

Town of Clifton Park Planning Board
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PLANNING BOARD

ROCCO FERRARO
Chairman

ROBERT WILCOX
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PAULA COOPER
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Emad Andarawis
Eric Ophardt
Ram Lalukota
Andrew Neubauer
Denise Bagramian
Keith Martin

(alternate) Jennyfer Gleason

Planning Board Minutes
September 28th, 2021

Those present at the September 28th, 2021 Planning Board meeting were:

Planning Board: R. Ferraro, Chairman, E. Andarawis, D. Bagramian, R. Lalukota,
A. Neubauer, E. Ophardt, K Martin

Those absent were: J. Gleason – Alternate Member

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.

Minutes Approval:

Ms. Bagramian moved, seconded by Mr. Lalukota, approval of the minutes of the September 14th, 2021 Planning Board meeting as written. The motion was unanimously carried.

Public Hearings:**2021-011 Blue Barnes 7 Residential Lot Subdivision**

Applicant proposes to subdivide a 29.35 acre parcel into 7 building lots each having an on-site septic system. Project includes the construction of a small loop road, solar array area and stormwater management, 102 Blue Barnes Rd, Zoned: CR,

Status: PB Preliminary Review SBL: 263.-1-22 To be reviewed by: MJE

Consultant: EDP Applicant: Blue Barnes Dev, LLC Last Seen on: 2-23-21

Mr. Ferraro stated that tonight's public hearing will not be held since it has been determined that with changes made, the proposed project is a Type I action and will require a long form. Mr. Ferraro stated that there can be no SEQR action tonight due to this and there can be no public hearing if SEQR action is not taken. However, we will discuss the proposed changes this evening and reschedule the public hearing.

Consultant/Applicant Presentation:

Gavin Vuillaume – EDP – Mr. Vuillaume stated that the concept was presented in February and there are no overall significant changes to the subdivision. He stated that a full survey of the parcel and wetlands have been delineated as well as soil testing. Mr. Vuillaume stated that the detailed plans have been given to the Board and he handed out more plans for the Board to view in the meeting. Mr. Vuillaume stated that the public road proposed was originally proposed to be a loop road but is now a cul-de-sac due to Saratoga County being against the loop due to traffic on the main road and cars entering and exiting the loop. He stated that there are plowing concerns with the cul-de sac layout but he will talk to the transportation department but they seem on board as of now. Mr. Vuillaume stated that water will be provided on site and has been cleared with Mr. Austin with the Clifton Park Water Authority. Mr. Vuillaume stated that the site would hook up from Ashdown Road about 700 ft. away. Mr. Vuillaume stated that the open space is no longer spread among 5 of the proposed lots as was originally proposed and that there are 14.5 acres of open space with 10 of the acres proposed to be a part of the HOA. He stated that lots 1 and 2 will have dedicated open space on them as well. Mr. Vuillaume stated that 5 of the lots are less than 5 acres and 2 are over so it is a major subdivision.

Staff Comments:

Steve Myers, Director of Building and Development issued a memo dated 9/10/21 stating:

- Lot 8 is proposed to be a solar array in the future. I believe developing 7 lots still requires this proposal to be a realty subdivision

- Planning still has to approve the creation of lot 8 as a keyhole even if it is never to be developed as a building lot
- Very tight and short cul-de-sac requested by the county. Is this to be a county road?
- Now 5 of the 8 lots do not meet the 3 acre minimum, previously it was 4 or 8
- 50% expansion of septic for lot 5 is directly adjacent to house location
- Well defined drainage swales/ditches should be designed along property lines to ensure lot drainage between houses is directed away from adjacent property. Current grading does not do this. See property line between lot 5 & 6, a flat area appears to be designed (contour 335) at the property line but does not drain anywhere
- Not that basement floors will be required to be at least 2' above the water table

Mr. Scavo stated in the meeting that he spoke to Mr. Myers and stated that there is no 3 acre minimum for lot size, it is for density.

Wade Schoenborn, Chief of the Bureau of Fire Prevention:

1. Postal verification
2. Lot #2 driveway appears it could exceed 500'. If the driveway is over 500' specify dimensions, turnouts, stability and design per NYS Fire Code Section 511

Scott Reese, Stormwater Management Technician issued a memo dated 9/27/21 with the following comments:

1. Lots 1 – 3, a portion of lot 5, lots 6 & 7 directly discharge into the existing wetlands. Jurisdictional wetlands cannot be used as stormwater treatment practices, and stormwater runoff that discharges to these wetlands needs to first be treated by a practice or combination of practices that meet the design requirements set forth in the NYS Stormwater Design Manual.
2. Stormwater subcatchments need to include upland drainage beyond the property lines.
3. Soil restoration is called throughout the site in the SWPPP. This should be shown / identified on the Erosion and Sediment Control Plan.
4. The dirt access shall be designed per New York State Stormwater Management Design Manual Section 6.1 to be appropriately stabilized to withstand maintenance equipment and vehicles.
5. Please show impacted wetlands with hatching or other graphic symbols. It appeared that a driveway culvert will be necessary at the low point on Lot #2.
6. Per detail 12/6 states the length of rip-rap varies per plan. Please list on the plans the amount of rip-rap needed for the 12" outlet of SMA #1. With a concentrated outlet down a steep slope, discharge shall be below an erosive velocity.
7. Supply deep test hole results with seasonal highwater elevations for stormwater management practices. It would be beneficial to have seasonal highwater elevations for proposed home foundations and on-site septic systems.
8. Direct all sump pump discharge outlets away from neighboring properties.

9. A driveway culvert should be shown at stormwater maintenance access off Blue Barns Road.
10. Since the solar array will be a future project, it should not be shown on the Erosion and Sediment Control Plan for disturbance

The Environmental Conservation Commission held a meeting on 9/21/21 and issued a memo recommending:

1. Residential projects in the CR Zone require the dedication of the permanent open space (Public or private). The proposed solar farm on lot 8 indicates a road through the area to be dedicated as open space. This is contrary to the intent and purpose of the dedicated open space in a CR Zone. The ECC strongly recommends, that as a condition of approval, the Planning Board prohibit the dedicated open space be used for this purpose.
2. The project site appears to have a highwater table. The ECC notes that Lots 1-5 have septic systems which take up the majority of the back yard of these lots (especially Lots 2-5). The ECC is concerned with the proper functioning of the septic systems given the highwater table and the potential impact on the future homeowners.
3. The ECC notes that lot 4 is the smallest lot of the 7 proposed residential sites. It also contains a large stormwater management easement which potentially could further restrict the homeowner's enjoyment of their property. The applicant should consider reconfiguring of the lots to mitigate the easement impacts.
4. The project plan shows a long thin ACOE wetland that transverses lots 1-7. The house on lot 3 is placed on top of the forementioned wetland. This condition could have potential impacts on the cul-de-sac pavement and / or the basement and foundation of lot 3.
5. The parcel (subdivision) is located in an area which may be impacted by railroad activity. Impacts may include noise or vibration. The Planning Board shall require the applicant to note on the Deed the potential for railroad noise and vibration impact on the homeowner

Jennifer Viggiani, Open Space Coordinator, on behalf of the Open Space Committee:

1. The *Proposed Open Space* calculation should be re-calculated to reflect and be accurately labeled as “**PERMANENT OPEN SPACE**” per the definition in Conservation Residential Zoning Code.
2. Utilities are not allowed uses from my interpretation of the definition and uses allowed on **PERMANENT OPEN SPACE**. The lands that include the solar access roadway and the proposed solar array installation would appear to NOT meet the definition of allowed uses for PERMANENT OPEN SPACE, and this would require a final determination by the town’s Code Enforcement Officer, but the solar array utilities would not be an open space use allowed under the current code.
3. The applicant could reconfigure and provide alternative areas for **PERMANENT OPEN SPACE** that do not include the utilities and the stormwater management areas. The applicant should show the context for the adjacent properties in the vicinity of this parcel to see the adjacency of woods; wetlands; working farmland and scenic values – to help guide the determination of what lands should be conserved as “PERMANENT OPEN SPACE”. There is a process outlined in CR Zoning for “Conservation Analysis” for applicant’s to follow to provide the Planning Board with conservation analysis to aid in

decision making about the ultimate layout for conserved lands as permanent open space. The redesigned permanent open space, should be labeled as “PERMANENT OPEN SPACE” as there are specific definitions and uses for Permanent Open Space.

4. Also, has the applicant fully analyzed the property for steep slopes in calculating the “CONSTRAINED LANDS”? The rear western part of the property appears to have steep slopes. Sloping areas where it is greater than 20 % should be considered constrained and the density calculation should reflect that deduction.

John Scavo, Director of Planning issued a letter dated 9/20/21 with recommendations he made:

1. My prior comments appear to be adequately addressed by the current subdivision plan submittal and response letter.
2. Provide a street name for the new cul-de-sac to allow Wade Schoenborn, Town Fire Marshall to proceed with assigning the necessary 911 addresses to each lot.
3. An estimate of construction costs for the purpose of establishing a bond or letter of credit to cover the full cost of all required public improvements and establishing an engineering inspection escrow are required prior to establishing a pre-construction meeting.
4. The applicant should be aware that pursuant to §179 of the Clifton Park Town Code:
 - a. It shall be the responsibility of the owner to provide all street signs (road name signs), stop signs and speed limit signs required by the town prior to the dedication of any street to the town.
 - b. It shall be the owner's responsibility to request, in writing, that a final inspection be performed, and a highway be accepted by the town. Said requests should be addressed to the Town Engineer and the Town Attorney, respectively.
 - c. By the end of the one-year maintenance period or at such time as house construction is substantially complete (80%), the asphalt wearing (top) course shall be placed.
5. Due to the presence of wetlands behind the location for the proposed septic fields on each lot, it is likely that wet soils conditions will continue to be present within the backyards of the dwellings beyond the septic fields.

Mr. Scavo stated that a farming neighbor came into speak with him as he is actively farming on the parcel to the north of this proposal and stated he had concerns of draining. Mr. Scavo stated that he would like on the plans that this is a right to farm community declaration. He also stated that the wetlands that go under the cul-de-sac and they may consider it an isolated wetland and may disappear, but if not then culverts may be needed to be added to the plans.

Professional Comments:

Walter Lippmann, P.E. of MJ Engineering in a letter dated 9/24/21 had the following comments:

STATE ENVIRONMENTAL QUALITY REVIEW

1. Based upon a review of the revised 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. A Full EAF should be submitted for review.

SHORT ENVIRONMENTAL ASSESSMENT FORM

2. Assuming the Clifton Park Planning Board is to request Lead Agency status under SEQRA, a coordinated review is required for Type I actions. Under a coordinated review, involved / interested agencies to be engaged may include, but is not necessarily limited to the following:
 - a. Town of Clifton Park Planning Board: Site Plan approval
 - b. Saratoga County Planning: 239m referral due to location along Saratoga County Route 110
 - c. Clifton Park Water Authority: Public water connection
 - d. NYS Dept of Health: Realty subdivision approval and Public water supply plan approval.
 - e. Army Corps of Engineers: Wetland permit
 - f. NYS Dept of Environmental Conservation: Permit coverage under stormwater SPDES

SITE PLANS

3. The lot configuration and acreages has been revised, therefore based on this new layout it appears to be a realty subdivision.
4. It appears no residential dwelling or wastewater disposal system is within 50 feet of a wetland meeting federal jurisdictional requirements per Section 208.16 E(12) of the Town Zoning.
5. The plans indicate disturbance of 0.09+/- acres of ACOE wetlands. The applicant has indicated that a permit from will be required from the Army Corps of Engineers. A copy of the permit shall be forwarded to the Town upon receipt.
6. Show water services to each proposed single-family residence.
7. Any action on the subdivision application should be conditioned upon receipt of plan approval from the CPWA.
8. 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.
9. The proposed septic system will be reviewed and approved by the Town Building Department.
10. If the proposed road will be dedicated to the Town, they typically require a closed drainage system. This road design should be reviewed by the Town Highway Department.
11. The project proposes a stormwater management area on Lot 8 and a portion within proposed lot (#4). An easement should be provided for the portion located within Lot #4 for maintenance purposes.
12. Sheet 4 of 7 calls out SMA#1 to be a pocket pond, however the narrative indicates a micropool extended detention. Please clarify.

13. Provide a 2' minimum separation between the pond bottom and groundwater in sole source aquifer recharge areas.
14. The forebay of the pond is shown as being 3.0-feet deep with the plans reflecting this. Pursuant to Section 6.1.3 of the NYSSMDM, the forebay shall be four to six feet deep.
15. Pursuant Section 6.1.6 of the NYSSMDM, warning signs must be posted prohibiting swimming, wading, and skating, warning of possible contamination or pollution of pond water, and indicating maximum depth of pond. The plan shall show the location of the sign(s) and detail must be provided within the plan set.
16. Sheet 5 of 7 indicates that the total area of disturbance will be 8.64 acres. Please indicate how site disturbances will remain below 5 acres via delineation of phased disturbance limits.
17. The test pit data indicated seasonal high groundwater on the site. No test pit was performed in the area of the proposed pond. Groundwater should be confirmed in this area. All P-1 practices employ an impermeable liner as an equivalent means to provide separation from a boundary condition. The plans shall specify the liner type and confirm that the liner will line float due to some of the pond bottoms being well below the observed seasonal high groundwater elevation.

STORMWATER POLLUTION PREVENTION PLAN AND NARRATIVE

18. Section 2.1 briefly mentions existing site soil conditions. This section shall summarize the in-situ soil testing completed including infiltration tests and test pits with the results provided as an appendix to the SWPPP pursuant to Part III.B.2.d and e of GP 0-20-001.
19. It is proposed to utilize “conservation of natural areas”, a NYSDEC green Infrastructure practice. Conservation of natural areas shall be located within a conservation easement and permanently conserved as stated within the SWPPP. Subsequent plans shall clearly define this area as an easement with description provided during the final stages of the project’s review.
20. The plans indicate disturbance of 0.09+/- acres of ACOE wetlands, however the narrative indicates all 5.46 acres of wetlands will remain. Please clarify. Ensure that the appropriate nationwide permit is obtained prior to wetland disturbances.
21. Since the stormwater management area will be owned and operated by the applicant, a Town of Clifton Park Maintenance Agreement will need to be executed and filed with the Town.
22. The applicant should provide responses from SHPO and US Fish and Wildlife to confirm that no adverse impacts are expected pursuant to historic properties and threatened or endangered species, respectively. Documentation shall be provided to the Town once responses are received

Public Comments:

Anthony LaFleche – 21 Wheeler Drive – Mr. LaFleche stated that he likes the cul-de-sac better than the loop road. He asked why lot 2 was separated from the other lots on the plan. Mr. Vuillaume stated that it was to space out the homes. Mr. LaFleche asked what the light green areas were indicating on the map. Mr. Vuillaume stated that this is what would be the useable lawn area for home. Mr. LaFleche asked if there could be an easement on the west side of the

subdivision and Mr. Vuillaume stated it can be provided. Mr. LaFleche asked if the home owners would be able to do anything within the wetlands, Mr. Vuillaume stated that they can only walk it. Mr. Ferraro stated that signage for the wetlands will be required. Mr. LaFleche asked if the roadway from Blue Barnes Road back to the solar site would be gravel. Mr. Vuillaume stated it would be and is a driveway to access the solar array as well as the stormwater management area.

Mr. Ferraro stated that an email was sent to the Planning department and distributed to the Board members. The email stated that the individual had concerns about the traffic in the area and access given the traffic on Blue Barnes Road.

Planning Board Review:

Mr. Ophardt asked what the applicant would do if the wetlands in question are not isolated. Mr. Vuillaume stated that they would need to apply for a permit but the disturbance would still be under 1/10th of an acre so it should be achievable. Mr. Ophardt stated that the high ground water and septic would impede on what the homeowner could do as if they wanted a pool what could be done? Mr. Vuillaume stated that they would have to bring in fill for a pool and that the septic can be moved on some sites, but most sites would not want a pool. Mr. Ophardt stated there are constraints on the land so pools don't seem possible unless the footprint is modified. Mr. Scavo stated that it can be moved as there are no buffer areas for the ACOE wetlands.

Mr. Neubauer asked if it was possible that this is an irrigation channel and not a wetland. Mr. Vuillaume stated that this is possible.

Mr. Ferraro asked about possible high ground water and stated he has concerns. Mr. Vuillaume stated that there is a lot of ground water and they will be bringing in fill and that the ground water is accounted for in the plan and all necessary accommodations will be met. Mr. Ferraro stated that there needs to be signs for the delineated wetlands on the residential sides of the wetlands and questioned how a pool will fit with this on lots 2, 4, 5, 6, and 7. Mr. Scavo stated that lot 1 is ok and is noted on the plan that there are signs. Mr. Ferraro stated that it be noted on the plans as well as the deed where the wetlands are as well as the required signage as well as the permanent open space that cannot be disturbed.

Mr. Martin stated that lot 2 has the septic encroaching on the wetlands. Mr. Vuillaume stated the can make sure it show appropriate room on the plans. Mr. Martin stated that he would like to see Ms. Viggiani's comments addressed and clarified that the solar array is not on designated open space. Mr. Vuillaume stated that the solar and stormwater are not in the Open Space area and can be clarified with her. Mr. Martin asked if the roadway to the solar would be used only for access to the solar array. Mr. Vuillaume stated it would be access to both the stormwater management area and the solar array. He stated that the solar array is going to be used for this subdivision only.

Mr. Ophardt asked if lots 1 and 7 could share a driveway. Mr. Vuillaume stated that they would like to keep them separate.

Mr. Ferraro stated that on sheet 2 of 7 of the plans it states that the overall area within the designated open space area is 17.32 acres and the open space area is 14.68 acres. He asked for clarification about what it represented. Mr. Vuillaume stated that the 14.68 acres do not include the solar array and stormwater and roadway so therefore 2.5 acres were removed from the 17.32 total. Mr. Ferraro stated that the applicant's response letter stated that the open space would be privately owned by the HOA and one lot owner. Mr. Vuillaume stated that it is actually 2 lot owners and the HOA.

Mr. Ophardt asked if lot 8 was considered a keyhole lot. Mr. Scavo stated it is and would need Board approval and it would be a deed restricted property prohibiting future residential use and used only for solar. Mr. Lalukota asked what the benefit would be if it is not solar. Mr. Scavo stated that the benefit would also be that the parcel would make contiguous open space and he is ok with this layout and if this is ever sold the deed would only allow for farming since it is listed as a non-buildable lot. Mr. Andarawis stated that this is contiguous with farming land so it would help flow well for wildlife.

Mr. Ferraro stated that he feels that because of the above concerns that it is important to have the signage to clearly mark restricted areas and should be put into all of the deeds to do so. Mr. Ferraro stated that he would also see a condition of approval for this application that lot 8 is restricted so if solar does not progress the land is still restricted.

Mr. Lalukota stated that he would also like lot 8 restricted from residential development as well. Mr. Neubauer stated that he would not like to keep the restriction open to other uses. Mr. Scavo stated he would work on verbiage for the final approval to restrict development on lot 8.

Mr. Ferraro stated that he wants the noise impact statement due to the proximity of the railroad to be included in the plans and on the deed. He stated he would also like the drainage easement on lot 4 noted on the deed as well.

Old Business:

None

New Business:

2021-047 625 Kinns Sutherland-Kocsis 2 Lot Subdivision

Applicant proposes subdividing 8.55 acres into 2 lots with frontage on both Kinns Rd and Carlton Road. There are two existing homes on the property. The subdivision is intended to have each home on a separate parcel, 625 Kinns Rd, Zoned: R-1,
 Status: PB Concept Review SBL: 265.-1-40 To be reviewed by: MJE
 Consultant: GVG Applicant: S. Sutherland

Consultant/Applicant Presentation:

Duane Rabideau – Van Guilder Associates– Mr. Rabideau stated that this application is to propose a 2 lot subdivision on Kinns Road. He stated that the subdivision is being requested because there are 2 existing homes on one lot and it the applicant would like one home on each lot. Mr. Rabideau stated that the lot sizes would be 3.5 acres for lot 1, and lot 2 would be 5 acres. He stated that both homes have septic and wells and that area variances have been granted from the ZBA. Mr. Rabideau stated that he has received comments and will address them at the next meeting.

Staff Comments:

Steve Myers, Director of Building and Development issued a memo dated 9/10/21 stating:

- Variances required for lot widths to be heard at the 9/21/21 ZBA meeting.
- Verification of septic locations needed
- Pre-existing non-conforming setbacks will also be addressed at the ZBA

Mr. Scavo stated in the meeting that all variances need for this by the ZBA have been received

Wade Schoenborn, Chief of the Bureau of Fire Prevention:

1. Postal verification

Scott Reese, Stormwater Management Technician issued a memo dated 9/27/21 with the following comments:

1. No stormwater management comments.

The Environmental Conservation Commission held a meeting on 9/21/21 and issued a memo recommending:

1. The ECC has no comments

John Scavo, Director of Planning issued a letter dated 9/23/21with recommendations he made:

1. A referral to the Saratoga Co. Planning Board has been made in accordance with GML §239(m).
2. Town staff has met with the applicant's design professional to discuss the proposed subdivision as an amenable means to resolve two single family dwellings existing on a single parcel of land.
3. Add a note to the plan documenting the date of Variance approved, Variance ID # and dimensional relief provided.

Professional Comments:

Walter Lippmann, P.E. of MJ Engineering in a letter dated 9/24/21 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: Subdivision approval
 - b. Saratoga County Planning: 239m referral is required due to the parcel's proximity to Kinns Road/CR 109
 - c. NY State Office of Historic Preservation: identification of archeologically sensitive resources

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.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. The applicant should provide documentation that confirms the presence or absence of federally regulated wetlands adjacent to the project site.
3. No further comments at this time.

SITE PLANS

4. The project is located within the Town's Residential 1 District (R-1). The proposal is to subdivide the existing two homes onto individual lots. No new construction is proposed.
5. The Town Zoning Enforcement officer has indicated the applicant is scheduled to be on the agenda for the 9/21/21 ZBA meeting for lot width and pre-existing non-conforming setbacks variances. If the above is granted, it would appear that the bulk lot requirements as outlined in Section 208-11 of the Town's Zoning are satisfied. Also, if granted provide variance number and relief granted on plat.
6. Provide the building setback lines for each lot shown.

7. Provide the locations of the existing wells on each lot.
8. Provide metes and bounds of existing 40 foot right of way in rear of parcel.
9. Verify location of proposed septic system including the 50% expansion area. Confirm it meets the setbacks required of Appendix 75-A of the State Sanitary Code.
10. Provide contour lines at a minimum of five-foot intervals to United State Geological Survey datum within the parcel.
11. 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.
12. 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 if the applicant could point to the area the stream is on or adjacent to the property. Mr. Rabideau indicated on the map the location of the stream for Mr. LaFleche. Mr. LaFleche asked if there could be an easement for a possible trail on Carlton Road. Mr. Rabideau stated that the applicant is not interested in providing an easement at this time. Mr. Ferraro asked if an easement would be warranted. Mr. Scavo stated that it would be nice for a truck turn around but there are extensive wetlands adjacent to Carlton Road that would prohibit a trail. Mr. Scavo stated that if in the future the Town did decide to put in a trail they could pursue additional ROW from adjacent properties at that time.

Planning Board Review:

Mr. Ferraro stated that he feels that the application is straight forward. Mr. Ferraro asked what the deed parcel line is as noted on the plans. Mr. Rabideau stated that the lot is one lot with 2 parcels. He stated that it was once 2 parcels combined into one lot with a deed that references two separate metes and bounds descriptions.

Mr. Andarawis asked why the applicant chose the shape and size of the parcels that she did. Mr. Rabideau stated that the applicant lives on the proposed lot 2 and she wanted 5 acres of land for herself and over the bank on the property. Mr. Rabideau stated that the shape is what she would like and she worked hard on the subdivision.

New Business:

2021-055 11 Silver Maple Lane In-Law Apartment SUP

Applicant proposes construction of a 26'X35', 925 square foot, two story addition w/ single bay garage space on first floor and in-law apartment on second, 11 Silver Maple

Dr, Zoned: R-1, Status: PB Concept Review SBL: 271.17-1-30
 To be reviewed by: MJE Consultant: n/a Applicant: E. Gandler

Consultant/Applicant Presentation:

Adam Petla – Architect – Mr. Petla stated that this is an application for a garage with an apartment above it for a family member. Mr. Petla stated that the plan is not to connect the garages from the new to the old and that this is for a direct in-law member of the family.

Staff Comments:

Steve Myers, Director of Building and Development issued a memo dated 9/10/21 stating:

- More detail on the proposal is required to determine if proposal is an in-law apartment or a two-family residence. (usually hinges on if a kitchen is present or not)
- If it is determined to be a two-family the lot is not large enough according to the code

Wade Schoenborn, Chief of the Bureau of Fire Prevention:

1. If this is found to be a 2 family residence a postal verification will be required
2. Fire separations will be addressed during plan review

Scott Reese, Stormwater Management Technician issued a memo dated 9/27/21 with the following comments:

1. No stormwater management comments.

The Environmental Conservation Commission held a meeting on 9/21/21 and issued a memo recommending:

1. The ECC has no comments

John Scavo, Director of Planning issued a letter dated 9/20/21 with recommendations he made:

1. Pursuant to the Town Code, an in-law apartment/family member accessory apartment does not constitute an additional dwelling unit on the property.
2. The applicant should be aware the Planning Board will schedule a public hearing for final consideration of the Special Use Permit once additional information if any requested by the Planning Board is provided by the applicant. The applicant will have to provide documentation that the required 500' notifications to property owners within the vicinity of the proposed project have been sent.
3. Allowed family members eligible to reside within the space pursuant to the Town Code Definition of In-Law Apartment are:
 IN-LAW APARTMENT

[Added 3-3-2018 by L.L. No. 6-2018]

(1) Any room or suite of rooms comprising one complete housekeeping unit with its own cooking and its own bathing and toilet facilities wholly within the subroom, or suite of rooms, occupied by an in-law or family member(s) constituting a kinship of first degree, second degree, or third degree of the residing owners of the principal dwelling unit.

(a) First-degree relatives include an individual's parents, siblings, and children.

(b) Second-degree relatives include an individual's grandparents, grandchildren, uncles, aunts, nephews, nieces, and half-siblings.

(c) Third-degree relatives include an individual's great-grandparents, great-grandchildren, great uncles/aunts, and first cousins.

Any violation of the above requirement pursuant to the Town Code shall constitute an immediate revocation of the Special Use Permit.

4. As a condition of the SUP, the applicant should agree that any additional parking needed for the in-law apartment shall be accommodated outside of the public right-of-way. Additional vehicles customarily associated with an in-law apartment shall be prohibited from parking parallel to the paved public roadway within the Town's right-of-way.

Professional Comments:

No professional comments.

Public Comments:

Anthony LaFleche – 21 Wheeler Drive - Mr. LaFleche asked how far the addition is from the side yard. Mr. Petla stated it would be 30'-36'.

Planning Board Review:

Mr. Lalukota asked if there would be a new driveway going to the garage. Mr. Petla stated that the existing driveway would be adjusted and widened.

Mr. Martin stated that he feels the roof line on the addition does not fit with the existing home. He stated that other homes in the area have sloping peak lines and he would like to see how they could make it look more a part of the home. Mr. Petla stated that the reason for the roof lines is to not drop runoff directly on the garage entrance. Mr. Petla stated that the intention was to break up the house with the different roof lines. Mr. Martin stated that the garage doors are different

heights and looks out of place. Mr. Petla stated that the applicant is an electrician and he has a larger van currently parked in the driveway, which he would like to park in the garage addition.

Ms. Bagramian asked if the addition would be used as a place of business. Mr. Petla stated that this would just be used to house the vehicle and not used as a place of business. He stated that the intent is to get the vehicle out off of the driveway and into a garage.

Mr. Neubauer asked what the garage sizes are. Mr. Petla stated the proposed garage would be approximately 11' x 12' and the existing garage doors are approximately 8' x 9'. Mr. Neubauer stated that this is what he feels is most out of place and that with the vertical addition it may be too much and asked if the applicant would consider setting the addition back further or separate the garage addition from the home. Mr. Scavo stated that if the home and garage were connected to the addition via breezeway that it would be considered attached and thus still being one structure.

E. Gandler – owner – Mr. Gandler stated that there are homes around his that look like this with different gables. He stated that there are no walls in the garage and the load of the second story with the a snow load would be too much so there are structural as well as access reasons that the addition is proposed this way

Mr. Martin stated that there is long ranch type roofing around his home with long gables. Mr. Martin stated that he is open to explore options in the architectural approaches.

Mr. Ferraro stated that the Board likes to promote an integrated look and that he feels that this sticks out more than what he is comfortable with. Mr. Ferraro suggested moving the door to access the in-law apartment be moved to the side of the home and replace it in the front with a window. Mr. Neubauer stated that he does not have a problem with the entrance and likes the canopy; he still has concerns about the size of the door. Ms. Bagramian stated that she feels that this does not look residential but to use as storage or a home office, not saying that this is what it will be used for. Mr. Martin agrees with Ms. Bagramian's comment.

Mr. Gandler stated that the second floor will not be used as an office but for parents that need a place to live. He stated that he wants a garage for his vehicle to keep them out of the elements as this is his work truck and stated that keeping it out of site would be more beneficial to the look of the home rather than parking it in the driveway as he does now. Mr. Gandler stated that the van does not have any advertising on it and it is not registered as a commercial vehicle.

Mr. Andarawis stated that the use is not important as more of the look of the home. Mr. Gandler stated that he used other homes in the layout and he chose for his to look like this one such as on Hemlock and Beechwood. He stated that 1 Silver Maple has a large detached garage as well.

Mr. Neubauer stated that he would like to see something less obtrusive and less vertical.

Mr. Ferraro asked if the siding for the addition would match the original home. Mr. Gandler stated that the plan is to match it. Mr. Ferraro suggested showing plans to the neighbors and get feedback.

Discussion Items:

Mr. Scavo asked the Board members to review the information he sent to the regarding the Crescent Subdivision and to give the applicant feedback so they can decide whether they would like to pursue approvals or not.

Mr. Martin moved, seconded by Mr. Ophardt, adjournment of the meeting at 9:00 p.m. The motion was unanimously carried.

The next meeting of the Planning Board will be held as scheduled on Wednesday, October 13th, 2021.

Respectfully submitted,

Paula Cooper

Paula Cooper, Secretary