

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
March 8th, 2022

Those present at the March 8th, 2022 Planning Board meeting were:

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

Those absent were: D. Bagramian, H. Fariello

Those also present were: J. Scavo, Director of Planning
W. Lippmann, 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 recitation of the Pledge of Allegiance.

Mr. Ferraro stated that Ms. Gleason would be a voting member for tonight's meeting.

Minutes Approval:

Mr. Martin moved, seconded by Mr. Ophardt, approval of the minutes of the February 23rd, 2022 Planning Board meeting as written. The motion was unanimously carried. Mr. Neubauer and Mr. Andarawis abstain.

Public Hearings:

None

Old Business:

2021-069 Boni Wooddale Drive 9 Lot Subdivision

Applicant proposes subdividing the 28.6 acres into 9 lots with access from Wooddale Drive. The 9 lots will be for duplex units on a new Town road dead ending into a cul-de-sac. Applicant will present both a conventional layout and a cluster subdivision layout for consideration. Serviced by CPWA and Saratoga County Sewer District via Wooddale Drive, Wood Dale Dr Rear, Zoned: B-1, Status: PB - Revised Conceptual review

SBL: 259.-2-71 To be reviewed by: MJE Consultant: ABD Applicant: KLB Enterprises

Last Seen on: 12-14-21

Consultant/Applicant Presentation:

Luigi Palleschi – ABD – Mr. Palleschi stated that this application is for the development of 9 two-family homes on 28.5 acres of land that is zoned B-1 and on the northeast side of I87. Mr. Palleschi stated that 4.7 acres are wetlands and that they will not be impacted by this project. He stated that the application would develop the paper street off of Wood Dale Drive and create a cul-de-sac. He stated that this would have 18 total units and they would meet both the lot size and setbacks for the zone. Mr. Palleschi stated that he has heard concerns over slopes, grading, and drainage buffers, however, this is a preliminary design and that they plan to grade the road and the lots. He stated that the slopes are 3% or less and Town code requires them to be less than 7%. He stated that he is confident that with the grading the lots can have rear yards and that the road can be adjusted to increase land to the homes and will still have no impact on the wetlands. Mr. Palleschi stated that there will be stormwater management on site and will meet DEC regulations. He stated that none of the lots require variances and have a 70' setback with the conventional layout. Mr. Palleschi stated that if the Board approves a cluster subdivision it would have the homes with a 35' setback from the right of way and would pull the buildings further away from the wetlands and reducing the lot size to 20,000 sf. He stated that the stormwater comments have been reviewed and stated that there would be no grading in the LC zone at the Board's request. Mr. Palleschi stated that building and zoning comments were also reviewed and that he agrees with the comment that the Planning Board can change setbacks. He stated that he feels the comments by MJE are minor and can be addressed, such as having one/shared driveway access. He stated that he was on site and found that the site distance heading towards Ushers

Road from the paper street was about 350'. Mr. Palleschi stated that he reviewed ECC comment regarding the Draft EAF and stated that it is found to be less dense than the previous proposal in 2015 that was approved. He stated that slopes can be stabilized if needed and the existing neighbors are about 40' higher than this proposal so the home would not be obstructing views and they would only see rooftops. Mr. Palleschi stated that the concerns in the letter from a resident can also be addressed.

Staff Comments:

Steve Myers, Director of Building and Development issued a memo dated 2/28/22 stating:

- The normal subdivision layout appears to meet the lot size and setback requirements in B-1.
- The cluster layout assumes a 35' front setback and lot size reduction from the normal 40,000 sf required. Both of these changes require planning board approval.
- Proximity of residences to the slopes will require proof of compliance with Section R403.1.7 of the NYS residential code.
- The cluster layout is actually as 18 lot subdivision proposal.
- From the FEAF:
 - D.1.D.ii should state cluster is approved
 - D.1.f should note number of residences approved
 - There will be an expansion of the water and sewer districts

Wade Schoenborn, Chief of the Bureau of Fire Prevention:

1. Postal verification

Scott Reese, Stormwater Management Technician issued a memo dated 3/4/22 with the following comments:

1. The proposed stormwater management area is encroaching into the LC Zone, this is not a permitted use.
2. The boundary of the LC Zone is a fifty-foot adjacent area (buffer) on each side of the outer bank of the high-water mark of the stream. The stream and outer banks should be surveyed to show the location of the LC Zone.
3. With the Stormwater Management Basin being proposed adjacent to the wetlands, provide test pit information indicating the seasonal high-water table.
4. Slope stabilization, open drainage channel stabilization will need to be designed with the appropriate level of erosion and sediment control measures.
5. Show on the plans the information (size, type, condition) of the existing drainage structure (culvert) that collects the stream under the Adirondack Northway (South).
6. The stream that runs along the eastern portion of the site is a Class C – Trout Spawning Stream according to NYSDEC Environmental Resource Mapper. Protection of this stream during construction will be essential.
7. Show locations of footing drain outlets and elevations for each of the structures.

8. There appears to be a possibility of a large amount of surface runoff leaving Lot 14 towards the road. A culvert is recommended to capture the runoff prior to it draining onto the roadway.
9. Since the proposed road has a steep incline, it is recommended that additional catch basins to be installed along the inside of the curve opposite of the proposed catch basins.
10. Future plans should address how the water quality volume will be treated from Lots 1-10 prior to runoff entering into the federal wetlands

The Environmental Conservation Commission held a meeting on 3/1/22 and issued a memo recommending:

1. The ECC notes that the stormwater management area incurs into the LC zone and is very close to the centerline of the stream. Chapter 121.D. The ECC is the review board “which shall review applications for wetlands or stream disturbances.” As currently designed the ECC must review and approve this design and proposed Disturbance
2. The ECC notes that a DRAFT EAF that included this site was conducted in 2010. The ECC recommends that the DRAFT EAF be revived and reviewed to incorporate the impacts of this design on this difficult environment. Particular attention should be taken to the access road from this project to Wood Dale Drive, traffic impacts, and the significant grading which is necessary to construct this project.
3. The ECC recommends the applicant develop a comprehensive plan to stabilize the disturbed slopes. Special attention should be given to minimize sloughing of the steep slopes.
4. The development of this site will not only fundamentally change the natural character of the neighborhood, but also the existing character of the local residents and all those on Wood Dale Drive particularly to the south. The proposed access road to this development given its location is an impediment to safe traffic flow on Wood Dale Drive (e.g., site distance and crowded intersections). The project has impacts far beyond the proposed site, particularly the residents along the entire length of Wood Dale Drive.

John Scavo, Director of Planning issued a letter dated 2/25/22 with recommendations he made:

I am providing the following analysis to assist the Planning Board Members in determining the preferred design the applicant is offering for either a Cluster or Conventional Subdivision. Under §179-37(B) of the Clifton Park Town Code, the Planning Department provides recommendations to the Planning Board to determine the maximum number of units permitted in the cluster subdivision.

Facts for Consideration

1. §179-1 Definition of Terms - defines a Unit (or Dwelling Unit) as “A room or group of rooms providing complete housekeeping facilities for one family and occupied by a single-family unit.”
2. The number of conventional Building Lots is nine, with a two-family dwelling allowed on each constituting two Units for a maximum number of 18 Units permitted in the subdivision.

Recommendation

The Planning Department recommends that the maximum yield of 18 individual units based on nine two-family dwellings, allows subdividing each unit its own parcel with a minimum lot size of 20,000 sq. ft. is permissible. This determination considers the code density requirement that the maximum number of 18 units **does not exceed and equals the product of the subdivision's buildable land acreage** of 40,000 sq. ft., per two-family dwelling under the conventional layout.

Next Steps

The Planning Board shall determine whether to accept the cluster or conventional layout for the applicant to advance towards a preliminary plan submittal. If the preference is for the cluster layout, the Planning Board shall determine the maximum number of units permitted in the 2 cluster subdivision, minimum lot size, and dimensions following §179-37D (1) & (2). The applicant will advance the chosen layout to the detailed design required for a SEQR determination and preliminary plan submittal for further consideration by the Planning Board.

Professional Comments:

Walter Lippmann, P.E. of MJ Engineering in a letter dated 3/4/22 had the following comments:

STATE ENVIRONMENTAL QUALITY REVIEW

1. 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. For Type I actions, a full EAF must be used to determine the significance of such actions. The project sponsor must complete Part 1 of the full EAF, including a list of all other involved agencies that the project sponsor has been able to identify, exercising all due diligence. Coordinated review is required for Type I actions. Under a coordinated review, involved / interested agencies to be engaged may include, but is not necessarily limited to the following:
 - a. Town of Clifton Park Planning Board: Subdivision Plan approval
 - b. Saratoga County Planning: GML §239-m referral is required due to the parcel's proximity to NYS 87
 - c. NY State Historic Preservation Office: Correspondence with SHPO to ensure no archeologically sensitive resources on project site
 - d. NYSDEC: Stormwater permit approval
 - e. NYSDOH: Realty subdivision approval and public water supply approval
 - f. Clifton Park Water Authority (CPWA): Connection to municipal water
 - g. Saratoga County Sewer District (SCSD) #1: Connection to public wastewater infrastructure
 - h. Town ZBA: Area Variance

Additional agencies may be identified by the Town during its review of the project.

LONG ENVIRONMENTAL ASSESSMENT FORM

Based upon our review of the submitted Part 1 LEAF, the following comments are offered:

2. Part D.1.b(b) – The response indicates that a total of 9.4 acres of land will be disturbed requiring a Storm Water Pollution Prevention Plan (SWPPP). A SWPPP has been provided.
3. Provide a response to Part D.1.d.ii in regards to the application being cluster/conservation layout.
4. 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.
5. Under Part D.2.m the response provided is “no”. Typically, during construction existing ambient noise levels are usually exceeded. Review the response provided and update accordingly.
6. Part E.1.b – Revise table to reflect the total site acreage of 28.60 acres. Table shows 38.02 acres.
7. Part E.2.h – The response indicates that a portion of the site or lands adjoining the site of the proposed action, contains wetlands or other waterbodies regulated by a federal, state or local agency. The applicant should provide documentation that confirms the presence or absence of federally regulated wetlands adjacent to the project site. Should this change as the project design progresses, additional approvals and permits may be required.
8. Part E.2.o – The response indicates that the project site may contain species of animals or associated habitats, listed by the State or Federal government as threatened or endangered, including the Karner Blue and Frosted Elfin. The applicant will need to provide correspondence from the Permits staff at the NYSDEC Region 5 Office to confirm the presence or absence of the listed species and for any permit considerations. The applicant should also provide correspondence from the NY Natural Heritage Program to confirm the presence or absence of rare plants or animals and significant natural communities as well as the US Fish and Wildlife Service IPaC database.
9. Under Part E.3.f the response indicates that the project site is located in or adjacent to an area designated as sensitive for archeological sites. A “no effect” letter issued by the NYS Office of Parks, Recreation and Historic Preservation will be required.
10. No further comments at this time.

SITE PLANS

11. The project is located within the Town’s Business Nonretail District (B-1). The proposal for duplex homes is a permitted principal use within the B-1 District as noted in Section 208-32(A)(14) of the Town’s Zoning.
12. Based upon a review of Section 208-11 of the Town’s Zoning, the lot and proposed uses appear to meet the minimum bulk lot requirements.
13. The subdivision plat shall be prepared by a surveyor licensed to practice in the State of New York.
14. The existing driveway to Lot 159 should be realigned perpendicular to the new roadway.
15. Identify the date and by whom the wetlands shown on the plat were delineated. Based on the date of the delineation and/or prior USACOE/NYSDEC correspondence, the wetlands

may require a re-delineation if the validation has expired. If a jurisdictional determination was issued, this shall be provided to the Town and shall be current / valid.

16. At a minimum, the applicant shall provide the peak hour vehicle trips expected from the development, assuming 18 units will be constructed and applying the appropriate land use code (LUC).
17. The proposed point of access to Wooddale Drive should be verified to ensure proper site distance is achieved. There should be indication on the plan what the required and provided turning site distances are based upon the posted speed limit of Wooddale Drive.
18. It appears the stormwater management areas will be located within the Town's LC Zone. This will include clearing of trees and grading adjacent to the stream.
19. Pursuant to Section 86-10 of the Town Zoning, the applicant shall be required to plant two trees per living unit on the street side of new construction sites. Provide planned species to be planted for review.
20. There may be a need to provide a drainage culvert at the new driveway to support existing drainage along Wooddale Drive. The applicant will need to coordinate with the Town of Clifton Park Highway Department for any such improvements. If required, show the location, size and materials of construction.
21. The project proposes to service each new lot with public water from the Clifton Park Water Authority via extending a new public water main from Wooddale Road. The applicant shall provide the Town documentation of the CPWA's ability and willingness to service the project with potable water.
22. 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.
23. The project proposes to service each new lot with public sewer from the Saratoga County Sewer District. The applicant shall provide the Town documentation from SCSD#1 ability and willingness to service the project with sanitary sewer.
24. 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.
25. It appears the project will be subject to the NYSDEC Phase II Stormwater Regulations and General Permit GP-0- 20-001. Therefore, a full SWPPP will be required that addressed water quantity and quality controls. As the project proceeds through the Town's regulatory review process, a fully conforming SWPPP shall be provided for review.
26. In-situ soil testing should be performed to confirm the seasonal high groundwater.
27. Grades at street intersections shall be held to a maximum of 3% for a distance of 100 feet from the edge of pavement of the intersecting street.
28. Provide a vertical road profile of the roadway to demonstrate it is being designed with appropriate center line road grades and other design elements required of a Town road.

29. The proposed road will have fill sections that exceed 5-feet. The profiles should note any special provisions to be implemented to ensure a stabilized sub-grade will be provided including lift and compaction requirements.
30. Provide additional grading to indicate how the runoff from the back of the existing homes on Woodale will be captured or bypassed around the proposed subdivision.
31. The proposed retaining wall shall be designed by the appropriate design professional.
32. It is suggested that a barrier (decorative fence) be placed along the top of wall for safety.
33. Provide notation on the plan as follows:
 - a. No Utilities shall be installed beneath the proposed driveways.
 - b. Any work required within the Town right-of-way shall be subject to any permitting from the Clifton Park Highway Department (driveway, culvert).
34. Provide information on the plans to indicate how potential sump pump laterals may be positioned which shall be in conformance with Section 86-7(A)(6) of the Town Code.
35. The concept plan shows only one area 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, it is urged that the applicant meets with the Town's Stormwater Management Officer to review any proposed green infrastructure practices to avoid those that may be deemed undesirable.
36. The following comments are relative to the site plan and its conformance to the International Fire Code (IFC). The Town Fire Official shall have final authority on the applicability of these comments to the proposed site layout:
 - a. The dead-end roadway measures in excess of 800-feet. The turnaround should be reviewed by the Town Fire Official.
 - b. Provide a turning template analysis for the largest emergency vehicle that may respond to an event at the site.
37. 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.
38. Considering this plan is conceptual in nature, subsequent comments will be provided with a preliminary plan submission.

Public Comments:

Jim Ruhl – 168 Wood Dale Drive – Mr. Ruhl stated that he has submitted a letter to the Town with his concerns. He stated that he feels that this project would have significant challenges to develop. He stated that the plans from 2007 were dropped due to significant impacts found by the Town Board in 2011. He stated that he feels there are significant concerns with soil, drainage and noise. He stated that he feels the slopes are too steep and erosions would be a problem as there is sand on the site. Mr. Ruhl stated that if vegetation is removed for development heavy rain will run down and flood the area and wash it out. Mr. Ruhl stated that he also felt that the application did not meet the code as the application is for a side by side duplex and not a two

family home where one family lives above of the other. Mr. Ruhl then read from the letter that he submitted and provided to each member of the Planning Board.

Frank Berlin – Mr. Berlin asked what would keep the builder from doing something but then also keep the owner from doing the same anyway after purchase and how the Town would protect this. Mr. Ferraro stated that areas would have no cut zones and that they would be clearly identified and would let the property owner know it cannot be done. Mr. Scavo stated that zoning has laws that are applied equally and it is up to the owner to follow these laws.

Ms. Gutahar – stated that she would live across from where the retaining wall would be. She stated that she feels erosion would be a problem as well. She stated that she has a retaining wall on her property and after time the only thing holding up her property is the vegetation and not the wall. She stated that the possible construction of another wall could make hers worse and would prefer to see more vegetation over a retaining wall. She stated that she also has concerns with the new homes being lower than hers as if the new residents have a fire place the smoke from it would be equal to the front of her home due to elevations.

David Miller – 12 Hidden Valley Lane – Mr. Miller stated that he has lived down the road from this proposal for 28 years. He stated that the neighborhood was developed 50 years ago and this area was never developed and was never meant to be but was intended to be used as a buffer from I87. He stated that he feels the soil at the site is unstable as well and if 60 year old trees are removed in the area the land will not recover. He stated that he feels the trout stream will be no more due to pavement in the area and oil and salt runoff. Mr. Miller stated that he can now hear the Northway traffic but it is low, he stated that if the vegetation was removed the traffic noise will be louder. Mr. Miller asked for a noise impact study done for properties as far away from the site as his as he will be impacted. Mr. Miller requested that a traffic study be done as well not only for increased cars but for safety as well due to other roadways. He stated that he likes his neighborhood and would not like to see a stable neighborhood change.

Matt Russo – 798 Waite Road – Mr. Russo stated that he has sold homes in Vista West and that the area needs single family ranch homes like this. He stated that new homes in the area are about \$500,000 now. He stated that the older population does not increase school numbers and people are looking for a home that they can age in place. He stated that he feels that this is beneficial to Clifton Park.

Sean Seiter – Huntington Parkway – Mr. Seiter stated that from his home he can also hear a dull roar from the Northway. He stated that he has two young children and the noise does not impact them. Mr. Seiter stated that the cluster subdivision would work better for erosion and duplexes would be better for the older population that cannot afford other areas as previously mentioned.

Rebecca Freddo – 7 Hidden Valley Lane – Ms. Freddo stated that she has lived at this residence for 20 years and she feels that this proposal is not right for the area. She stated that if this is approved then the tops of the proposed homes would be in her back yard. She stated there are kids in the area and the increased traffic is a concern for her as well.

Raymond Seymour – Nadler Road – Mr. Nadler stated that the runoff from this proposal would go southwest and impact the wetlands in the area. He stated that he is not against the housing, just the placement of them. He stated that most of Trails Committee concerns are with trail erosion and this is the same idea. He stated that he feels if vegetation is removed erosion will become a problem.

John Rajeski – 173 Wood Dale Drive – Mr. Rajeski stated that he and his wife were cyclists and that going down Wood Dale, Arbor View is 30'-100' at most from the paper road. He stated that there is a curve at this location as well and asked the Board members to go out to see the roadways and site for themselves. Mr. Rajeski stated that he has concerns about sewer and who take care of it would should it malfunction or needs repair. Mr. Lippmann stated that this has been reviewed by the sewer district. He stated that he has concerns with erosion as well and the repair that would need to be done on some of the homes due to it. He stated that a home in the area needed attention before from the Town to solve problems with erosion.

Nathan De Silva – La Costa Drive – Mr. De Silva stated that he feels that there is an extreme need for these types of properties in the exit 10 area. He stated he lives in the area but not near the proposal and is in favor of the project.

Planning Board Review:

Mr. Martin asked about picture 2 of 4 that was submitted with the letter from Mr. Ruhl and asked if the sewer grate in it has ever backed up. Mr. Ruhl stated it has not backed up but water collection is a problem. Mr. Martin asked what the approximate distance from the center line of the paper street to Arbor View would be and stated there could be potential conflicts. Mr. Palleschi stated it is about 100-150' distance.

Mr. Ferraro asked about the discrepancy of the site distance in Mr. Ruhl's letter to what the applicant has stated. Mr. Palleschi stated that he has looked at the regulations and the hill inclines up the levels out towards Ushers Road. He stated that in the opposite direction there are no concerns with site distance and both directions the applicant can achieve the minimum distance required.

Mr. Ophardt asked if steep slopes would be affected by development. Mr. Ruhl stated that it would as rear yards back into them. Mr. Ophardt asked if the homes were away from the slopes so digging would not compromise them. Mr. Palleschi stated that the map shows that the disturbed area will keep away from the slopes; however, a few will have retaining walls. He stated that it would be up to the Board to decide if this can be a cluster subdivision, which would pull the homes further away from the slopes and closer to the roadway.

Mr. Ferraro asked Mr. Wilcox, in response to the issue presented by Mr. Ruhl about whether or not the application met the requirements for a duplex or a two family home. Mr. Wilcox stated that he is unsure of whether a duplex is considered a two family since it is side by side but he can look into it, but 208-7 does reference 2 side yards with one living over another. Mr. Scavo stated that he can bring this to Mr. Myers as well for clarification and then reach out to counsel.

Mr. Ferraro asked if it was known why this parcel was never developed with the original subdivision. Mr. Scavo stated that this configuration was in place when Wood Dale Drive was dedicated to the Town and was 215 units on 3 parcels. He stated that in 2012 no action was taken on a proposal for 193 senior housing with mixed homes. Mr. Palleschi stated the PDD for the senior housing called for 28 units with no environmental impacts at that time.

Mr. Ferraro asked about the paper street off of Wood Dale Drive and if it would be pushed to one side or go down the middle of the parcel because variances may be needed. Mr. Palleschi stated that no variance is required if the road is developed at the location of the existing paper road. Mr. Ferraro asked if the adjacent property owner would have to agree to the paper street development. Mr. Scavo stated that he does not believe so but the Town Board would have to accept dedication after 80% of the project is built out as well as Planning Board approval and SEQR determination would have to be done. Mr. Martin stated that the applicant can build over 161 Wood Dale Drive anytime he wants as he owns the property. He stated he could take down the home and put in the road.

Mr. Neubauer asked how waste water will be mitigated aside from private grinder pumps; Mr. Palleschi stated that the line will be connected to public sewer main and that all the pumps would be residentially owned and up to Saratoga Sewer District standards.

Mr. Neubauer stated that he has concerns with lots 13/14 due to the slopes. He stated that the slopes may erode with vegetation removed and collect in the roadways. He stated that he feels that lots 13/14 may not be viable but the others look like a good engineered design. He stated that demand for this type of housing is not just in Clifton Park but that Clifton Park is a desirable location, with that all proposals that come before the Board have to go through the same scrutiny. Mr. Neubauer stated that he likes this proposal better than a commercial development since it is zoned B-1 and likes that the site went from 215 units to 18 and feels like 16 would be better. Mr.

Neubauer stated that he is in favor for the cluster and having the front setback at 35' with a bigger visual buffer to the no cut zone.

Mr. Andarawis stated that he agrees with Mr. Neubauer's comments. He stated that the challenges for this site are environmental and would like to see it done carefully. He stated that he would like to see lots consolidated where they can be so the number of lots with access to protected land is limited. Mr. Andarawis stated that the noise concerns that were brought before the Board need to be addressed and does not want residents responsible for sound barriers.

Mr. Martin stated that the proposed road between lots 3 and 6 descends and is steep. He asked what the applicant would do to keep the lots from flooding. Mr. Palleschi stated that drainage would control the water as well as the catch basin. He stated that per code the slope cannot exceed 7%. Mr. Marin asked if a swale or a swing edge curb would be needed. Mr. Palleschi stated they would look into this.

Mr. Ophardt stated that he agrees with comments made by other Board members tonight such as the retaining wall on lot 13/14. He suggested flipping the cul de sac as an alternative. Mr. Palleschi stated that the plan shows a conventional layout now and if they can condense space the lot sizes would decrease and they can get away from the slopes and decrease impervious surfaces. Mr. Scavo stated that the lot size can only decrease as much as 50% so 20,000 sf lots would be the smallest this Board could approve. Mr. Palleschi stated that if the Board can go smaller they are willing to try to obtain variances for the lots.

Mr. Ferraro stated that he felt that there are many environments concerns on the site and does not feel that it is clearly delineated on the proposal so far. He stated that he feels that the high water mark on the map is not clearly delineated and the LC zone is not properly reflected on the maps since a 100' buffer is shown from the center line of the stream versus 50' from the edge of the high water mark on either side of the stream. He stated that for proper review and cluster possibilities, the Board needs this information. Mr. Palleschi stated that he can enhance the maps to show better markings. Mr. Scavo stated that shading or coloring for wetlands and sloping should be included. He also stated that the current plan shows the stormwater management area within the LC zone which is not permitted. Mr. Neubauer agreed with these comments. Mr. Ferraro stated that a paper street indicates to him that there was a plan to develop. He stated that the property owner has rights as well and that some of it needs to be permitted. He stated that he feels that the use needs to be less intense and appropriate without creating future problems. He stated that noise impact is a concern of his and would like to see a full analysis and agrees with Mr. Neubauer that lots 13/14 should not be considered buildable.

Mr. Ophardt stated that the noise impact to Wood Dale should be determined by seeking the current impact and then the future impact. Mr. Andarawis agrees. Mr. Palleschi stated that one

has been done previously and they can look at it again. Mr. Neubauer stated he would like to see the previous study.

Ms. Gleason stated that she agrees with the additional information that the Board has requested tonight and agrees with their concerns.

Mr. Ferraro stated that he feels that a no cut zone needs to be clear and regulated and that he still has concerns with bringing in fill.

New Business:

2022-005 989 Hatlee Road 3 Lot Subdivision (Prediletto)

Applicant proposes subdividing 4.06 acres into 3 lots. The existing single family home will remain on one of the lots but will require a front yard setback variance of 39.1' to meet the current setback requirements, 989 Hatlee Rd, Zoned: R-1, Status: PB Concept Review

SBL: 258.-1-22.1 To be reviewed by: MJE Consultant: GVG Applicant: Prediletto Realty LLC

Consultant/Applicant Presentation:

Dwayne Rabideau – GVG – Mr. Rabideau stated that this application is for a 3 lot residential subdivision. He stated that there would be 3 single family homes with one existing on lot 2. Mr. Rabideau stated that lot 3 would be 3.18 acres and lots 2 and 3 would be 21,000 sf. He stated that water and sewer would be extended to service these homes and the main is within 100' of the application. Mr. Rabideau stated that a variance is needed and it will be going before the ZBA on 3/15/22.

Staff Comments:

Steve Myers, Director of Building and Development issued a memo dated 2/28/22 stating:

- Variance for lot #2 front setback has been applied for will be heard by the Zoning Board of Appeals on 3/15/22.
- In addition to the front setback for lot #2, the subdivision map for lot #2 will be changed to 100' width so another variance for lot width is not required. Zoning requires 100' at front building line and since building is not in building envelope, the 100' is required at the actual building line.

Wade Schoenborn, Chief of the Bureau of Fire Prevention:

1. If the driveway for lot one exceeds 500' it must comply with the New York State Fire Code
2. Postal verification.

Scott Reese, Stormwater Management Technician issued a memo dated 3/4/22 with the following comments:

1. The total site disturbance for this project shall include the proposed disturbance and the disturbance that was done in 2020 till now on this property.

The Environmental Conservation Commission held a meeting on 3/1/22 and issued a memo recommending:

1. The limits of (the LC Zone and 100-foot buffer zone, DEC Wetlands, Federal Jurisdictional Wetlands) shall be identified on the plot plan, if any.

Jennifer Viggiani, Open Space Coordinator:

- Notably, the applicant has included a 10-foot wide fee parcel strip of land along the Hatlee Road complete frontage to be conveyed to the Town of Clifton Park. This concept meets the goal for creating a trail route along Hatlee Road that connects neighbors to Hubbs Road (where the Town has a grant funded project to create a new Climate Smart Communities grant for a multi-use trail from Dutch Meadows to Jonesville).
- There is an existing wide shoulder that bears north from the intersection of Hubbs Road and Hatlee Road up to Willowbrook Lane, where there is a crosswalk. This has been a bicyclist route created over 20 years ago to connect Dutch Meadows to Country Knolls West and to access through the neighborhood over to Long Kill Road and to the Martin Jewett Park (Longkill Road) park off of Long Kill Road. One can travel Willowbrook Lane to Woodstead Road to reach Long Kill Road and then there is a crosswalk over Long Kill Road directly to the park entrance. There are sidewalks along the east side of Long Kill Road bearing south that lead to a small commercial plaza with Stewart's Shop and a pizzeria.
- The proposed conveyance of this segment of future trail location supports the neighbors to the north of Willowbrook Lane a route to Willowbrook along Hatlee Road, and to points south.

John Scavo, Director of Planning issued a letter dated 2/25/22 with recommendations he made:

1. Since the proposed subdivision is within 500' of the Town Boundary abutting the Town of Ballston, a referral to the Saratoga Co. Planning Board for a recommendation will be made per GML §239(m)&(n).
2. The subdivision plan appears to avoid the creation of a keyhole lot configuration and meets the bulk and setback standards prescribed for the R-1 Residential Zoning District under the Clifton Park Town Code.
3. With the conveyance of a 10' wide strip of land to the Town of Clifton Park, the Planning Board has the authority to waive the parkland mitigation fee for the subdivision.
4. As a condition of subdivision approval, all three homes shall connect to both public water and sewer systems as shown on the subdivision plan.
5. The applicant shall provide documentation showing the ability to construct the proposed water and sewer line extensions within the proposed right-of-way without impacting adjacent private properties or shall obtain necessary construction easements.

6. The applicant shall coordinate with the Town's Highway Superintendent to determine if a driveway culvert is necessary to maintain drainage along Hatlee Road. Show the culverts for the proposed driveways on the subdivision plan if such installations are required.

Professional Comments:

Walter Lippmann, P.E. of MJ Engineering in a letter dated 3/4/22 had the following comments:

STATE ENVIRONMENTAL QUALITY REVIEW

1. Based upon our review of Part 617 of NYS Environmental Conservation Law, the project appears to be an "Unlisted" action. If the Planning Board is to request Lead Agency status under SEQRA, the need to undergo a coordinated review is optional. Under a coordinated review, involved / interested agencies to be engaged may include, but is not necessarily limited to the following:
 - a. Town of Clifton Park Planning Board: Plan approval
 - b. Saratoga County Planning: Plan approval
 - c. Clifton Park Water Authority (CPWA): Connection to municipal water
 - d. Saratoga County Sewer District #1: Connection to public wastewater infrastructure
 - e. NY State Historic Preservation Office: Archeologically sensitive resources on project site
 - f. Town of Clifton Park Highway Department: Determine if a driveway culvert is necessary to maintain drainage along Hatlee Road

Additional agencies may be identified by the Town during its review of the project.

SHORT ENVIRONMENTAL ASSESSMENT FORM

The applicant has submitted Part 1 of the Short Environmental Assessment Form (SEAF). Based upon our review of the submitted Part 1 SEAF, the following comments are offered:

2. Part I.12b – The response indicates that the project site is located within or adjacent to an area designated as sensitive for archeological sites on the NY State Historic Preservation Office (SHPO) archeological site inventory. The applicant should provide a correspondence letter from SHPO to confirm the presence or absence of archeologically sensitive resources.
3. Part I.13a – The response indicates that a portion of the site or lands adjoining the site of the proposed action, contains wetlands or other waterbodies regulated by a federal, state or local agency. It is suggested the applicant identify the wetland or waterbody and extent of alterations in square feet or acres.
4. Part 1.15 - The response indicates that the project site may contain species of animals or associated habitats, listed by the State or Federal government as threatened or endangered, including the Frosted Elfin. The applicant will need to provide correspondence from the Permits staff at the NYSDEC Region 5 Office to confirm the presence or absence of the listed species and for any permit considerations. The applicant should also provide correspondence from the NY Natural Heritage Program to confirm

the presence or absence of rare plants or animals and significant natural communities as well as the US Fish and Wildlife Service IPaC database.

5. General Comment – It is suggested applicant include EAF Mapper Summary Report with submission of Short Environmental Assessment Form to assist project sponsors and reviewing agencies in their review.
6. General Comment – It is suggested that the applicant coordinate with the Town’s Highway Superintendent to determine if a driveway culvert is necessary to maintain drainage along Hatlee Road. Show the culverts for the proposed driveways on the subdivision plan if such installations are required.
7. General Comment – It is suggested that the applicant provide documentation showing the ability to construct the proposed water and sewer line extensions within the proposed right-of-way without impacting adjacent private properties or shall obtain necessary construction easements.
8. No further comments at this time.

SITE PLANS

9. The project is located within the Town’s Residential 1 District (R-1). The proposal is to subdivide into three lots with the existing home being on one and a single family proposed on the other two.
10. In reviewing the proposed lot configuration, the created lots appear to be deficient in regards to meeting the minimum standard requirements outlined in Section 208-11 of the Town’s Zoning. The noted deficiencies are as follows:
 1. The minimum width of all lots at the front building line shall be 100 feet. It appears Lot 2 does not meet this requirement. The Town’s Zoning Enforcement Officer has indicated the applicant will adjust proposed property line to meet this requirement. The applicant has indicated a front yard setback variance is required for the existing house parcel. If the above are granted, provide variance number and relief granted on plat.
11. Provide contour lines at a minimum of five-foot intervals to United State Geological Survey datum within the parcel.
12. The site statistics table indicates 0.9 acres of disturbance. Confirm that this disturbance is inclusive of the off-site utility extensions along Hatlee Road being proposed. If over one acre pursuant to NYSDEC GP-0-20-001, Appendix B, Table 1, a SWPPP that addresses erosion and sediment control is required.
13. The proposed point of access to Hatlee Road should be verified to ensure proper site distance is achieved. There should be indication on the plan what the required and provided turning site distances are based upon the posted speed limit of Hatlee Road.
14. There may be a need to provide a drainage culvert at the new driveway to support existing drainage along Hatlee Road. The applicant will need to coordinate with the Town Highway Department for any such improvements. If required, show the location, size and materials of construction.
15. The project proposes to service each new lot with public water from the Clifton Park Water Authority via extending a new public water main along Hatlee Road. The applicant shall provide the Town documentation of the CPWA’s ability and willingness to service the project with potable water.

16. 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.
17. The project proposes to service each new lot with public sewer from the Saratoga County Sewer District (SCSD). The applicant shall provide the Town documentation from the SCSD ability and willingness to service the project with sanitary sewer.
18. 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.
19. Provide the locations of the connecting points for both the water and sewer.
20. All lot grading shall be such that drainage is directed away from the homes and towards lot lines and ultimately to an approved drainage course as required by Section 86-7(A)(5) of the Town Code. In order to demonstrate conformance to the stated regulations, an overall project grading plan must be developed for review.
21. Pursuant to Section 86-10 of the Town Zoning, the applicant shall be required to plant two trees per living unit on the street side of new construction sites. Provide planned species to be planted for review.
22. Provide notation on the plan as follows:
 - a. No Utilities shall be installed beneath the proposed driveways.
 - b. Any work required within the Town right-of-way shall be subject to any permitting from the Clifton Park Highway Department (driveway, culvert).
23. Provide information on the plans to indicate how potential sump pump laterals may be positioned which shall be in conformance with Section 86-7(A)(6) of the Town Code.
24. 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.
25. Considering this plan is conceptual in nature, subsequent comments will be provided with a preliminary plan submission.

Public Comments:

Anthony LaFleche – 21 Wheeler Drive – Mr. LaFleche asked why lots 2 and 3 are an irregular shape and if there are any wetlands on the site. Mr. Rabideau stated that it was due to being able to make the minimum lot size requirement and there are no wetlands on the property. Mr. LaFleche stated that he supports the easement on the north side. Mr. Rabideau stated that the easement already exists and is being maintained.

Planning Board Review:

Mr. Neubauer asked what was behind the asphalt easement. Mr. Rabideau stated that there was a previous subdivision in 2003 and a 10' easement was granted but never conveyed to the Town.

Mr. James Trainer – attorney – Mr. Trainer stated that the 10’ strip was a requirement in 2003 when the subdivision was approved. He stated that it has a separate SBL but a deed is not found on file and the property is tax exempt. Mr. Trainer asked if the Open Space would require a deed. Mr. Scavo stated that he is not sure but will look into this.

Mr. Ferraro stated that this parcel does not have many environmental constraints but would like to see the topography for the next review and the less than one acre of disturbance needs to be identified. Mr. Ferraro asked why this subdivision is not considered creating a keyhole lot. Mr. Scavo stated that according to Mr. Myers the lots have the minimum frontage required and the placement of the homes are not behind each other. Mr. Ferraro asked about the created lot from the previous subdivision. Mr. Scavo stated that it is an approved keyhole lot.

Mr. Ferraro stated that he has concerns with a 3 lot subdivision and would be more comfortable with a 2 lot subdivision. He stated that the long narrow parts of the proposed parcels are only to help the lots conform to code and this may be setting precedence. Mr. Ferraro stated that in a design standpoint he feels it does not work either. He stated that he feels that lot 3 would result in a visual impact of a home behind another.

Mr. Andarawis stated he has similar concern with the long cut out pieces of land to the rear of lots 2 and 3.

Discussion Items:

None

Mr. Ophardt moved, seconded by Mr. Neubauer, adjournment of the meeting at 9:50 p.m. The motion was unanimously carried.

The next meeting of the Planning Board will be held as scheduled on March 22nd, 2022.

Respectfully submitted,

Paula Cooper

Paula Cooper, Secretary