

## **Clifton Park Planning Board Meeting Minutes**

**September 23, 2003**

Those present at the September 23, 2003 meeting were:

Planning Board: S. Bulger, Chairman, B. Czub, R. d'Amico, T. Karam, J. Larkin, J. Russell

Those absent were: J. Marzola

Those also present were: J. Kemper, Director of Planning, J. Grasso, Clough, Harbour, and Associates, M. O'Brien, Environmental Specialist, P. Pelagalli, Town Attorney

Mr. Bulger, Chairman, called the meeting to order at 7:10p.m.

Public Hearings:

[2003-051] Giammattei, Jill – Proposed land transfer of 1,603 SF, 32 Old Nott Farm Road – Preliminary public hearing and possible determination.

Mr. Bulger called the public hearing to order and the Secretary read the public notice as published in the Daily Gazette on September 18, 2003.

Mr. Giammattei explained, as he did on August 12, 2003, that this application proposes the reciprocal transfer of 1,603 SF of land from the Lands of Giammattei to the Lands of the Olde Nott Farm Homeowners' Association and 1,603 SF of land from the Lands of the Olde Nott Farm Homeowners' Association to the Lands of Giammattei. This transfer was necessitated by the installation of a pool behind the Giammattei's home on lands belonging to the homeowners' association. The property line will be drawn one foot from the existing fence.

Mr. Kemper reported that this project last appeared before the board on August 12, 2003 at which time the Board found the land transfer acceptable. A deed description for the proposed area must be reviewed prior to the stamping of the plans.

Mr. Grasso and Mr. O'Brien, Environmental Specialist, offered no comment on this application.

There being no public comment, Mr. Bulger moved, seconded by Mr. Larkin, to close the public hearing at 7:13p.m. The motion was unanimously carried.

Ms. Czub moved, seconded by Mr. Karam, to establish the Planning Board as Lead Agency for this application, an unlisted action, and to issue a negative declaration pursuant to SEQRA. The motion was unanimously carried.

Mr. d'Amico offered Resolution #34, seconded by Mr. Karam, to grant preliminary and final subdivision approval to this application, waiving the final hearing, conditioned upon satisfaction of the comments offered by Mr. Kemper. Ayes: Larkin, Czub, d'Amico, Karam, Russell, Bulger. Noes: None.

[2002-051] Country Club Acres, Inc. – Proposed (105) lot subdivision, NYS Route 146A and MacElroy Road – Reconvening of preliminary public hearing held on September 9, 2003 and possible determination.

Mr. Bulger called the public hearing to order and the Secretary read the public notice as published in the Daily Gazette on September 18, 2003.

Mr. Nicholson, consultant for the applicant, presented this project plan that calls for the subdivision of approximately 159 acres of land into 101 single-family residential lots. He explained that the following issues were identified by the Board during the September 9, 2003 review: access onto MacElroy Road and potential disturbance of identified wetland areas. In response to these concerns, the road access has been realigned, six lots were eliminated to reduce impacts to wetlands, property lines have been reconfigured to provide deeper backyards, the water line has been extended to MacElroy Road, pedestrian access as well as water and sewer connections will be supplied to the Unter residence, access and utility connections will be provided to the property owned by Tyll, water service will be provided to the Reynolds' residence, the pump station has been located on a fee parcel, and catch basins and clearing limit lines have been added to the plans. All technical items identified by Clough, Harbour, and Associates will be addressed. Mr. Pentkowski, attorney, will be providing appropriate maintenance agreements for the shared drives that serve several keyhole lots.

Mr. Nicholson introduced Ms. Shelley Johnston, Traffic Engineer with Creighton Manning Engineering, who discussed the realignment of the new road at its intersection with MacElroy Road. She explained that the relocation of the road combined with tree trimming and clearing has resulted in acceptable sight and stopping distances at the proposed road location.

Mr. Kemper explained that this project last appeared before the Board on September 9, 2003 at which time the public hearing was adjourned. The major concerns identified included traffic safety, wetland impacts, road layout, and the location of the trails. All involved agencies concur with the Town of Clifton Park Planning Board acting as lead agency for this application. A letter from NYSDOT states that that agency concurs with the conclusions of the traffic study prepared by Creighton Manning Engineering and agrees with the location of the town road on Route 146A. A NYSDOT curb cut permit must be provided prior to the stamping of the plans. All comments provided by the Saratoga County Sewer District must be addressed and a permit will be required prior to the stamping of the plans. A note should be added to the plans stating that the project will be located in the Longkill #1 park district. A final signoff needs to be provided from Sheryl Reed and emergency services. Ingress/egress easements need to be illustrated on the plans and descriptions must be provided for review. In addition, the maintenance

agreements necessary for the maintenance of the private drives must be provided to Counsel for review. Though the overall density for the subdivision has been reduced to 101 lots, the wetlands are still in close proximity to Lots #87, 5, 4, 84, 85, 63, 64, and 56. Mr. Nicholson has agreed to discuss this problem and, if necessary, reduce the number of building lots in order to reduce wetland impacts. The Town of Clifton Park L-C Zone should be labeled as such on the plot plan. The total wetland disturbance for the project must be depicted on the plans. The details on the wetland crossings for Lots #4 and 5, 63, and 64 should be depicted on the plans. The center of the cul-de-sacs must be graded to the catch basins. The comment letter from Don Austin, Director of the CPWA must be addressed. A final signoff must be received from ACOE and DEC on the wetland disturbances. The wetlands to be disturbed should be depicted as such on the plot plan. The plans should clarify whether or not the water and sewer infrastructure will be extended all the way to MacElroy Road. The applicant should incorporate a multi-use pathway in the subdivision or provide money to be used for future trail improvements. A "T" intersection has been added near the center cul-de-sac. If the Board is comfortable moving ahead on the application then any approval should be conditioned upon a signoff from DEC and the ACOE on the wetland impacts, the incorporation of a multi-use pathway, and the further elimination of lots if necessary for protection of the wetlands.

Mr. Grasso explained that Clough, Harbour, and Associates reviewed the revised plans and find that most of their concerns have been addressed. He was confident that the applicant would be able to satisfy all of the outstanding issues. The main issue to be resolved was the location of the multi-use pathway: the applicant was willing to either construct a pedestrian way or contribute to improvements along MacElroy Road that would provide connection to Town park areas on MacElroy Road. It was estimated that the cost of construction would be \$15-20.00/linear foot for an 8-foot wide trail.

Ms. Deborah Botch, 39 Longkill Road, offered two comments on this project plan. She first asked that the request made by Mr. Chris McCann of 658 MacElroy Road that was presented during the initial public hearing be addressed. At that time, Mr. McCann presented a letter to the Board and asked that the applicant and the Board consider a minor redesign of the project that would provide a road from the VanPatten subdivision to the southern portion of his property. Such a road would directly benefit him since it would allow for the construction of a new residence on his parcel. He also believes that such a reconfiguration of parcels would have a "public benefit" because the wetlands on his property would be protected and an additional drive onto MacElroy Road would not be necessary.

Ms. Botch then read from a prepared statement that was submitted to the Board. This statement outlined a "Five Point Plan for Improving Traffic and Pedestrian Safety on MacElroy Road." Included in the plan were the following recommendations:

- Elimination of the passing zones to reduce excessive speed;
- The requirement that all construction traffic for this project be required to enter and exit from NYS Route 146A;
- Correction of the geometry problem of severe curves and dips at the new road intersection;

- Improvements to road shoulders and the installation of a bike path along new roads and MacElroy Road;
- Study of speed limits in conjunction with the proposed GEIS to determine if reduced speed limits are warranted.

Mr. Bulger noted that construction traffic will be required to use NYS Route 146A to enter and exit the area during the construction period. He agreed with the speaker that the proposed GEIS will be a good time to study the implications of development on traffic flow in the western part of town. Mr. Kemper and Mr. Grasso agreed that a connection to the Lands of McCann would be acceptable and Mr. Nicholson agreed to consider such a revision to the project plans.

Ms. Grace Sterrett, 657 MacElroy Road, requested clarification of the relocation of the access point on MacElroy Road. Mr. Nicholson pointed out that the driveway has been relocated to the west and that sight distance has been improved to an acceptable level. Ms. Sterrett also asked if the comments concerning the slope of the road remained pertinent. Mr. Nicholson explained that the Clough, Harbour, and Associates' comments related to streets within the subdivision rather than to MacElroy Road.

Mr. Michael Klimkewicz, 857 NYS Route 146A, expressed his appreciation to the applicant for providing a substantial buffer between the proposed residences and existing properties. He also asked if water and sewer service could be provided to his home as a result of this project. Mr. Nicholson explained that there were no plans to extend utility lines to the west of the proposed roadway. Mr. Klimkewicz asked that a residential lateral be supplied from the new development. Mr. Nicholson explained that an easement was provided to the Unters as part of an agreement that provided land for the realignment of the new road with MacElroy. Mr. Nicholson and Board members discussed the issues involved with extending water service to existing homes in the area. Mr. Nicholson explained that though easements across residential lots could be provided to serve homeowners, such easements were not desirable since any problems with the service could require excavation that would disturb private lands. He also cited the cost of individual services as compared to extension of the primary service line. If there are several existing property owners who would like to benefit from municipal water and sewer installations, it may be advantageous to extend the service district. Mr. Klimkewicz agreed that this applicant should not be responsible for providing services to existing residents, stating that he would investigate the requirements for extending the service area.

Mr. John Reinker, 869 Route 146A, commended the applicant for maintaining substantial green areas between existing residences and proposed homes. He expressed concerns regarding drainage in the area noting that he often experiences significant water flow from adjoining properties. He also asked if it would be feasible for him to obtain municipal water and sewer service. Mr. Nicholson explained that since there were a number of property owners who would benefit from extension of service areas that it may be reasonable for the Town to develop a comprehensive municipal plan for such an expansion. Mr. Bulger explained that this problem would be considered during the GEIS

study. He encouraged interested neighbors to join together to prepare requests for utility improvements and extensions of service areas and he offered to prepare a letter of recommendation that would support such a request as appropriate planning for the future, providing a long-term solution for Town citizens. Mr. Nicholson advised the residents to act quickly because the issues involved with the design and installation of utilities was extremely complex.

There being no further public comment, Mr. Bulger moved, seconded by Ms. Czub, to close the public hearing at 8:00p.m. The motion was unanimously carried.

In response to Mr. Larkin's question regarding ownership of the property containing the proposed connection to MacElroy Road, Mr. Nicholson explained that although the property was formerly owned by Owen, the parcel was now owned by the Unters.

Mr. d'Amico complimented the applicant on his willingness to respond to Board recommendations and to cooperate with adjoining property owners. He commented that the applicant and the consulting firm had done a great deal of work since the last Planning Board meeting.

Mr. Karam encouraged the extension of utility services to properties surrounding this project, though he did not believe that the current applicant should bear the cost of these improvements.

Mr. Bulger expressed his satisfaction with the revised road location on MacElroy Road, a reduction in the number of lots to 101, the relocation of proposed residences away from designated wetlands, and the conservation easement protections provided.

Mr. Bulger moved, seconded by Mr. d'Amico, to establish the Planning Board as Lead Agency for this application, a Type I action, and to issue a negative declaration pursuant to SEQRA. The motion was unanimously carried.

Mr. d'Amico offered Resolution #35, seconded by Mr. Karam, to grant preliminary subdivision approval to this application conditioned upon the satisfaction of all comments offered by Mr. Kemper and Mr. Grasso. Ayes: Larkin, Czub, d'Amico, Karam, Russell, Bulger. Noes: None.

Old Business:

[2002-073] Curnyn Meadows (Eleven and Company, LLC) – Proposed (20) lot subdivision, Grooms Road – Determination from public hearing held on May 7, 2003.

Mr. Gil VanGuilder, consultant for the applicant, presented this project that was first reviewed by the Board in December, 2002. He explained that in accordance with the requirement for an archeological study to be completed on site, the applicant employed the services of Landmark Archaeology, Inc. of Altamont, New York. Mr. VanGuilder described in detail the site conditions and the process utilized by this firm to study the

area. Subsequent to the completion of fieldwork during the week of July 28, 2003, a report was submitted to the New York State Office of Parks, Recreation, and Historic Preservation. Correspondence was received from that agency late this afternoon. Though there was no indication of historic artifacts in the area of the proposed development, SHPO reports that information from other sources indicates that there may be some archaeologically significant locations on the site that require additional investigation. Mr. VanGuilder indicated that his client would permit additional investigation of such potentially significant historical areas.

Mr. VanGuilder is confident that all engineering comments from Clough, Harbour, and Associates can be addressed. The applicant must receive a NYSDEC permit to cross the wetland area between Settlers Hill and this project at which time the New York State Office of Parks, Recreation, and Historic Preservation will move from an advisory agency to a regulatory authority. The Clifton Park Water Authority now proposes the extension of the water line along Miller Road though initial plans showed a connection to Settlers Hill. Alternative designs for the installation of a multi-use pathway have been considered. The most feasible option at this time appears to be a path from Curnyn Meadows to Miller Road along the northerly side of Grooms Road. He emphasized the need for the Board issue a negative declaration for this project and grant preliminary subdivision approval at this meeting was emphasized.

Mr. Kemper explained that this project last appeared before the Board on August 12, 2003. He noted that the plans were last submitted for review on July 23, 2003. The Board did not make a decision at that meeting because a signoff from the New York State Office of Parks, Recreation, and Historic Preservation had not been received. He explained that he received correspondence from that agency late this afternoon. It appears that additional investigation will be required. The project is located within two different fire districts and the boundaries must be amended accordingly. All NYSDEC Wetland Permits must be received prior to any final approval. The applicant is proposing to connect to the water supply at the intersection of Miller and Grooms Roads. These details must be provided on the plans. The multi-use pathway should be depicted on the plans. A Saratoga County DPW curb cut permit needs to be provided. The Saratoga County Planning Board reviewed the project on June 19, 2003 and submitted the following comments: "Saratoga County Planning Board deems this application incomplete until the information requested in our December 30, 2003 letter is provided. This includes approval from the SCSD #1 to connect to the system as per sewer district regulations now in place. A profile for the proposed Carroll Way needs to be submitted and approved by County DPW to insure sight distance at the proposed intersection." Sheryl Reed's memo of August 12, 2003 stated that the Fire District Boundaries must to be adjusted to reflect the proposed subdivision. The Boards of Commissioners of the Vischer Ferry and Rexford Fire Districts will move forward on the agreement. Drainage problems along the Curnyn Meadows/Eells property boundary must be addressed. All other agencies concur with the Town of Clifton Park Planning Board acting as Lead Agency for the application.

Mr. Grasso reported that no revised project plans for this application have been submitted since the August submission. The comments provided are a result of the review of

revised preliminary subdivision plans that were prepared by Lansing Engineering, P.C. and Gilbert Van Guilder Land Surveyor, PLLC on May 30, 2003. Several comments from the May 22, 2003 review letter have not been adequately addressed and other issues have been identified. The plan proposes a 26 foot wide road which is consistent with the standard of cluster subdivisions. Given the amount of open space proposed to be given to the Town and the rural nature of the subdivision, it appears that the subdivision is consistent with the open space subdivision regulation and, therefore, is eligible for classification as a "cluster" subdivision. This will clearly allow use of the reduced roadway width. Clough, Harbour, and Associates recommends that the plans clearly note this designation. In order to provide increased flexibility for placement of homes on the lots, consideration should be given to using the typical cluster subdivision setbacks of thirty feet for front yards and ten feet for side yards. In addition, the cluster subdivision setbacks may supercede the fifty foot setbacks required for keyhole lots. (The Typical Roadway Section on Dwg. DT-1 has been noted as being for use in a Cluster Subdivision. No Cluster designation is included on the Title Sheet and the plan retains the fifty foot setbacks.) Mr. Grasso stated that although the plan appears to indicate federal wetland impacts of less than 0.1 acres, the amount of impacts should be listed as future lot development may exceed the threshold and require authorization by the Army Corps of Engineers. Anticipated wetland impacts have not been tabulated on the plans. Access to Lot #20 should be clarified, as it appears the existing drive is located on the adjoining parcel. The subdivision plan should also clarify to and from whom the ingress/egress easement is being conveyed. The Town's standard note for ingress/egress easements should be added. Erosion controls should be specified along the force main route that will be by open cut method within the Settler's Hill development. Due to difficulty in construction at such slight tolerances, the design of the storm sewers at less than 0.5% slope is not recommended. Any deviation in the pipe slope specified will not provide adequate self cleansing velocity.

Mr. Grasso offered additional comments on the preliminary plans. It is recommended that a multi-use pathway connection be provided between the proposed development and the Settlers Hill Subdivision and that this connection be made by a combination of an on-grade path and elevated bridge along the corridor proposed for the water connection and sanitary sewer force main. This is consistent with what has recently been successfully constructed between the Falcon Ridge and Emerson subdivisions and what is being proposed by Belmonte for the West Sky Drive subdivision. He explained that though links between subdivisions are preferred, consideration would be given to an alternative multi-use pathway location. The plans indicate that municipal water and sewer service will be provided to all lots in the subdivisions. The plans do not show how these services will be provided to Lot #20. A setback line at a 100 foot offset from the centerline of Grooms Road has been added to the Subdivision Plan, Dwg. SV-3. What appears to be a setback line at a scaled offset of 60 feet continues to appear on Dwg. LG-1. Stubs for water and sewer should be provided at the stub street.

Mr. Grasso emphasized the fact that since no revised plans have been submitted for review, the cumulative wetland impacts cannot be determined, the routing and details of the municipal water system are not available for review, and the location of the multi-use

pathways have not been supplied. In his opinion, the lack of a definitive signoff from the New York State Office of Parks, Recreation, and Historic Preservation would preclude the issuance of a SEQRA determination at this time.

Mr. O'Brien, Environmental Specialist, stated that the ECC had no comment on this application at this time.

Mr. Bulger explained that it would be "unusual" for the Board to grant preliminary approval without the submission of revised project plans that meet all of the criteria for a preliminary submission and that address the items outlined in Clough, Harbour, and Associates' comment letter. Mr. VanGuilder explained that since the Town Board had not rendered a decision regarding the extension of the water district, it would be unfair to require the applicant prepare project designs that would not be applicable.

Mr. d'Amico identified several items of concern. The first was the applicant's response to Mr. Eells' request from the public hearing concerning drainage from the McCormick property to the rear portion of his pasture lands. Mr. Eells, who was in attendance at this meeting, reported that the Saratoga Soil and Water agency has visited the site and will prepare a report. Since the applicants have been cooperative, he expects that an amicable resolution will be reached. Mr. d'Amico also expressed concern regarding the failure of SHPO to provide a signoff for this project, the lack of a plan for the multi-use pathway, the failure of the applicant to provide grading plans for sewer and water installations as well as other engineering comments, and the on-going plans to revise fire district boundaries. It was his belief that since the issues may be interdependent, the project plans have not "congealed" to a sufficient degree. In his opinion, it would be premature to issue a SEQRA determination and/or grant any project approval.

Mr. Larkin spoke in support of Mr. d'Amico's comments, citing unaddressed comments from the Saratoga County Planning Board including verification of adequate sight distance at the intersection of the proposed new road and Grooms Road and approval to connect to the Saratoga County Sewer District. The questions raised by the SHPO letter were also of concern. He was interested in the requirements for archeological investigation and preservation that may be mandated by this agency should it move from an advisory position to a regulatory agency.

Mr. Bulger agreed that there could be a positive SEQRA impact: this would make him reluctant to issue a negative declaration at tonight's meeting. Mr. Bulger read the entire letter from the Office of State Parks, Recreation, and Historic Preservation for the record, a copy of which is attached to these minutes. He emphasized the fact that the correspondence was not definitive, noting that the letter states that the existence of a possible "prehistoric archaeological site... deserves further consideration." He reread the following statement: "Additional testing would represent a good faith effort to fully and conclusively verify the presence or absence of an archeological site on the property." In his opinion, since this letter did not contain a final signoff and since plan submissions have not included information and design plans as required by established Board policies and procedures, a negative declaration pursuant to SEQRA and project approval would

not be prudent.

Mr. VanGuilder explained that the revision of the fire district boundaries would not require lot line revisions or realignment of the roadway. He reiterated his request that the Board act on this application since design plans were delayed in anticipation of a Town Board action that would require installation of the water lines along Miller Road. He also stated that the areas of archaeological concern are likely located north of the proposed housing development. He further explained that any significant items would be cataloged, recovered, and removed from the site.

Mr. Brian Strohl, legal representative for the applicant, read a letter of August 6, 2003 from Kirk Marcucci, Senior Archaeologist for Landmark Archaeology, to Mr. VanGuilder that recommended that this project move forward because no additional archaeological investigations appeared warranted. A copy of this letter is attached to these minutes.

Mr. McCormick, describing himself as a representative of the applicant, stated that he believed the Board's comments and actions at this meeting to be "unfair". He said that he believed that the Board's critical comments were "punishment for prior actions." Mr. Bulger assured him that this was not the case. He explained that the applicant could continue to extend the Board's time to review the project plan beyond the required 62-day determination period or request that the Board vote on the application. After conferring with his client and Mr. VanGuilder, Mr. Strohl, Mr. McCormick's legal representative, asked that the Board vote on the application.

Mr. Karam explained that Board members rely on the advice and recommendations offered by consultants and agencies involved in the approval process. Since the design plan and information provided by the applicant is not sufficient, he recommends that the Board delay action on this project plan.

Mr. Grasso explained that a SEQRA determination is required prior to the granting of project approval. A positive declaration would require the preparation of an Environment Impact Statement. If the Board denied approval of the application, no SEQRA determination was required.

Mr. Bulger offered Resolution #36, seconded by Mr. Karam, to deny this subdivision application based upon the following: the applicant or its consultants did not adequately and completely respond in writing to the comments raised by the Town Engineer, said comments being identified in a May 22, 2003 and an August 7, 2003 letter from Clough, Harbour, and Associates, LLP to Steven Bulger, Chairman of the Town of Clifton Park Planning Board, copies of which are attached; the applicant or its consultants did not provide plans suitable for preliminary approval of the method of water supply to the proposed project; the applicant did not adequately and completely respond in writing to comments raised during the public hearing with respect to potential drainage impacts and impacts on historic resources; the application did not receive approval from the Saratoga County Planning Board; the Planning Board could not make a determination pursuant to

SEQRA based upon the lack of the above information to be provided by the applicant or its consultants. Ayes: Larkin, Czub, d'Amico, Karam, Russell, Bulger. Noes: None.

[2003-058] VanGuilder, Gilbert – Proposed (17) lot subdivision, Route 146A, - Revised conceptual subdivision review.

Mr. VanGuilder, applicant, presented this application that has now been reduced to (17) lots from the original (22) single-family residential lots that were presented at the initial review on September 9, 2003. The project plan now shows the delineated wetlands to the northern portion of the site. The applicant proposes the conveyance of these NYSDEC and federally jurisdictional wetlands to the Town. The existing home will be demolished and the area graded and seeded for open space. No L-C zone areas will be included in the larger lots and proposed residences have been moved away from the non-disturbance areas. The proposed road has been relocated to the south and a future roadway connection has been provided to the Lands of Greene.

Mr. Kemper explained that this project was considered by the Board on September 9, 2003. The major concerns at that meeting included the density of the project and traffic concerns along NYS Route 146A. The applicant has reduced the proposed density of the project. As the project moves through the planning review process, NYSDOT will be consulted regarding the curb cut to NYS Route 146A. A stub street has been provided to the Lands of Greene.

Mr. Grasso reported that Clough, Harbour, and Associates reviewed the revised cluster layout plan for the above referenced project and offered the following comments. The current cluster layout plan proposes nineteen residential lots. The applicant previously submitted a conventional subdivision plan, as well as a cluster subdivision plan, proposing 22 lots. Seventeen lots represents an appropriate number of lots that could be created for a conventional subdivision in accordance with the zoning and subdivision regulations. As such, the Planning Board may wish to establish seventeen lots as the maximum allowable density for a cluster subdivision on the property. The firm continues to have concerns over the environmental impacts associated with the proposed cluster layout, specifically, the impacts associated with the development of Lots #6, 10 and 21: consideration should be given to the elimination of these lots. The proposed revised location of the road is an improvement over the previous location in that it is farther away from the intersection with Kinns Road. In addition, a stub street has been provided to the Greene property to the south. Based on a cursory review of the conditions along Route 146A, the proposed access arrangement appears to be an appropriate way to serve both the current subdivision proposal and additional development of the Greene property. Additional investigation into available sight distance should be provided and input from NYSDOT should be sought. Additional comments will be provided as the plans are progressed and input is received from NYSDOT.

Mr. O'Brien, Environmental Specialist, reported that the ECC recommends that a revised conventional lay-out be presented before any further consideration is given to the proposed cluster plan.

Ms. Laurie Gargano, 731 NYS Route 146A, reported that observation of traffic in the area shows that during a peak 2-hour period it is possible for 1400-1700 vehicles to pass the area proposed for the location of access for the new street onto NYS Route 146A. She expressed concerns for the safety of her children who must cross this busy road to catch the school bus. She suggested that a traffic signal be installed at the intersection of Kinns Road and NYS Route 146A. She alleged that the state Department of Transportation had helped the applicant by removing the large trees that bordered the road and clearing additional property.

Mr. VanGuilder explained that the state transportation department removed the trees in the right-of-way because they were diseased and were creating a hazard for travelers. No additional clearing and/or grading was completed on his property.

Mr. Bulger explained that, though he was sympathetic to Ms. Gargano's situation, the County would not support the installation of a traffic signal at the Kinns Road intersection at this time. He noted that an evaluation of this roadway would be included in the GEIS study.

Ms. Czub found the revised plan a significant improvement over the original proposal. Mr. Bulger approved of the relocation of the proposed roadway to the south since it would provide access further from the Kinns Road intersection. Mr. Karam appreciated the applicant's willingness to preserve wetlands and the existing trees near the existing house. Though Mr. d'Amico believes that a provision should be made for a connection to the Lands of Greene, he was concerned that the proposed location of the future road may not provide the safest location for many more vehicles accessing NYS Route 146A. Board members discussed the elimination of a portion of the proposed road should an application be submitted for a subdivision on the Lands of Greene. Mr. Larkin pointed out that those who consider purchasing homes in Mr. VanGuilder's project should be informed of such a possible revision.

New Business:

[2003-062] Tanski, Bruce – Proposed (2) lot subdivision, 1359 Route 146, Rexford – Conceptual review.

Mr. Gil VanGuilder, consultant for the applicant, presented this application that calls for the subdivision of 2.28 acres of land in an R-1 zone into lots of 1.08 acres and 1.20 acres, respectively. The property to be subdivided is located at the northwestern quadrant of the NYS Route 146 and Waite Road intersection. The smaller lot contains an existing residence. The lots will be served by individual wells and septic systems.

Mr. Kemper requested that the sight distance along NYS Route 146 be evaluated. Since there are NYSDEC classified wetlands in close proximity to the project, a wetland delineation appears warranted.

Mr. Grasso explained that Clough, Harbour, and Associates reviewed project plans and offered several comments. The proposed project appears to be an “Unlisted” action pursuant to SEQR, and as such, coordinated review is optional. Involved agencies are expected to include the following: Town of Clifton Park Planning Board – Subdivision Approval; NYSDOT – Curb Cut Permit. Soil investigations including deep test pits and percolation tests should be conducted in the area of the proposed wastewater disposal system to verify the adequacy of the soils to accept on-site wastewater disposal systems. The location of the existing wastewater disposal system should be shown on the plan. In order to provide access management along Route 146 which one of the heaviest traveled arterial collectors in the Town, the engineering firm recommended that access to both single family residential lots be from Waite Road. The adequacy of the sight at a proposed driveway location on Waite Road should be verified. The plan should identify any streams or wetlands within 100 feet of either lot to determine the adequacy of separation distances. Waite Road is identified in the Town of Clifton Park Trails Master Plan as a road recommended for pedestrian improvements. In addition, the Corporate Commerce Zone DEIS has identified the need for turn lanes at the intersections of Route 146 with Waite Road and Tanner Road. In order to accommodate these improvements which are required to address the cumulative impacts of development in the area, the conveyance of an additional ten feet of right-of-way along the project’s road frontage is recommended. The applicable Town of Clifton Park Standard Notes for Subdivisions and certification statement should appear on the plan.

Ms. Czub was concerned with Mr. Grasso’s recommendation that both properties access Waite Road, stating that the sight distance at the proposed location is severely limited.

Mr. d’Amico supported the elimination of the existing driveway onto NYS Route 146 that currently serves the parcel.

Board members found the proposal generally acceptable.

[2003-061] Reckner, Donald – Proposed 7,600 SF addition to existing auto body repair facility, 1143 Route 146 – Conceptual review.

Mr. Gil VanGuilder, consultant for the applicant, described this application that calls for a 7,600 SF addition to an existing autobody repair facility. Mr. VanGuilder explained that the applicant currently operates an autobody repair facility on the site at 1143 Route 146A. The existing building is 4,370 SF: the total building area will be 11,970 SF. Mr. Reckner recently purchased an adjacent one-acre parcel to the south - that purchase permits this business expansion. Mr. VanGuilder explained that an evaluation of the existing business indicates a need for 40 parking spaces, since there are 11 employees, 8-10 non-drivable vehicles waiting for repair, and 20 vehicles waiting to be moved inside the shop for repairs. There will be an additional 15-20 vehicles in the shop. The average time in the shop is 3 days. Though the water and septic system needs for the facility are minimal, a professional engineer will evaluate the existing system to determine if expansion is necessary. Plans show that the existing driveway that serves the residence will be abandoned and that a secondary access will be installed to the south of the site to

serve both the residence and the business.

Mr. Kemper stated that an extension of the existing Special Use Permit may be required because of the size of the proposed expansion. Façade renderings must be included with future submissions. The capacity of the existing septic system needs to be reviewed. The SCPB approved the project with the following comments. “As an existing non-conforming use with a prior special use permit it is recommended that site plan approval be conditioned upon the renewal of the special use permit by the Planning Board. The site plan approximates the location of the existing septic tank and piping system that appears to be used by both the business and existing residence. Because the application represents a 74% increase in building size without reference to bathrooms/washrooms we recommend the existing septic size, design, and functional ability be certified by a professional engineer to the town building inspector. A permit for a new curb cut to the state highway will be required. The applicant should contact the Saratoga County Residency at 584-3790 regarding the permit process. Additionally, the existing residential driveway should be abandoned and seeded as lawn area. We recommend that the current perimeter fencing and vegetative buffer be maintained and extended for the applicant’s proposed expansion.” The project is located within the Western GEIS. A NYSDOT curb cut permit will be required for the secondary access.

Mr. Grasso explained that Clough, Harbour, and Associates offered several comments on this project plan. The project site is within the limits of the proposed Western Clifton Park GEIS study area. Based on the proposed site expansion area being in an area already developed with gravel storage and maneuvering areas, it does not appear that the proposed project will have a significant impact on the environment. As such, and because the proposed project is considered an “Unlisted” action pursuant to SEQRA, a negative declaration may be considered by the Planning Board. The involved agencies are expected to include the following: Clifton Park Planning Board -Site Plan Approval; NYSDOT – Review of Curb Cut Permit. The proposed action is located in a B-3 Neighborhood Business zoning district. The existing collision repair use is not a permitted use in the zone. As such, it appears the action will be considered an expansion of an existing non-conforming use. The code enforcement officer shall determine if any additional permits/approvals required. It is recommended that the two lots be consolidated into one to avoid the need for easements and setbacks from the bisecting line. In addition, pursuant to Section 208-39 of the zoning regulations each establishment should have no more than one entrance and one exit upon any individual public thoroughfare. Justification should be provided for the need for both full access curb cuts. The adequacy of the existing septic system to handle the additional flows should be evaluated. A suitable vegetative buffer should be retained along the property lines to buffer the site from the adjacent residential properties. In order to determine the required number of handicapped accessible parking spaces, the plan should identify how many of the parking spaces will be for vehicle storage and how many will be for customers and employees.

Mr. O’Brien, Environmental Specialist, stated that the ECC asked that the following standard statements be added to the plot plan:

- The borders of all land that is to remain undisturbed shall be clearly marked on the site before site preparation begins. These on-site boundary markers shall remain until construction is completed and soils are stabilized.
- All erosion and water quality controls shall be put into place at the initial phase of site preparation and shall be maintained until all construction ends and soils are stabilized.
- The applicant will control fugitive dust and debris during the construction/demolition phase of the project.
- If hazardous materials will be stored on-site, the applicant must submit a plan addressing handling and storage and spill response to the Town of Clifton Park Environmental Specialist before such materials are stored.

Ms. Czub commented that the property is always well-maintained and neat. She would support the building expansion. Mr. Larkin asked the applicant how hazardous fluids were contained. Mr. Reckner explained that there is limited use of hazardous products and that procedures such as oil changes are not regularly performed on site. All activities are performed in accordance with mandated safety standards.

Mr. Bulger moved, seconded by Mr. Larkin, to establish the Planning Board as Lead Agency for this application, an unlisted action, and to issue a negative declaration pursuant to SEQRA. The motion was unanimously carried.

Minutes Approval:

Mr. d'Amico moved, seconded by Mr. Karam, approval of the minutes of the September 9, 2003 meeting as written. The motion was unanimously carried.

Mr. Bulger moved, seconded by Ms. Czub, adjournment of the meeting at 10:15p.m. The motion was unanimously carried. The next meeting of the Planning Board is scheduled for Wednesday, October 15, 2003.

Respectfully submitted, Janis L. Dean, Secretary cc: Planning Board Members, Planning Department, Clough, Harbour, and Associates, Supervisor, Town Administrator, Assessor, Zoning Board, Department of Building and Development, Town Clerk, Town Board Members, Highway Superintendent, Joel Peller, Town Attorney, Lou Renzi, Town Attorney, Jim Trainor, Town Attorney, Paul Pelagalli, Town Attorney, Department of Parks and Recreation, ECC, Saratoga County Planning Board, Shenendehowa Central School, Clifton Park Water Authority, Fire Districts.

Resolution #34  
Preliminary and Final Approval

At a meeting of the Planning Board of the Town of Clifton Park, Saratoga County, New York, held at the Town Office Building, One Town Hall Plaza, on September 23, 2003, there were:

Present: S. Bulger, Chairman, B. Czub, R. d'Amico, T. Karam, J. Larkin,

J. Russell

Absent: J. Marzola

Mr. d'Amico offered Resolution #34, and Mr. Karam seconded, and

Whereas, an application has been made to this Board by Jill Giammattei for approval of a Plot Plan entitled Lot #5 Olde Nott Farm Road, 32 Olde Nott Farm Road consisting of the reciprocal transfer of 1,603 SF of land from Giammattei to the Olde Nott Farm Homeowners' Association and 1,603 SF of land from the Olde Nott Farm Homeowners' Association to Giammattei;

Whereas, pursuant to Section 276 of the Town Law, a public hearing was advertised and was held on September 23, 2003 and;

Whereas, the Planning Board was established as Lead Agency for this application, an unlisted action, and a negative declaration was issued pursuant to SEQRA on September 23, 2003, and

Whereas, it appears to be in the best interest of the Town that said application be approved,

Now, therefore, be it resolved that the final hearing for this application is waived and the final subdivision plat entitled, 32 Olde Nott Farm Road of the consisting of the reciprocal transfer of 1,603 SF of land from Giammattei to the Olde Nott Farm Homeowners' Association and 1,603 SF of land from the Olde Nott Farm Homeowners' Association to Giammattei is hereby granted preliminary and final approval conditioned upon satisfaction the comments offered by Mr. Kemper.

Resolution #34 passed 9/23/03

Ayes: Czub, d'Amico, Larkin, Karam, Russell, Bulger

Noes: None

Steven Bulger,  
Chairman

Resolution #35

Preliminary Approval

At a meeting of the Planning Board of the Town of Clifton Park, Saratoga County, New York, held at the Town Office Building, One Town Hall Plaza, on September 23, 2003, there were:

Present: S. Bulger, Chairman, B. Czub, R. d'Amico, T. Karam, J. Larkin,  
J. Russell

Absent: J. Marzola

Mr. d'Amico offered Resolution #35, and Mr. Karam seconded, and

Whereas, an application has been made to this Board by Country Club Acres, Inc. for approval of a subdivision plat entitled Subdivision of the Lands of Country Club Acres, Inc. consisting of (101) lots;

Whereas, pursuant to Section 276 of the Town Law, a public hearing was advertised and was held on September 9, 2003 and;

Whereas, the Planning Board was established as Lead Agency for this application, a Type I action, and a negative declaration was issued pursuant to SEQRA on September 23, 2003, and

Whereas, it appears to be in the best interest of the Town that said application be approved,

Now, therefore, be it resolved that the final hearing for this application is waived and the preliminary plat entitled Subdivision of the Lands of Country Club Acres, Inc. consisting of (101) lots is hereby granted preliminary approval conditioned upon satisfaction the comments offered by Mr. Kemper and Mr. Grasso.

Resolution #35 passed 9/23/03

Ayes: Larkin, Czub, d'Amico, Karam, Russell, Bulger

Noes: None

Steven Bulger,  
Chairman

Resolution #36

Denial of Subdivision Approval

At a meeting of the Planning Board of the Town of Clifton Park, Saratoga County, New York, held at the Town Office Building, One Town Hall Plaza, on September 23, 2003, there were:

Present: S. Bulger, Chairman, B. Czub, R. d'Amico, T. Karam, J. Larkin,  
J. Russell

Absent: J. Marzola

Mr. Bulger offered Resolution #36, and Mr. Karam seconded, and

Whereas, an application has been made to this Board by Eleven and Company for approval of a subdivision plat entitled Curnyn Meadows Subdivision;

Whereas, pursuant to Section 276 of the Town Law, a public hearing was advertised and was held on May 7, 2003 and;

Whereas, it appears to be in the best interest of the Town that said application be denied based upon the following: the applicant or its consultants did not adequately and completely respond in writing to the comments raised by the Town Engineer, said comments being identified in a May 22, 2003 and an August 7, 2003 letter from Clough, Harbour, and Associates, LLP to Steven Bulger, Chairman of the Town of Clifton Park Planning Board, copies of which are attached; the applicant or its consultants did not provide plans suitable for preliminary approval of the method of water supply to the proposed project; the applicant did not adequately and completely respond in writing to comments raised during the public hearing with respect to potential drainage impacts and impacts on historic resources; the application did not receive approval from the Saratoga County Planning Board; the Planning Board could not make a determination pursuant to SEQRA based upon the lack of the above information to be provided by the applicant or its consultants;

Now, therefore, be it resolved that the subdivision application entitled Curnyn Meadows Subdivision is hereby denied.

Resolution #36 passed 9/23/03

Ayes: Larkin, Czub, d'Amico, Karam, Russell, Bulger

Noes: None

Steven Bulger,  
Chairman