

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

PLANNING BOARD

DENISE BAGRAMIAN
Chairwoman

ROBERT WILCOX
Attorney

PAULA COOPER
Secretary



MEMBERS

Emad Andarawis
Eric Ophardt

Heather Fariello
Mario Fantini

Jennyfer Gleason
Keith Martin

(alternate) Lisa Westrick

Planning Board Minutes
February 28th, 2023

Those present at the February 28th, 2023 Planning Board meeting were:

Planning Board: D. Bagramian, Chairwoman, E. Andarawis, H. Fariello, E. Ophardt, K. Martin, J. Gleason, M. Fantini, J. Gleason, L. Westrick

Those absent were:

Those also present were: J. Scavo, Director of Planning
W. Lippmann, M J Engineering and Land Surveying, P.C.
N. Weiner Esq., Counsel
P. Cooper, Secretary

Ms. Bagramian, Chairwoman, called the meeting to order at 7:00 p.m. All in attendance stood for the recitation of the Pledge of Allegiance.

Minutes Approval:

Mr. Ophardt moved, seconded by Ms. Fariello, approval of the minutes of the February 15th, 2023 Planning Board meeting as written. The motion was unanimously carried.

Public Hearings:

None

Old Business:**#2016-047 691 MacElroy Rd 3 Lot Subdivision (Monast)**

SBL: 258.-2-44

3 lot subdivision, 691 Mac Elroy Rd

Zoned: CR - Conservation Residential, Status: Revised Concept

Citizenserve File Number: 2016-047, Application Number: SUB23-000003

Applicant: Monast Consultant: Lansing Engineering, PC

Last Seen On: 09/27/2016

Consultant/Applicant Presentation:

Mike Robertson – Lansing Engineering – Mr. Robertson stated that this application is for a subdivision on MacElroy Road and consists of 8.51 acres that are adjacent to Rolling Meadows Lane and the Elks Lodge property. He stated that this is in the CR zone and a part of the Western Clifton Park GEIS. Mr. Robertson stated that the zoning allows for single family homes and there is currently a home on the property. He stated that there are DEC wetlands currently on the property and that the land is flat to rolling and the slopes are less than 15%. Mr. Robertson stated that there are multiple single family homes on MacElroy Roads and on Rolling Meadows so this application would fit into the neighborhood. Mr. Robertson stated that one unit per 3 acres of density is allowed here so with .96 acres of wetlands and 0.04 of pond, there is 7.15 acres of unconstrained land. Mr. Robertson stated that they are able to have 3 units on the parcels and they are looking to create 2 parcels from the current parcel with access from Rolling Meadows as well as utilities from there. He stated that the existing home would have 6.42 acres and the 2 proposed lots would be 0.43 and 1.67 acres. He stated that stormwater would be handled on site and that they are here tonight to get feedback from the Board.

Staff Comments:**The Environmental Conservation Commission and issued a memo recommending:**

- The ECC has reviewed the preliminary plan and judges it as incomplete based upon the provisions of the Town Code Chapter 208-16 E.(13) (b-e).
- The provisions of the following minimum standards under Town Code Chapter 208-16 E. be reviewed for mathematical accuracy by the Town Engineer before this subdivision is considered by the Planning Board.

- The ECC notes that the delineation of the wetlands was in 2009. Wetland delineations are typically valid for five years. The ECC recommends that the wetland delineation to be updated.
- The ECC is concerned that the lot line adjustment for the lot lands of n/f Young, is not a reduction/addition of square footage from the existing lot area. The applicant shall provide the existing and proposed square footage of the lot.

Wade Schoenborn, Building and Zoning issued a memo stating:

- Postal Verification
- Footings will be required to be 2 feet higher than the water table
- no further comments at this time

Scott Reese, Zoning Administrator issued a memo stating:

- The total unconstrained land will be determined upon the TDE request for NYSDEC delineation validation. If the wetland area increases any, this may effect the total number of lots allowed for this proposal.
- Include the existing and proposed lot size for Lands n/f of Young. Confirm the resident is connected to public water and sewer.

Scott Reese, Stormwater Management Technician issued a memo stating:

- Notes on the plan should include the contractor shall use best management practices for erosion and sediment control to protect the existing NYSDEC wetlands and 100 foot adjacent area during site construction.

Jennifer Viggiani, Open Space Coordinator issued a memo stating:

- Please provide permanent open space calculations and acreage and intent to permanently protect open space through the Conservation Residential Zoning Code requirements.
- In addition to showing the acreage calculations to arrive at required "permanent open space", please show the location of the proposed conservation area on the subdivision plan.
- Please describe how the "permanent open space" will be protected - through what mechanism whether it is through private or public means.

John Scavo, Director of Planning issued a memo stating:

- Add a note to the plan stating, "The Land Conservation (LC) Zoning District Boundaries associated with wetlands consist of those freshwater wetlands inventoried and mapped by the New York State Department of Environmental Conservation pursuant to Article 24 of the Environmental Conservation Law and the one-hundred-foot adjacent area measured horizontally from the border of the wetland. Only the permitted uses identified within 208-69.2 of the Clifton Park Town Code shall be allowed within the LC Zone."
- Add a note to the plan stating, "A regulated 100' buffer area to a freshwater wetland is present on the lot. Prior to undertaking any project that may be within the wetland buffer, the property owner shall contact both the DEC Region 5 Office at (518) 623-

1200, and the Town of Clifton Park at (518) 518-371-6651, to obtain required permits."

- The design engineering should confirm no stormwater infrastructure (i.e. catch basins) with the Rolling Meadows Lane Right-of-Way will be impacted by the proposed driveway locations or construction.
- The final subdivision map should display assigned 911 addresses for each lot.
- The proposed subdivision appears to be an unlisted action pursuant to SEQRA. Coordinated review is optional.

Professional Comments:

Walter Lippmann, P.E. of MJ Engineering in a letter 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. In Town Code Section 208.95(F)(9): Subject to and in accordance with the State Environmental Quality Review Act (SEQRA), the Planning Board shall be the lead agency for the purpose of conducting the environmental review of the application for a site plan. The Planning Board shall conduct an integrated comprehensive environmental review of the proposed project in combination with its review of the application under this article. 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 Sewer District: Additional reserve sewer capacity
 - c. Clifton Park Water Authority: Taking of additional potable water.
 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. No further comments at this time.

SUBDIVISION

3. Based upon a review of Section 208-16(E)(5) through (12) of Town Zoning, it appears the proposed lot configurations meet the bulk lot requirements of the CR Zoning District.
4. The wetlands were last delineated in September 2009. This delineation should be updated and a validation letter from NYSDEC should be provided to the Town
5. The Land Conservation (LC) boundary should include the 100-foot NYSDEC buffer area.
6. The submitted plans provide no proposed contours. Subsequent submissions shall include sufficient data to support the area of disturbances noted.

7. Note 2 on Sheet LP-1 should reference Rolling Meadow Lane not Prospect Point Lane.

Mr. Robertson stated in the meeting that comment #4 was addressed tonight and was handed into Mr. Scavo and that the wetlands were delineated in August of the past year.

Public Comments:

No public comment.

Planning Board Review:

Ms. Bagramian asked what the CR density was. Mr. Robertson stated that it is 1 unit per 3 acres of unconstrained land for density and that they are in size compliance. Mr. Scavo agreed. Mr. Robertson stated that the DEC states that wetlands need to be done every 5 years and that the paperwork was just turned into Mr. Scavo tonight to address the concern and the DEC just needs to verify.

Mr. Andarawis stated that he also wanted density to be clarified as 2.51 is close to the maximum allowed and he thanked the applicant. He stated that he appreciates the applicant putting access on Rolling Meadow.

Mr. Scavo stated that the Planning Board had looked at this application in 2016 and at the time Rolling Meadows infrastructure had not been transferred to the Town. He stated that the applicant waited until the roadway was transferred to a public right of way to proceed with the application.

Ms. Bagramian stated that the application can be slated for public hearing.

New Business:

10 Emmons Drive In-Law Apartment SUP

SBL: 277.17-1-6

10 Emmons Drive In-Law Apartment, 10 Emmons Dr , Zoned: R1 – Residential

Status: Concept

Citizenserve File Number: 23-000007, Application Number: SUP23-000001

Applicant: Rajesh Ramamurthy, Consultant: N/A

Consultant/Applicant Presentation:

Rajesh Ramamurthy – owner – Mr. Ramamurthy stated that he is here tonight looking for permission to extend the rear of his home. He stated that he has submitted plans for the Board to

review. Mr. Ramamurthy stated that the extension would be about 800 feet and he would meet all side and rear setbacks. He stated that he would like to create a space for his parents to live with him and for them to be able to have their own bathroom on the same level as their living space as they cannot do stairs. He stated that he is proposing a kitchen, bedroom, bathroom and kitchen with an archway from the main home to connect to the proposed space.

Staff Comments:

The Environmental Conservation Commission and issued a memo recommending:

- ECC has no comments.

Wade Schoenborn, Building and Zoning issued a memo stating:

- Construction Plan review and requirements will be addressed during the Building Permit Process.

Scott Reese, Zoning Administrator issued a memo stating:

- This proposal for an in-law apartment is permitted in the R-1 Zone with a Special Use Permit per Town Code 208-10 B. (10)(a)[7][a].
- When the Planning Board reviews the application, include the procedures as set forth in Town Code Chapter 298-79 D & E.

John Scavo, Director of Planning issued a memo stating:

- The property is just outside of 500' from the Grooms Road (County Road) Right-Of-Way. Therefore, a referral to the Saratoga Co. Planning Board is not required pursuant to GML Section 239 (m)&(n)
- The requested In-Law Apartment meets the requirements of Section 208-7 of the Clifton Park Town Code. The criteria for an in-law apartment per Town Code under a Special Use Permit will be binding on this applicant and any future property owners.
- If the Planning Board is comfortable with the application, a public hearing will be scheduled to consider the application with a possible final determination. The applicant has provided the proof of mailing for 500' notifications to property owners in the vicinity of the applicant's property. The SUP with site plan consideration are an unlisted action pursuant to SEQR. The Clifton Park Planning Board is the only involved agency. Therefore, no coordinated review will occur.
- The project appears to meet all applicable zoning requirements, therefore, I have no issues with the requested SUP and site plan as proposed.

Professional Comments:

No professional comments.

Public Comments:

No public comment.

Planning Board Review:

Ms. Bagramian asked if the 800 foot extension would be attached to the home. Mr. Ramamurthy stated it would be an archway connected to the current dining area. Ms. Bagramian asked if there would be fire walls. Mr. Ramamurthy stated there would not be but possibly a double door with glass to see in as he does not want them feeling isolated.

Mr. Ophardt asked if there is a difference for code for a kitchen vs. a kitchenette. Mr. Scavo stated that if there is a cooking facility there is no discrimination and it would have to meet NYS codes. Mr. Ramamurthy stated that he plans to have a small sink and stove for his parents.

Mr. Andarawis asked if there would be an external entrance for the extension. Mr. Ramamurthy stated that there would be an entrance from the back patio area that also connects to the main homes current kitchen. Mr. Andarawis asked if there would be access to the extension from the driveway. Mr. Ramamurthy stated there would not be, only through the main home.

Discussion Items:

Continuation from Last meeting discussion for remote Board member participation.

Mr. Scavo stated that this resolution is for the instance that there may be another pandemic. He stated that this can allow the Town to function hybrid for the meetings. He stated that he believes that it is a valuable tool to have since there are national companies that come to the Town. Mr. Scavo stated that this needs to be passed as a resolution by the Planning Board and it would need to follow the State module for language. Mr. Scavo stated that he can look into the verbiage of the State and then the Board can look at adopting.

Mr. Fantini asked if there where specifications for notifying the public and what the timeframe me would be. Mr. Scavo stated that he can look into this for the next meeting and the goal is for the Board to be transparent.

Ms. Bagramian asked if the public would have access to the same provisions. Mr. Scavo stated that if it available to the Board than it would also be available to the public, but this would be the exception and not the rule.

Ms. Fariello moved, seconded by Ms. Gleason, adjournment of the meeting at 7:33 p.m. The motion was unanimously carried.

The next meeting of the Planning Board will be held as scheduled on March 14th, 2023.

Respectfully submitted,

Paula Cooper

Paula Cooper, Secretary