

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

PLANNING BOARD

ROCCO FERRARO  
Chairman

ROBERT WILCOX  
Attorney

PAULA COOPER  
Secretary



MEMBERS

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

*(alternate)* Jennyfer Gleason

**Planning Board Minutes**  
**January 11<sup>th</sup>, 2022**

Those present at the January 11<sup>th</sup>, 2022 Planning Board meeting were:

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

Those absent were:

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

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

Mr. Ferraro introduced Ms. Heather Fariello as a newly appointed member of the Planning Board. Ms. Fariello provided an overview of her professional background and experiences to all in attendance. She thanked the Town Board for the opportunity to serve the community as a Planning Board Member.

**Minutes Approval:**

Ms. Bagramian moved, seconded by Mr. Andarawis, approval of the minutes of the December 14<sup>th</sup>, 2021 Planning Board meeting as written. The motion was carried 6-0, with Ms. Fariello abstaining from the vote.

**Public Hearings:**

None

**Old Business:****2021-050 1640 Crescent Road 2 Lot Subdivision (Ballard)**

*Applicant is proposing to subdivide a 5 acre parcel into 2 single family residential lots, 1640 Crescent Rd, Zoned: R-1, Status: PB Final Review*

SBL: 288.-2-9 To be reviewed by: n/a Consultant: EDP Applicant: P. Ballard **Last**  
**Seen on: 10-26-21**

**Consultant/Applicant Presentation:**

Gavin Vuillaume – EDP – Mr. Vuillaume stated that this project was last presented in October of 2021. He stated that there are a few comments from staff and not many changes have been made to the plans. He stated that this is a 2 lot subdivision with approximately 5 acres divided into 3 parcels. He stated that lot 1 would have the existing home, lot 2 would be a new home proposal with a keyhole lot configuration, and lot 3 would be donated to the Town of Clifton Park for open space. Mr. Vuillaume stated that this lot is unique as it meets all of the setback requirements and other regulations and is special in character as the rear of the parcel, lot 3 would be donated to the Town. Mr. Vuillaume stated that some changes are that lot 1 has had variances granted by the ZBA and lot 2 has had the driveway moved to preserve vegetation. He stated that this is a mostly wooded property and that the applicant is planning to connect both homes to public sewer with a force main. Mr. Vuillaume stated that the Board has been given plans provided by Ms. Viggiani showing possible future trail connections for the rear parcel.

**Staff Comments:**

**Steve Myers, Director of Building and Development issued a memo dated 11/16/21 stating:**

- No further comments

**Wade Schoenborn, Chief of the Bureau of Fire Prevention:**

1. No further comments

**Scott Reese, Stormwater Management Technician issued a memo dated 11/19/21 with the following comments:**

1. No further stormwater comments

**The Environmental Conservation Commission held a meeting on 11/16/21 and issued a memo recommending:**

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

**Jennifer Viggiani, Open Space Coordinator comment in an email dated 11/19/21:**

The Town of Clifton Park Open Space Committee met on November 10th, 2021, at Town Hall, and at their meeting, with the members present, they reviewed the Crescent Road 2-lot subdivision plans, and supported the acceptance of a conveyance of the nearly 3 acres of land proposed to be conveyed to the Town of Clifton Park for public park and natural area, acknowledging it is not a requirement. They identified the public values of the stream, the habitat and woodlands in between neighborhoods, and the connection to existing town-owned parkland/natural area to the south. Additionally, **they recommended the planning board request a 10-foot wide strip of land that connects northerly to connect to Crescent Road – for the community in the future to create the opportunity and potential to create a footpath and future trail route to connect to Crescent Road.**

**John Scavo, Director of Planning stated in an email:**

1. No further comments

**Professional Comments:****Walter Lippmann, P.E. of MJ Engineering in a letter dated 11/19/21 had the following comments which were read by Mr. Scott Price:**

STATE ENVIRONMENTAL QUALITY REVIEW

1. No further comments.

SHORT ENVIRONMENTAL ASSESSMENT FORM

2. No further comments.

## SITE PLANS

3. All prior technical comments offered have been addressed

### **Public Comments:**

Anthony LaFleche – 21 Wheeler Drive – Mr. LaFleche asked about the trail connection and apologized for being late. Mr. Vuillaume stated that Ms. Viggiani stated that the connection could possibly be made at Crescent Road or the apartments that border the Town's property. Mr. LaFleche asked if the connection would be made by the applicant or by the Town. Mr. Vuillaume stated that he believes that it would be made at a later date by the Town. Mr. LaFleche stated that the apartment buildings are a perfect area to connect.

### **Planning Board Review:**

Mr. Martin stated that he is unclear of the trail connection potential. He stated that he was unable to download the map previously provided. Mr. Vuillaume gave Mr. Martin a map indicating the connections. Mr. Martin stated that he still feels that it is unclear where the Trails Committee would like to connect onto Crescent Road. Mr. Vuillaume stated they have a few potential possibilities with one being a future easement on this property. Mr. Martin stated that he does not like approving a keyhole lot based on a potential trail.

Mr. Ferraro stated that the Town owns surrounding properties to the south of the land to be donated and any donation would become a condition of approval upon Town acceptance. Mr. Ferraro stated that a trail can also make a connection from the subdivision to the west of this site to the apartment complex to the east on already Town owned land. He stated that the only gap would be connecting to Crescent Road. Mr. Martin stated he is relieved to hear that the Town owns the parcels adjacent to this site.

Mr. Andarawis asked if there could be a 10 foot easement to Crescent Road like Ms. Viggiani suggested. Mr. Vuillaume stated that this could be done for lot 2 but typically trails shouldn't be that close to someone's home, including the neighbor's homes. Mr. Andarawis stated that this is why he is struggling as there would be no connectivity to Crescent Road and he would like to see this.

Mr. Wilcox stated that according to the Code and Section 208-86, keyhole lots should only be approved in rare instances and only when unique physical conditions exist pertaining to the building of the project. He stated that he is concerned about this project meeting the standards of the Code and the Board setting precedence for future keyhole lots.

Mr. Ferraro stated that he has the same concerns that Mr. Wilcox stated about this property. He stated that he appreciates the land donation to the Town but does not foresee a trail connection

north to Crescent Road. Mr. Ferraro also stated that he feels if a trail connection from the west to the apartment complex to the east was built, it would likely be further south on the land that is already under Town ownership. Mr. Ferraro stated that the characteristics of this lot is that it is a deep lot and raised concerns that other properties similar in the Town would want to create key hole lots as well and that he does not feel that this lot has the unique physical conditions as outlined and required in the code to warrant the creation of a key hole lot. Mr. Vuillaume stated that a benefit to the residents is that the neighbors know that there would be permanent green space bordering their property if the Town owned it.

Mr. Ophardt stated that he agrees with Mr. Vuillaume's statement, and this land is a benefit to the residents of Southwood Meadows and Fox Run. Mr. Ophardt stated that he feels that other keyhole lots in the Town have been approved with less benefit given to the Town.

Mr. Neubauer stated that the Open Space and Trails have given their recommendations as the Board requested. He feels that they would like to utilize the property with a 10 foot easement given to them by the property owner. Mr. Neubauer stated that he does not know about connectivity but that is the position of the Trails Committee and this may be 10 or more years down the road. Mr. Neubauer stated that he is concerned about the keyhole lot and the Code but he would be more supportive of this application if the 10 foot easement would become a condition. He stated that he is unsure if the donation makes this parcel unique or if it is just the characteristic of the whole lot. Mr. Wilcox stated that a Town benefit is not a part of the Code.

Mr. Martin questioned whether or not this would be an approved keyhole lot if the donation was not an option, however he is concerned about walking away from a donation like this.

Mr. Ferraro stated that there have been instances where the Town Board has decided not to take acceptance of a potentially donated land, so this is also an option that may occur. Mr. Ferraro stated that the value to the community needs to be looked at as well and there is a gap with no connectivity to Crescent Road which is still a concern. Ms. Bagramian agreed with the connectivity issue to Crescent Road as well. Mr. Vuillaume stated that the easement would be best on the west side going over the 2 proposed lots. Mr. Philip Ballard (owner) stated he would not be willing to have a 10 foot easement due to the proximity to the home and driveway and that a neighbor may not want it as well.

Mr. Ferraro stated that there are no unusual conditions in the lot itself. The board can give the applicant time to decide if they would like to grant the 10 foot easement; however, the easement would not guarantee an approval.

Ms. Bagramian asked if there are any wetlands on the property. Mr. Vuillaume stated that there are wetlands on either side of the stream that runs through the property. Ms. Bagramian stated that she feels that there is no benefit without the 10 foot easement from the donated parcel to Crescent Road and that she feels there is nothing unique about the property without this.

Mr. Ballard stated that he feels that the uniqueness of his property changes every time he comes back before the Board. He stated that he is frustrated with the process and that there are no neighbors against this application as if there were they would be in attendance. Mr. Ballard stated that he is not willing to give a 10 foot easement for trails to access Crescent Road as he feels his donation is generous. Mr. Ballard stated that other keyhole lots in Town have been approved, such as Blue Barns Road, which had neighbors opposing it. Mr. Ferraro stated that the issues discussed at the last meeting were also about the Code and Trail connection and that the Board needs to look at the interpretation of the Code and impact to the community. Mr. Ferraro stated that he understands Mr. Ballard's frustrations but they need to look at the impact as well as codes.

Mr. Martin stated that he looked at the Code and stated it refers to unusual physical conditions of the code. Mr. Vuillaume stated that this is up to what an individual feels is unique and can be interpreted in many ways.

Mr. Ophardt asked if the 10 foot easement was brought up at the last meeting. Mr. Andarawis stated that the Open Space Trails Committee was asked for their input. Mr. Andarawis stated that their requested feedback included this 10 foot easement.

Mr. Andarawis stated that he does not feel that a 10 foot easement is feasible and that the project as a whole may not check all the boxes he needs to consider approval. Mr. Vuillaume stated that a physical condition is the land being donated is adjacent to the Town owned open space which makes it unique.

Mr. Ophardt stated that he feels the easement is not possible at this time, but there are lands to the east or west through adjoining properties owner that could someday be donated to access Crescent Road. He stated that this may not be accomplished with this project, but this property owner is being generous with this land. He stated that it could be years before the trail actually come into fruition and that he still supports this project.

Mr. Ophardt offered Resolution #01 of 2022, second by Mr. Neubauer, to waive the final hearing for this application for the 2 lot residential subdivision of 1640 Crescent Road, and to grant preliminary and final site plan approval conditioned upon satisfaction of all comments provided by the Planning Department, Town Designated Engineer, and all items listened in the final comment letter issued by the Planning Department.

Conditions:

1. 2.97 acres of land at the rear of the property to be donated to the Town of Clifton Park.

**Roll Call:**

D. Bagramian - No  
 E. Andarawis - No  
 E. Ophardt - Yes  
 H. Fariello - Yes  
 A. Neubauer - No  
 R Ferraro - No  
 K. Martin – No  
 J. Gleason (alternate) – not voting member tonight

Ayes   2  Noes:   5  

The resolution is not carried.

**New Business:**

None

**Discussion Items:**

Mr. Scavo stated that Dropbox will continue to be utilized for applications and if any Board Member would like to stop receiving paper copies, please let the Department know.

Mr. Scavo stated that Saratoga County stated they will not have the Planning and Zoning Conference this year but there are classes and webinars online and that he would send out the information via email in the coming days to the Board Members.

Mr. Ophardt moved, seconded by Ms. Fariello, adjournment of the meeting at 7:57 p.m. The motion was unanimously carried.

The next meeting of the Planning Board will be held as scheduled on January 25<sup>th</sup>, 2022.

Respectfully submitted,

*Paula Cooper*

Paula Cooper, Secretary