begins so that he may determine whether or not a driveway-opening permit will be required for the particular operation." Please note that work performed as part of the scope of an approved subdivision plan by the Planning Board does not constitute the need to obtain a timber harvest Special Use Permit.
- In accordance with §208-86(F) of the Town Code, please add the following note with a detail to the subdivision plan:
  - STANDARD NOTE FOR ADDRESS IDENTIFICATION. The street number of a dwelling situated on a keyhole lot shall be permanently and conspicuously displayed on a

sign, with lettering no less than 3 inches nor greater than 8 inches in height, and placed no more than 25 feet from the road pavement. The sign shall be displayed for both directions of travel and be reflective. Identification markers must also be placed at any location where a common drive splits.

- The locations of mailboxes for each parcel shall be clustered in an area acceptable to the local Postmaster and accessible within the Waite Road Right-Of-Way.
- Any final approval should be conditioned upon sign off from Sheryl Reed and Steve Myers.

**Professional Comment:**

Jackie Hakes, reviewed a letter from MJ Engineering issued on 6/8/2018 with the following comment(s):  
State Environmental Quality Review

- Since the average lot size for the project is 5.16 acres, it does not meet the requirements of a realty subdivision pursuant to Article 11, Section 1115 of Public Health Law. As such, the application can be considered an Unlisted SEQRA action.

Short Environmental Assessment Form

- No additional comments.

Subdivision Plan

- The project now proposes to extend public sewers to service each lot by way of the Clifton Park Sewer District. Confirm that the comments furnished by the Town of Clifton Park Sewer Department dated April 17, 2018 are addressed. Further, the Planning Board should be provided with documentation that both the Town and County sewer district have the ability and are willing to service the project site.
- The proposed sanitary forcemain will be within the NYS Rt 146 right-of-way. This is subject to a utility work permit from the NYSDOT. The applicant shall obtain permit approval from the NYSOT prior to obtaining permits to construction.
- If the proposed sanitary forcemain that parallels the common drive is intended for conveyance to the Town, the subdivision plat shall note this conveyance.
- It is recommended that both the sanitary force main and portions of the proposed water main be installed using trenchless technologies along Waite Road. Otherwise there may be significant pavement repair required. The method of installation shall be reviewed with the utility providers as well as the Highway Superintendent.
- The Town's chief zoning office has provided several comments regarding emergency access and fire protection needs for each home. It is recommended that these comments be adequately addressed, potentially prior to taking action on the application.
- The Town's chief zoning office has determined that Lots 5 and 6 are keyhole lots. Section 208-86 of the Town Zoning indicated keyhole lots may be permitted by the Planning Board only in Residential Districts R-1 and R3 and only in rare instances when required due to unusual conditions of the area.
- The project will have between 1 and 5 acres of disturbance. Confirm this calculation is inclusive of the off-site water and sewer improvements being proposed.

Stormwater Pollution Prevention Plan

- Should the response to Comment 9 above yield a disturbance greater than 5-acres, the SWPPP will need to be updated to account for post construction stormwater management systems.
- The SWPPP shall include documentation demonstrating the project is eligible for permit coverage pursuant to Part I.F.4 and Part I.F.8 of GP 0-15-002.

**Public Comment:**

None

There being no public comment, Mr. Ferraro moved, seconded by Mr. Ophardt to close the public hearing at 7:30 p.m. The motion was unanimously carried.

**Planning Board Review:**

Mr. Ophardt asked if the water lines were adequate for fire suppression. Mr. Lansing stated that he would verify the flows at the hydrant and would make sure they would conform to fire safety standards.

Mr. Jones asked if the plans were a realty subdivision or not, and whether the project would actually have less than 5 acres of disturbance. Mr. Lansing stated that it would be confirmed to be less than 5 acres and the applicant planned to use directional boring to limit disturbance as much as possible.

Mr. Ferraro, stated that he had concerns that there would be incremental impacts if prospective homeowners decide to clear more land in the future. Mr. Lansing stated that the applicant did not anticipate doing any timber harvesting.

Mr. Ferraro asked what would happen if the disturbance increased to more than 5 acres. The Planning Director stated that there would still be permit coverage from DEC but that if more than 5 acres would require a full SWPPP and weekly inspections and Notices filed. Mr. Scavo stated that a note on the plan could be included to warn about consequences of going over 5 acres. Mr. Scavo explained that any buyers should be aware that there were time limits before any further disturbances would be permitted in order to ensure stable soils. Discussion ensued. Mr. Scavo explained that the zoning now required permanent Open Space under the current CR zoning. He also said that zoning is always subject to change but that these parcels would be required to conform to the zoning that exists at the time of its approval even if ownership should change, so the Board should feel confident that Open Space that is preserved through this subdivision will remain protected in perpetuity although it would be privately owned.

**Resolution:**

Resolution #11 of 2018 to waive the final hearing for this application for the 6-lot subdivision of Lands of Khan, and to grant preliminary and final subdivision approval condition 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.

Offered by : Ms. Bagramian

Seconded by: Mr. Ophardt

Conditions: Any final approval should be conditioned upon sign off for Fire Code from Sheryl Reed and Steve Myers. Stormwater Management Staff will keep an eye on the 5 acre limit of disturbance. Some signage should delineate the Open Space areas on the final plan. R-O-W/easement along Waite Road should be added to the plan.

**Roll call**

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

Noes: None

**III. Old Business**

**2016-031 DCG Town Plaza Drive Thru**

*Amendment: Applicant proposes to reverse the Drive Thru Lanes that were approved on 8/9/16.*

*Applicant proposes to renovate existing building 100 and reconfigure parking areas as needed to accommodate a drive thru restaurant use, Rt 146, Zoned: TC3, Status: PB Final Review*

SBL: 271.-3-33

Joe Dannible, Consultant, with Environmental Design Partnership, presented the project, an amendment to a proposed restaurant with drive-thru access on Route 146 in the TC3 zone. Rick Eaglestone with DCG Development, and Gene Nachamkin, the regional owner of the Sonic franchise were also in attendance. Mr. Dannible explained that originally this location was approved in 2016 for a drive-thru Dunkin Donuts but that those plans did not progress. At this time, Sonic Drive-in has proposed to occupy the site. The consultant noted that traffic circulation has been an area of concern as the project has been reviewed by the Planning Board, and revisions have been proposed to improve access to the site and traffic flow. Mr. Dannible also reviewed the Town Center bulk standards and criteria table and the subsequent waivers needed as this is an existing site with incremental changes rather than a new build proposal. Next, Mr. Dannible explained that the Town Center Technical Advisory Committee has met with the consultant and applicant to review the plans and those comments were included in this submittal.

### **Staff Comments:**

#### **Environmental Conservation Commission**

The ECC held a meeting on June 5, 2018 to discuss the project and issued a comment letter with the following recommendations:

- Due to the probability of food and liquid wastes leaking from the on-site dumpster(s) into a storm water catch basin and/or surface water body, the ECC recommends the applicant enclose the area (i.e. roof) on an impervious surface with a berm surrounding the dumpster(s) that accept food and liquid wastes. If necessary, the Applicant will need to periodically pump out the accumulated wastes within the bermed area to avoid any overflow
- The ECC notes that the total greenspace percentage is not listed. The greenspace shall comply with The Town Center Bulk Standards Table and listed on the plans.
- In keeping with the recommendations and goals of the Town Comprehensive Plan, the Applicant should use landscaping and grading to provide visual and auditory buffering between the project and adjacent roadways or other properties.

#### **Stormwater**

Scott Reese issued a memo dated 6/8/2018

- If it is the intent to leave the total disturbance at 0.98 acres for this project. The following is recommended:
  - On the Erosion and Sediment Control Plan: Construction fencing shall be installed along the perimeter of the area of disturbance. Where the disturbance crosses pavement then marking paint shall be placed on the surface to delineate the limits of disturbance. The perimeter of the fencing and marking shall be surveyed to confirm the proposed disturbance area will be below one acre.
  - If ground disturbances exceed the delineated area, site construction will be ordered to stop, and will need to submit and obtain the New York State Department of Environmental Conservation SPDES General Permit for Stormwater Discharges from Construction Activity Permit No. GP-0-15-02.

#### **Fire Prevention**

Sheryl Reed issued a memo dated June 12, 2018 with the following comment(s):

- With the additional traffic flow to and from the plaza and the inability to safely exit onto Route 146 turning left this could be a major safety concern.

### **Building and Development**

Steve Myers issued a memo dated May 30, 2018 with the following comment(s):

- All signage will be reviewed and determined by the Building Department.
- New traffic patterns may require modifications.

### **Open Space, Trails and Riverfront Committee**

Roy Casper sent a memo dated 6/12//2018 with the following comments:

- Extend the pedestrian connection to the east side of the site to the Municipal Plaza roadway through crosswalks and additional short segments of sidewalks.
- Also, if the site topography permits, a sidewalk connection along the west side of Municipal Plaza roadway to the sidewalk along the south side of Rt. 146 would provide a strong pedestrian connection to the proposed restaurant from the eastern direction.
- A convenient bicycle rack should be installed near Sonic that can support multiple bikes.

### **Planning**

John Scavo offered the following:

- The exterior architectural character, proportion, materials, and articulations shown on building elevations shall be attached to the site plan and made part of the site plan approval for the drive-thru request.
- The current plan submittal compared to the January 2017 plan set appears to address my prior comments. The 18 parking spaces with order boards has been reduced to 7. The applicant has also achieved one-way traffic flow around the seven parking spaces with exterior order boards. This has allowed for a reduction of turning movement conflicts identified on previous plan sets.
- Show the sidewalk previously constructed to Route 146 along the western most driveway to the Plaza.
- The landscaping plan appears appropriate for the site given the topographic constraints in relation to Route 146.

### **Professional Comment:**

Jackie Hakes offered the following form a letter issued by MJ Engineering on 6/9/2018:

State Environmental Quality Review

- Since this is appears to be an amendment to a previously approved application, the Planning Board does have the option of relying upon the prior SEQRA findings. Should the Planning Board feel that this proposal is not consistent with the prior SEQRA findings then a new review shall be conducted. Based upon our review of Part 617 of NYS Environmental Conservation Law, the project still appears to be an “Unlisted” action. Assuming 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: 239m referral due to the parcel being within 500 feet of NYS Route 146. Additional involved/interested agencies may be defined as the project proceeds through the Town’s regulatory review.

Site Plan

- The project is located within the Town’s TC3 General Zone. The proposal for exterior parking lot improvements and drive thru may be considered an ancillary to the existing principal use. It is noted that Table 3-1 of the Form Based Code (FBC) identifies a drive-thru, either as part of a

bank or restaurant operation to be considered a permitted use.

- *[ The speaker added that she felt that through TAC meetings, the internal circulation with this proposal has been greatly improved.]*
- There are several aspects of the site layout which do not conform to the TC3 exterior improvement standards (Chapter 7 of the FBC. However, the layout remains generally consistent with the prior application approved by the Planning Board. Pursuant to Section 2.3 of the FBC, the Planning Board does have the ability to make modifications to various dimensional requirements if deemed appropriate.
- The intersection of the one-way drive thru and one way drive up service should be modified to prevent inadvertent exiting down the one way drive up service lane. This may include extending the southern curb line further north to discourage the right hand movement.
- Identify the location of the accessible parking spaces intended to service the establishment, either existing or new spaces.
- Sheet 9 shall show the location of and detail for a concrete washout area if required for the scope of work planned.
- Provide an illumination plan that shows footcandle values at pavement levels. The plan shall also show the mounting height of free standing fixtures.
- Provide information regarding the materials of construction for the two refuse enclosures.
- Each of the Stormtech systems shall show cleanout/access ports at the end of the rows for maintenance and inspection.
- The plans shall show the location and results of the soil test data to support the use of the infiltration systems shown. This will include the requisite number of infiltration tests and test pits.

#### Stormwater Management Narrative

- The narrative indicates that the project will disturb 0.98 acres, 871 s.f. short of an acre where compliance with the NYS Stormwater Management Regulations is necessary. It will be required that site disturbances are closely monitored. Should the total disturbance exceed 1 acre then a SWPPP that addresses water quality and quantity controls will be necessary. It is noted that the systems proposed appear to substantially achieve compliance with the NYS Stormwater Management Design Manual.
- Provide the results of all soil testing conducted to support the design assumptions made. Testing should be furnished as part of the regulatory review process.

#### **Public Comment:**

Stephanie Goldberger, a resident of Clifton Park, stated that she felt that the sign and appearance of the Sonic Drive-in was not in character with the area.

#### **Planning Board Review:**

Mr. Neubauer stated that the TAC felt this submitted plan was an improvement and ready for the Planning Board to consider. Mr. Neubauer added that the TAC did take into consideration that the application was proposed as incremental change. The board member stated that he felt that signage should be reviewed and included in the site plan application. Mr. Dannible explained that the approval for the signs lay with the ZBA and that he was reluctant to include it in the site plan application since it may change before final approval is granted. Discussion ensued regarding concerns about the amount of proposed signage and board members felt that the intent in Town Center was to conform to appearance, that included signage. The chairman then reminded members that it was a decision that rested with the ZBA, and that concerns about the colors, size and number of signs to be considered for the building was not part of the Planning Board purview. Mr. Dannible however, asked if eliminating the blade sign and

keeping the signs on the building frontages would be agreeable, and Board members responded that they felt it would be better to keep the Blade sign and eliminate the building signs.

Mr. Jones then asked the engineer to explain the traffic circulation and Mr. Dannible demonstrated turns on the diagram. Mr. Jones expressed concerns that the turns were a bit too tight on the eastern entrance to the drive thru for larger vehicles. Board members felt that the access back on to Route 146 was still of concern and needed to be addressed. Mr. Dannible responded that there were many planned wayfinding signs on the site that would direct traffic to the western most exit. Mr. Ferraro noted that he felt the applicant had done all they can to address internal circulation issues on the site but that the Town will at some point have to address off site access issues to alleviate the problems that will arise as growth in the Town Center occurs.

Gene Nachamkin, the Sonic franchise owner, addressed the Board and explained that the corporate designers had extensively reviewed the circulation pattern and the bumpouts in the traffic lanes and were satisfied that the plan could work.

Board members expressed concerns with traffic in the area especially at the initial opening of the restaurant and stated that they felt that wayfinding signage could help.

SEQR

Mr. Scavo noted that the Board could reaffirm the previous negative declaration pursuant to SEQR based on an amended drive-thru, and board members stated that they felt that was fine.

A motion was made to waive the final hearing for this application for the site plan review of DCG Town Plaza Drive Thru, and to grant 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.

Moved: Mr. Ophardt

Seconded by: Mr. Neubauer

Conditions: revisit internal circulation system, bumpouts, and wayfinding signs in 6 months if adjustments need to be made, it can be done through an administrative review with the Planning Director.

Ayes: All

Noes: None

The motion was unanimously carried.

### **2017-021 Abele 14 Lot Subdivision and Duplex SUP**

*Applicant proposes construction of 14 Duplex Units on a public road to be connected to John J McKenna IV Way. After construction of the duplex buildings, each building will be subdivided down the common wall so each side can be individually owned. A homeowner association will own and maintain the roadway, Christinamarie Dr, Zoned: R-1, Status: PB Revised Concept Review SBL: 284.-1-10.21*

Tom Andress, Consultant, with ABD Engineering, presented the project, a proposal to construct 14 duplex units on John J. McKenna IV Way. Mr. Andress stated that this submittal revised the plan to include a public looped road, rather than a private roadway with hammerhead turnarounds that had previously been proposed. It was explained that the applicant has received

approvals to reconfigure the Army Corps wetlands allowing for a continuous looping road. Mr. Andress explained that a Homeowners' Association would be in place that would be able to enforce deed restrictions that are in place. The consultant added that if required, an emergency access easement would be constructed through Christinamarie Drive which would be the responsibility of the HOA to maintain.

### **Staff Comments**

#### **Environmental Conservation Commission**

The ECC held a meeting on June 5, 2018 to discuss the project and issued a comment letter with the following recommendations:

- Due to the existing topography there appears that significant grading will be necessary to provide buildable lots. Applicant shall include a grading plan for the R-1 zoned standard lot layout in order to assess the feasibility of this proposal.
- The ECC is in agreement with the State Environmental Quality Review and Full Environmental Assessment Form comments by MJ Engineering, dated December 27, 2017.
- Due to the Deed Restrictions on lots 21, 22, 23, 25 & 26, noted on the plan, the ECC recommends that these lots not be approved as configured, due to the potential environmental impacts and limited useable yard space.
- The parcel (subdivision) is located in an area which may be impacted by interstate vehicular traffic activity. Impacts may include noise or vibration. The applicant should make note of this condition on each of the property deeds.

#### **Stormwater**

Scott Reese issued a memo on 6/8/2018

- The applicant is proposing on-site infiltration for treatment for stormwater management. When the plans develop the design engineer shall supply test hole and percolation test information with the design calculations.
- It appears that this project will disturb more than five acres; therefore, a full Stormwater Pollution Prevention Plan will be required to be submitted after concept approval.
- The Concept Cluster Plans state that the stormwater to be managed by infiltration ditches, grass swales and rain gardens. The SWPPP shall include a summary table, with supporting calculations, which demonstrates that each post-construction stormwater management practice has been designed in conformance with the sizing criteria included in the NYS Stormwater Management Design Manual.
- With the proposed rain gardens in the back lawn of the residential units and the close proximity of the deed restricted line and existing stream will limit the possible use for lawn area, patio, pools or any other accessory use.

#### **Fire Prevention**

Sheryl Reed issued a memo dated June 12, 2018 with the following comment(s):

- Provide proposed street names for the postal verification and 911 addresses.
- This proposed subdivision is a (28) lot subdivision. Section 86-6(f)2 of the Code of the Town of Clifton Park requires the applicant to provide (2) means of access for a subdivision having (18) or more living units.
- Indicate any existing hydrants at the end of Christinamarie Drive or add an additional

hydrant within 400 feet of proposed lot 18.

### **Building and Development**

Steve Myers issued a memo dated May 30, 2018 with the following comment(s):

- As has been stated since the start of this project, this is not a 14 lot subdivision, it is a 28 lot subdivision.
- As a result 2 points of access are still required. The “multiuse path” must be able to accommodate a 75,000 lb vehicle and be 16’ wide.
- The deed restriction lines and/or stream on several of the lots provides minimal rear yards.
- The proposed setbacks are too small to ensure proper building separation. (refer to Riggi subdivision). These residences could be required to have 1 hour rated exterior walls. Sprinkling the residences may allow some flexibility when needed.
- If allowed to proceed as shown many of the 28 lots will be in the 10,000 sf range which is smaller than any other cluster subdivision in town. It would seem too many lots are proposed. This approval would result in many lots being half the size that is normally required in an R-1 zone.

### **Open Space, Trails and Riverfront Committee**

Roy Casper sent a memo dated 6/12/2018 with the following comments:

- The Trails Subcommittee supports the construction of the proposed 8 Ft. wide multi-use path – it provides a strong pedestrian connection for residents of the proposed subdivision to the Crescent Road Trail, Christina Maria Drive and retail establishments along Crescent Road.
- A cross walk should be placed across the town road where it intersects with John J. McKenna IV Way
- Based on the density of the subdivision and the 9 proposed duplexes (18 housing units) directly on the town road loop without the benefit of the multi-use path – the Trails Subcommittee recommends the installation of a 5 Ft. sidewalk along the town road loop. (A continuous sidewalk loop may not be possible based on the location of wetlands on the site, but a sidewalk provided along the town road in front of each duplex that doesn’t connect in a continuous loop would still provide a good pedestrian connection for residents to the multi-use path.)

### **Planning**

John Scavo offered the following:

- As plans advance it will be important to ensure stockpiling of site materials, construction equipment, vehicles, and clearing/grading does not occur within the ACOE deed restricted areas.
- Provide for a cluster mailbox design detail and location on the plan and provide verification that it is to the satisfaction of the Clifton Park Postmaster.
- If the roadway is constructed as public roadway, the notes previously added for ownership and maintenance should be removed.
- All lots in their current configuration meet the minimum 20,000 sq.ft. requirement of the R-1 Zoning District.
- The applicant should assist with preparation of a Draft Part II SEQR Long EAF for the

Planning Board's consideration. Also, provide supplemental information that may be considered to support a SEQRA Determination of Significance.

- The project would be serviced by CK Sanitary, a private transportation corporation. The applicant must furnish evidence that CK Sanitary has both the capacity and willingness to service the proposed dwellings.

**Professional Comment:**

Jackie Hakes, MJ Engineering issued a letter on 6/8/2018 with the following comment(s):  
General Comments

- An updated SEQRA form shall be submitted for the current concept plan for review if any of the information provided in the prior EAF is no longer accurate.
- The revised layout accounts for an apparent exchange of restricted land as agreed to by the USACOE. If any plans proceed that shows changes to the deed restrictions, it is recommended the Town be provided documentation from the USACOE regarding their agreement to consider and/or agreement to accept the noted exchanges.
- The side yard setbacks are proposed at 5-foot minimum. This would allow a minimum of 10-feet between adjacent twin homes. The applicant shall confirm that this distance will provide adequate fire separation pursuant to the IFC, when accounting for roof overhands. Further, this separation should be reviewed with the responding emergency services to confirm it does not hinder their ability to respond to an event.
- Define ownership of the 8-foot wide multi-use path.
- The proposal is for 14 lots and 28 dwelling units. Section 179-24 of the Town Code indicates where a residential subdivision is proposed with more than 18 dwelling units, two means of access must be provided, except in extreme circumstances where the Board may waive the requirements. Wherever practical, said entrances should be at least 300 feet apart
- The water and sewer that traverse the multi-use path likely need to be within easements conveyed to the agencies having jurisdiction. Once the required width is provided for the utilities, confirm it will not impact the placement of the home on Lot 27.

*[Mr. Andress responded that he had conferred with Don Austin from CPWA and that this would be coordinated with them and show up on later detailed plans.]*

- The current plans appear to have no set aside area for stormwater management, but notes on the plans indicate the use of infiltration ditches, grass swales and rain gardens. Give the presents of wetlands which may be an indicator of high groundwater and the clustering of homes, soil testing shall be completed to demonstrate feasibility of the stormwater approach. The Planning Board may consider the submission of feasibility level analysis of the suggested stormwater systems as part of its review of the new concept layout.
- The right-of-way width of the proposed roadway narrows to be less than 60-feet wide as it approaches Lands of Smetana to the south. The right-of-way shall be increased to 60-feet pursuant to Section 86- 6(B) of the Town Zoning.
- With the proposal to construct a road for conveyance to the Town, confirm that the initial section of road that is identified as an easement granted to Abele Limited Partnership would become a right-of-way and not continue as an easement.
- The water main at this same location appears to extent onto adjacent lands and should be either placed in the proposed right-of-way or in easements conveyed to the Clifton park

Water Authority if it is to remain as shown.

- Confirm that the proposed mail kiosk will be owned and maintained by the proposed HOA.

### **Public Comment**

Dan Hartnett, resident of 32 Southbury Dr. expressed opposition to the project. Mr. Hartnett questioned the number of lots actually being subdivided, and stated that he felt this was unlike any other project in town. Mr. Hartnett also made a suggestion that the planned sidewalk connection be aligned with the existing sidewalk.

Mr. Andress explained that the confusion arose from a notation on the agenda, which was an erroneous carryover from the previous concept. The consultant stated that at this point, the project requested 14 lots and that special use permits for duplex units would be reviewed on a case-by-case basis per each lot. In the future, he added that the applicant could apply for a variance and further planning board review if the duplex units were to be subdivided for separate ownership.

Mr. Morelli then noted that each project is reviewed by the Planning Board according to Town Code based on its own unique factors and not constrained by precedence on a different property in a different part of town.

Kathleen Kennett, resident at 15 Hiawatha, asked why the Special Use Permit was being considered for duplexes.

Mr. Ferraro stated that according to Town Code, the applicant had a right to submit an application for a Special Use Permit, and the Planning Board is then required to consider any such application. The chairman then stated that he preferred the single-family owner-occupied town house style that had been discussed previously versus a duplex, but that then added that this was, perhaps, the best fitting option in this location.

Ms. Kennett asked why it couldn't be just 14 single family homes. Mr. Jones responded that as by right, the owner can apply for the SUP but added that the Board was not required to approve that. Mr. Jones then stated that he felt it might actually work, and that the owner has the right to request it. Other board members stated they felt this was a good location for this particular type of housing.

Mr. Abele stated that he felt the market today warranted a variety of home types and that duplexes can fill a niche and be made appealing.

Next, the sidewalk and pedestrian connections were discussed relative to existing sidewalks/trails and the applicant was asked to consider the options for a sidewalk along McKenna Way or at least up to the Plaza sidewalks.

Board members asked that the applicant submit some building renderings with the next submittal. Mr. Andarawis stated that he did not prefer the lots with large restricted back yards.

Ms. Bakner addressed concerns about the deed restricted areas and the role the HOA would have in enforcing that.

**2017-035 Riggi Miller Road Subdivision**

*Applicant proposes the construction of 79 single family residential lots, new roads, and associated water, sewer and stormwater. The proposed lots will include carriage lots (10,000 sq ft min), executive lots (16,000 SF min) and estate lots (20,000 SF min.) Water and Sewer will connect to Clifton Park Water Authority and Saratoga County Sewer District #1. SBL 270.-2.32.112 and 270.-2-38.12 are also included., Miller Rd, Zoned: R-1, Status: PB Preliminary Review w/ possible SEQR Determination  
SBL: 270.-2-51.2*

Scott Lansing, Consultant, with Lansing Engineering, presented the revisions that had been made to the application in order to achieve SEQR determination and schedule the public hearing. Mr. Lansing stated that the areas of steepest slope had been reviewed and renderings were provided. Mr. Lansing then explained that the applicant would not provide sidewalks because the slope in that area would not be ADA compliant.

Mr. Ferraro stated that he felt that he would prefer a sidewalk to encourage more people to walk but questioned whether it was acceptable to have no sidewalk at all because of a section that would be non-compliant. Then the chairman requested that the applicant look into ADA regulations and see if there was an alternative available to allow them to provide pedestrian pathways.

Mr. Ferraro also asked that a note be added to the plan of a potential future street and that a sign so indicating be posted appropriately.

Discussion regarding trails ensued. Mr. Lansing was asked to revisit the plans with the Open Space Coordinator and agreed to do so.

**Staff Comments:**

**Environmental Conservation Commission**

The ECC held a meeting on June 5, 2018 to discuss the project and issued a comment letter with the following recommendations:

- Building envelopes on lot 36, 54, & 55 encroaches into the LC Zone. The ECC strongly recommends that Lots 36, 54 & 55 shall be reconfigured so as to avoid encroachment into the NYSDEC Adjacent Area. It appears there is sufficient unconstrained land that would enable these lots to be reconfigured and eliminate incursion of the building envelope into the LC Zone, thereby reducing the potential of environmental impact.
- The ECC recommends the applicant install signage along the entire border of the Conservation Areas (to be conveyed to the town) at a minimum of one sign per lot that is adjacent to the Conservation Area. In addition, signage should be installed in other areas of project site where Conservation Area exists adjacent to public property at 100-foot intervals.

- The ECC notes that the project is adjacent to an existing horse farm at the intersection of Miller Road and NYS Route 146. This project has the potential to change the visual character of the adjacent horse farm. As such the ECC recommends that the Applicant provide a visual screening to ensure that the aesthetic and unique character of this vista is maintained.

### **Stormwater**

Scott Reese issued a memo on 6/8/2018

- Please 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.

### **Fire Prevention**

Sheryl Reed issued a memo dated June 12, 2018 with the following comment(s):

- Provide proposed street names for postal verification and 911 addresses.

### **Building and Development**

Steve Myers issued a memo dated May 30, 2018 with the following comment(s):

- Houses with basements below seasonal high groundwater levels will not be allowed.
- The overall proposed site grading plan shown on sheets LMG-1 to LMG-4 does not qualify as individual grading plans, Due to numerous changes that are expected to the site during construction, including the elevating of the houses to keep them above the groundwater level, individual grading plans will be required.
- Sump lines that could flow back towards the house will not be allowed. The stormwater drainage system shall be designed for elevations that ensures positive drainage away from the house is ensured. In other words, the storm systems shall be deep enough to ensure foundation drain lines will always drain away from the house.
- It is still believed the houses are too close together and issues are expected in the future.
- It is also expected there will be erosion problems since the steep slopes alongside some of the homes still exists. Perhaps the board should consider that a 20% slope makes land “constrained” by one standard but 3:1 or 33% is acceptable in this case.

### **SWPPP**

- Building reduction is claimed by reducing the building footprint. It seems odd they claim this when they also request a cluster subdivision so they can pack as many buildings as possible into this project. It is believed the proposal is too dense for several reasons including stormwater issues. Although stated in their comment letter

as being removed, all references to infiltration have not been removed – see 5.3 of SWPPP.

- Of the 12 potential green infrastructure techniques only 3 are proposed for this project.
- Still not convinced basins are viable for this project due to high groundwater.

### **Open Space, Trails and Riverfront Committee**

Roy Casper sent a memo dated 6/12/2018 with the following comments:

- Where are the sidewalks in the subdivision's northern section? Sidewalks along Road B in the northern section of the proposed subdivision should be identified on the site plan.
- The multi-use path should taper to the roadway shoulder where it meets with Tisdale Lane.

### **Planning**

John Scavo offered the following SEQR Determination letter dated 6/12/2018 which will be kept in the file for the record.

The Town of Clifton Park Planning Board (the "Planning Board"), as lead agency, has determined that the proposed action described below will not have a significant adverse environmental impact and a Draft Environmental Impact Statement ("DEIS") will not be prepared. Reasons supporting this determination are explained below.

Name of Action: Subdivision – V&R, LLC, 504 Grooms Road, Tax Map ID #'s 270.-2-51.2, 270.-2-32.112, & 270.-2-38.12.

SEQRA Status: Type I

Conditioned Negative Declaration: No

Reasons Supporting This Determination  
(See 617.7(a)-(c) for requirements of this determination)

The criteria for determining significance as set forth in 6 NYCRR § 617.7(c) included:

- several Planning Board Meetings;
- public input, both written and verbally;
- review by the Town Planning Department and Town Designated Engineer;
- reports and technical analysis submitted by applicant's experts;
- and the deliberation and response of involved agencies.

Technical reports and analysis supporting this conclusion, with correspondence contained within the project file, included but are not limited to the follow:

- Full Environmental Assessment Form Parts I & II;
- Stormwater Pollution Prevention Plan – dated February 5, 2018, revised May 21,

- 2018, prepared by Lansing Engineering;
- Traffic Impact Evaluation, dated April 19, 2018, prepared by VHB Traffic Engineers;
- Phase I & II Archeologic Studies, dated February 5, 2018, prepared by Hartgen Archeological Associates, Inc.
- NYS Office of Parks, Recreation, and Historic Preservation Letter of “No Effect”, dated March 13, 2018.
- Public input and comments offered both verbally and in writing to the Planning Board.
- Vischer Ferry Generic Environmental Impact Study DEIS (1989) and FEIS (1991), adopted by the Town of Clifton Park.

Further analyses included in the report are:

- Traffic, Access and Parking
- Wetlands/Water Recharge Area/Groundwater
- Utility Services
- Aesthetic Resources
- Cultural Resources
- Community Character
- Exterior Lighting
- Construction
- Open Space and Recreation
- Electric Service

**Professional Comment:**

Jackie Hakes, MJ Engineering issued a letter on 6/8/2018 with the following comment(s):  
Subdivision Plans

- Further discussion with the chief code official of the Town is warranted to discuss how the potential placement of homes with basements at or below seasonal high groundwater elevations may be reviewed and approved. The latest correspondence from the chief code official of May 30, 2018 indicates that basements placed within seasonal high groundwater will not be permitted. To address this condition, site grading may need to be modified, however, this may need to be addressed on a per lot basis.
- With the proposal to utilize and CDS unit, there needs to be discussion with the Highway Superintendent as this is a system that may require additional maintenance efforts and costs that are typically not encountered by the Town.

Stormwater Pollution Prevention Plan

- No additional comments.

Traffic Evaluation

- Crash rates show that there is the potential for a safety improvement at the NY 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 NY Route 146 ultimately increasing the

overall accident rate. This is an unsafe intersection as shown by the accident rate being more than 2 times the statewide average. The Town should consider improvements at this intersection including the addition of a right turn lane.

- What is the overall approach LOS 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.

**Public Comment:**

Anthony Lafleche, 21 Wheeler Drive stated that he would be opposed to clear cutting large swathes of trees in order to build the homes.

Mr. Ferraro asked whether the trees would need to be cleared along Route 146. Mr. Lansing said no disturbance was proposed along there except possibly for a trail

Corey Reed, resident at 48 Miller Road, asked whether the water line was going to be extended along Miller Road. Mr. Scavo stated that there was going to be a meeting in two weeks with Town officials and CPWA about taking water from the southern most entrance of the site to Clifton Park Center Road. The applicant has proposed to cover 75% of the cost. The applicant has already agreed to run water from the southern entrance to Miller Road.

**Planning Board Review:**

Mr. Ferraro stated that he disagreed with remarks made by MJ Engineering about sight distances onto Route 146, noting that a vehicle in the right hand turning lane would edge up and still not be able to see well around a car that was queued in the left hand lane. The chairman felt that a light might actually be warranted at this intersection.

The chairman asked Mr. Lansing to talk with Ms. Viggiani about the trail along Rt. 146. Mr. Lansing stated that the applicant had not intended to construct the path along Rt. 146, but it was shown to indicate a possible future trail. Board Members expressed that they thought it was implied as to be built as it was shown on the plan.

**SEQR**

A motion was made to establish the Planning Board as Lead Agency for this application, a TYPE 1 action, and to issue a negative declaration pursuant to SEQRA.

Moved by: Mr. Ophardt

Seconded by: Mr. Jones

The motion was unanimously carried.

The application can be seen at a public hearing at its next submittal.

## IV. New Business

### **2018-031 Aqueduct Animal Hospital**

*Applicant proposes building a new animal hospital of approximately 8,500 +/- in size. There will be 57 parking spaces(30 banked spaces). Access to the site is proposed to create a shared entrance with Riverview Medical Professional Park. The site will be served by an existing water line through the CPWA and an existing sewer main through the Old Nott Farm Sewer District. Stormwater will be managed on site, Riverview Rd, Zoned: HM, Status: PB Concept Review SBL: 269.19-1-43*  
To be reviewed by: MJE Consultant: Lansing Applicant: Matthew Pike

Soctt Lansing, Consultant, with Lansing Engineering, presented the project, for the applicant, Matthew Pike. The proposal would share an access point with Riverview Medical Center on the adjacent property. Mr. Lansing explained that the project was a combined animal hospital/kennel, and the architectural design was being prepared and will be shown in more detail at future submissions.

### **Staff Comments:**

#### **Environmental Conservation Commission**

The ECC held a meeting on June 5, 2018 to discuss the project and issued a comment letter with the following recommendations:

- The ECC requests the applicant to verify if any wetlands exist on the property on the next submittal.
- The ECC requests that the applicant to address any other EAF conditions on the property on the next submittal.
- The continuation of the multi-use trail along east side of NYS Route 146 should continue along Riverview Road along the south side in compliance with the Town's Trails Comprehensive Plan.

#### **Stormwater**

Scott Reese issued a memo on 6/8/2018

- When the project moves forward it appears that the project will require a Full SWPPP. The Full SWPPP will need to address the NYSDEC Endangered Species Regulations and the NYS Office of Parks, Recreation and Historic Preservation Regulations.
- In the proposed SWPPP please address how animal waste will be addressed to maintain water quality on the project site.

#### **Fire Prevention**

Provide postal verification.

#### **Building and Development**

Steve Myers issued a memo dated May 30, 2018 with the following comment(s):

- The Proposed use is in an HM, Hamlet Mixed Use zone. The proposal is for an animal hospital which according to the allowed uses in 208-43.2 does not allow outdoor runs at

hospitals but does allow them if the facility was an animal care facility rather than a hospital so long as they are at least 100' from a residential district. The closest residential district is the Edison Club across Riverview Road which is zoned CR. This seems to be a conflict within the permitted uses. If the proposed animal hospital is to provide boarding as well as veterinary care, which seems to be evident by the kennels proposed, I believe the facility would be able to have outdoor runs.

- The issue that requires the runs to be 100' from a residential does not apply to any contiguous properties so it would only apply to the Edison Club. Since the club is across a roadway I do not believe the restriction is viable in this instance.
- It appears they would need 54 parking spaces per zoning. The required number appear available by land banking 30 of them. This will require planning approval.

### **Open Space, Trails and Riverfront Committee**

Roy Casper sent a memo dated \_\_\_\_/2018 with the following comments:

- Riverview Road is part of the Mohawk Towpath National Scenic Byway and an important resource in our community for bicycling and pedestrian activity. Since a new multi-use path has been installed along Balltown Road to the Riverview Road intersection, the Trails Subcommittee recommends that the applicant continue the multi-use path along this section of property on Riverview Rd.

### **Planning**

John Scavo offered the following:

- The project is adjacent to NYS Route 146, a referral to the Saratoga Co. County Planning Board is required. A copy of the preliminary plan submittal will be forwarded to the County Planning Board.
- The shared curb-cut onto Riverview Road with the existing adjacent office park, as shown on the concept plan, is a benefit to corridor management along Riverview Road. As plans progress the applicant should provide documentation to the Planning Board demonstrating the ability to utilize the shared driveway.
- The project appears to comply with the bulk, use, and setback requirements of the assigned Hamlet Mixed-Use Zoning District.
- Additional comments to follow as plans progress to a preliminary review.

### **Professional Comment:**

Jackie Hakes, MJ Engineering issued a letter on 6/8/2018 with the following comment(s):  
General Comments

- The short environmental assessment form submitted indicates that more than one acre of land will be disturbance. As such, a stormwater pollution prevention plan (SWPPP) addressing water quality, quantity and green infrastructure is required.
- As a result of being subject to the Stormwater General Permit GP-0-15-002, the applicant will need to seek consultation from the NYS Office of Parks, Recreation and Historic Preservation and the NYSDEC regarding the absence or existence of cultural or historic resources and threatened and endangered species, respectively within the project boundaries if not already completed as part of the prior approvals on the site.
- The project proposes to provide potable water to the new building 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 new building from the Old Nott Farm Sewer District. The applicant shall provide the Town documentation indicating the Sewer District's ability and willingness to provide additional sewer capacity to the project. Any approvals offered by the Planning Board should be conditioned on receipt of the Sewer District's review and approval.
- The applicant needs to provide a summary of expected peak hour trips for review. This information may require the preparation of a project specific traffic impact study. If the study is warranted, it must account for projects currently being proposed or under construction and planned for occupancy in the near future.

#### State Environmental Quality Review

- 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:
  - Clifton Park Water Authority: potential taking of additional water.
  - Saratoga County Planning: 239m referral due to the project's proximity to NYS Rt 146.
  - New York State Department of Environmental Conservation: potential permit coverage under GP-0-15-002.
  - New York State Office of Parks, Recreation and Historic Preservation: determination of the absence of existence of cultural, historic or archeological resources within the project site, if the project is found to be subject to GP-0-15-002.
  - Additional agencies may be identified by the Town during its review of the project.

#### Short Environmental Assessment Form

- Part I.12.a indicated the proposed action is located in an archeological sensitive area. Since the project is subject to GP 0-15-002, the applicant shall consult with the NYS Office of Parks Recreations and Historic Preservation.
- A no effect letter will be required in order to gain coverage under the General Permit.

#### Site Plans

- The project is located within the Town's Hamlet Mixed Use (HM) District. The proposal for an animal care hospital provided that any structure or area used for such purposes, including pens or exercise runs, shall be at least 100 feet distant from any residential district is a permitted principal use within the HM District as noted in Section 208-43.2 of the Town's Zoning.
- Based upon a review of the lot configuration, it appears the minimum bulk lot requirements as identified in Section 208-43.3 of the Town's Zoning are satisfied.
- Update the site statistics table to account for the special setback requirements from NYS Rt 146 and Riverview Road as defined in Section 208.98 of the Town's Zoning. It would appear that the building placement meets the noted setback of Section 208.98.

- The concept plan proposes 57 spaces, 30 of which would be banked. Any stormwater management systems planned shall account for the full build out of the parking whether or not it is constructed.
- The project will utilize an existing access from River Road servicing the adjacent medical office. A cross lot access easement will be required. Confirm an agreement is in place with the adjacent lot owner to utilize their access.
- The applicant shall coordinate with the responding fire department for the location of the Knox Box and fire department connection. Notation to that effect shall be added to the plans.
- Indicate whether or not the proposed buildings will be equipped with automatic sprinklers, based upon occupancy. Inclusion of an automatic sprinkler system will dictate if an additional hydrant is necessary to comply with the Fire Code of New York State.
- Should the proposed stormwater management system discharge to the Route 146 right-of-way, the NYSDOT shall review the SWPPP prepared for the project.
- Any points of ingress and egress from the proposed building should be noted on the plans.
- Subsequent submissions should include architectural renderings with a summary of building materials to be utilized for review by the Planning Board.
- Considering the plan submitted is conceptual in nature, we will reserve further comments until more detailed plans and reports are submitted. Subsequent submissions shall include information as outlined in Section 208- 115 of the Town zoning specific to site grading, erosion control and stormwater management to fully assess the design and its compliance to the applicable standards.

**Public Comment:**

None

**Planning Board Review:**

Mr. Neubauer informed the consultant that he will need to maintain the drainage that comes from the Edison Club and that there was an underground stream through what is the proposed parking lot and that the applicant will need to be aware of those constraints. Also mentioned that HM zoning would require some changes to the configuration including relocating the parking to the side of the building rather than the front and additional landscaping.

**2018-030 Semenza-Miller Road In Law Apartment SUP**

*Applicant requests a Special Use Permit for a 2 Family Residence. It will be an addition to an existing house making it an in-law apartment., 363 Miller Rd, Zoned: R-1, Status: PB Concept Review* SBL: 276.-2-42.1

Chris Semenza, representing Karen Murphy, the applicant, stated that Mrs. Murphy intended to sell the larger home where she and her husband raised their family. It was noted that her son lives in the home next door and has proposed to add an in-law apartment to it in order that Mrs. Murphy may move in with her son, while maintaining an independent space for herself.

## **Staff Comments:**

### **Environmental Conservation Commission**

The ECC held a meeting on June 5, 2018 to discuss the project and issued a comment letter with the following recommendations:

- The applicant shall provide sufficient information in order for the planning board and the ECC to determine whether the septic system is adequately sized for the proposed use.
- The applicant shall verify whether public water or private well is proposed.
- The applicant shall provide a statement as to whether as any NYSDEC or Federal Wetlands are on the property and provide an associated site plan.

### **Stormwater**

No comments

### **Fire Prevention**

No Comment

### **Building and Development**

Steve Myers issued a memo dated May 30, 2018 with the following comment(s):

- Applicant requests SUP approval per Section 208-10B(9)(a)[7] for a two family addition in an R-1 zone.
- Addition appears to be proposed at the rear of the existing single-family home. There is no site plan provided so access to the new entry from the public road is unknown since the entry appears to be from the existing rear porch.
- The entry doors to both residences are adjacent to each other and may require physical separation

### **Planning**

John Scavo offered the following:

- The applicant will have to provide documentation by a qualified professional indicating the adequacy of the existing septic system to handle additional waste at the time of application for a building permit.
- It is recommended that a condition of the special use permit note, “No additional driveway curb-cut is to be permitted along the property’s frontage with Miller Road.”
- It appears that the proposed in-law unit will conform with the R-1 Zoning Setback Requirements based on the “current” and “intended” setbacks noted on page 1 of the Special Use Permit Application.

### **Public Comment:**

None

### **Planning Board Review:**

Mr. Scavo stated that if the applicant included site layout with the next application it would address many concerns and not require a separate site plan.

Board members appeared to find the plan generally acceptable.

**2018-032 Vistas West Subdivision Amendment 1**

*Applicant proposes to adjust lot lines to incorporate a newly acquired parcel into the already approved subdivision. Project #2015-039 Vistas West (aka Levy Subdivision), Rt 146, Zoned: CR, Status: PB Concept Review* SBL: 270.-2-3.2

To be reviewed by: MJE Consultant: EDP Applicant: Kohler

Elected to be seen at next meeting.

V. Discussion Items - none

Next Meeting Date: June 26, 2018

Next Submittal Date: June 18<sup>th</sup> for the July 10<sup>th</sup> Meeting

Motion to adjourn the meeting 12:04am WEDNESDAY

Moved by: Mr. Jones

Seconded by: Mr. Szczesny

Motion was unanimously carried.

Respectfully submitted

Meg Springli