

Clifton Park Planning Board Meeting Minutes

November 25, 2003

Those present at the November 25, 2003 were:

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

Those absent were: None

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:

[2003-063] Doty, Allen – Proposed lot line adjustment between the Lands of Allen E. and
Margaret J. Doty and Kevin W. and Alida S. Coulter, 311 and 313 Riverview Road –
Preliminary public hearing and possible determination.

Mr. Bulger called the public hearing to order at 7:10p.m. The Secretary read the public
notice as published in the Daily Gazette on November 18, 2003.

Mr. VanGuilder, consultant for the applicant, explained that this proposed subdivision
remains as presented on October 15, 2003. The proposed land transfer provides the Doty
family with sufficient frontage for a keyhole lot and offers the Coulters an increased side
yard. During deliberations at that meeting, the Board asked Mr. VanGuilder to provide a
history of the land-locked parcel on which Mr. Doty is now proposing to create a building
lot for the construction of a single-family home. An investigation of the property's
history shows that the land-locked parcel was not legally created: it was transferred to
Mr. Doty in 1983 without benefit of Planning Board approval. Tonight's Board action
will not only require approval of the reciprocal land transfer but will also create a
buildable parcel. Mr. VanGuilder did note that, by virtue of a property line adjustment,
the property to be retained by Doty has been increased to five (5) acres, the minimum lot
size required to house livestock. Mr. VanGuilder explained that sight distances at the
proposed access location have been evaluated: acceptable standards are exceeded.

Mr. Kemper explained that the descriptions for all lot line adjustments must to be
provided for review. The project is now considered a subdivision: all applicable fees will
be due prior to the stamping of the plans. The only outstanding issue remaining from the
October 15, 2003 Board concerned the history of the land-locked parcel. Documents
regarding the history should be provided to the Board. Sight distance information for the
proposed driveway should be included on the plans.

Neither Mr. Grasso nor Mr. O'Brien, Environmental Specialist, offered any comment on this application.

There being no public comment on this application, Mr. Bulger moved, seconded by Mr. d'Amico, to close the public hearing at 7:20p.m. The motion was unanimously carried.

Mr. Larkin moved, seconded by Ms. Czub, 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. Russell offered Resolution #41, seconded by Mr. Marzola, 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, Marzola, Russell, Bulger. Noes: None.

[2003-031] Cillis, Ted (Cillis Builders) – Proposed (12) lot subdivision, Moe Road – Preliminary public hearing and possible determination.

Mr. Bulger called the public hearing to order at 7:24p.m. The Secretary read the public notice as published in the Daily Gazette on November 18, 2003.

Mr. Gordon Nicholson, consultant for the applicant, described this project proposal that calls for the subdivision of 11.85 acres of land into twelve (12) single-family residential lots served by a 900 foot long cul-de-sac. Though the plan remains basically as presented at the May 27, 2003 meeting, Lot #12 has been relocated to the south of the site to permit a backyard that would not encroach on designated wetlands. Two alternative locations for the multi-use pathway have been depicted on the plan: the applicant has asked the Board to determine which location would work best for the overall trail network. Mr. Nicholson stated that, although Clough, Harbour, and Associates had asked for the installation of plantings along the west side of Moe Road across from Rosemary Drive, this is not possible because of an existing stockade fence and landscaping.

Mr. Kemper explained that this project last appeared before the board on May 27, 2003 at which time the major issues identified by the Board included the location of the LC Zones and incorporating a multi-use path into the project. As a Type 1 action pursuant to SEQRA, coordinated review was conducted and all involved agencies concurred with the Town of Clifton Park Planning Board acting as Lead Agency. Don Austin, Director of the Clifton Park Water Authority, forwarded a memo to Mr. Nicholson on November 18, 2003 that outlines authority requirements. The multi-use path connection should be shown on the plans. The path connection should go to Linden Court. Homes must be located a minimum of 50' from the LC Zone. The project will be located in the Clifton Gardens Park District: a note stating this should be added to the plans.

Mr. Kemper read a letter that was sent by Mr. and Mrs. Lynch, residents of 51 Valencia Lane. They experience moisture problems in their basement during the wet seasons of the year and request that a distance of 100 feet between the development and the wetland be

required to ensure that “no further adverse drainage impacts occur.”

Mr. Grasso explained that Clough, Harbour, and Associates reviewed the preliminary subdivision plan for this project and offered several comments. In accordance with the subdivision regulations, a street light should be provided at the proposed intersection with Moe Road. It is recommended that the light be orientated over the new road to aid in definition of the intersection. The possibility of extending the existing gravity sewer line further north to serve the adjacent properties should be investigated. The existing gravel drive, including the connection to Moe Road, should be removed. It is recommended that a landscape buffer consisting of evergreen trees be planted on the west side of Moe Road adjacent to the proposed intersection to mitigate the impacts of headlights. Appropriate signage should be provided along the existing multi-use path way at the proposed intersection of Rosemary Court. A note should be added to the plan stating that any tree removed or damaged during the construction of the off-site forcemain will be replaced. All engineering reports relating to the proposed water distribution and sanitary sewer systems should be submitted to the Town Engineer, NYS Department of Health, and NYS Department of Environmental Conservation for review and comment. The house numbers as determined by the Chief of Fire Prevention should be added to the plans. Due to the shallow road grades proposed, the length of vertical curve should be reduced to fifty feet to reduce the potential for ponding at the low points. Foundation drain laterals should be provided for all lots.

Mr. Grasso reported that the Stormwater Management Report was also reviewed. The Town Engineer offered the following comments regarding that document:

- The design plans should correspond to the outlet control structure modeled in the stormwater management report.
- It is recommended that the 4” orifice be located inside the proposed catch basin.
- The report models the 4” orifice as a 50’ long culvert. It should be modeled as a vertical orifice.
- The time of concentration travel paths and design points should be shown on the pre- and post-developed drainage maps.
- A Stormwater Pollution Prevention Plan with erosion and sediment control methods and details should be provided.
- Since the project will involve the disturbance of greater than 1 acre of land, the applicant is required to submit a Notice of Intent (NOI) pursuant to the State Pollution Discharge Elimination System (SPDES).

Mr. O’Brien, Environmental Specialist, reported that the ECC provided the following comments regarding this application. The ECC asked that the applicant indicate the LC Zone and associated standard statements on the individual plot plans. The Commission also asked the applicant to submit a stormwater pollution prevention plan to describe pollution prevention activities during construction as required per Phase 2 stormwater regulations. The following standard statement should also be added to the individual plot plan:

- No salts, fertilizers, pesticides, or other materials may be used on this property where they will contaminate any wetland areas or surface water through runoff, leaching, or in

any other manner which violates the New York State Environmental Conservation Law (ECL).

Mr. Bill White, 45 Valencia Lane, explained that he and his family have resided in Clifton Knolls since 1968. In the past few years, the storm sewer lines that cross his property and those that adjoin his property along Moe Road have been problematic. Leaks and “cave-ins” occur frequently. Since town work crews are apparently unable to correct the drainage problems, he is concerned that additional run-off from this project will increase existing problems. He noted that recent upgrades to Moe Road did not improve the situation. An additional concern was that increasing traffic made access from Clifton Knolls to Moe Road at the Barney Road intersection very difficult. He believes that alignment of the proposed road with Barney Road would work better than the offset design presented by the applicant.

Though Mr. Grasso agreed to review the drainage conditions along Moe Road, he stated that this applicant has provided all of the safeguards required to handle stormwater effectively.

Mr. John Boltz, 14-16 Linden Court, reported that the area slated for development was extremely wet and he asked the Board to review stormwater management plans to ensure that site drainage is handled appropriately.

Ms. Margaret Catellier, 26 Royal Oak Drive, described the problems that residents of Evergreen Estates have with the area’s high water table and drainage. In response to her question regarding the conveyance of land to the Town, Mr. Nicholson explained that the applicant would convey land requested by the Town in satisfaction of the green space requirement.

Ms. Christine Bolton, 12 Linden Court, asked about the width and location of the proposed multi-use pathway. Mr. Nicholson explained that an 8-foot wide path would provide access from the proposed town road through property owned by the Clifton Park Water Authority and, eventually, to the Clifton Gardens subdivision.

Mr. Armand Mastroianni, 397 Moe Road, stated that his residence adjoins the proposed project area. He has a finished basement and would like to be assured that his property will not be impacted by run-off from the new development. He was also concerned about the existing sycamore trees that are located along his southern property boundary. Mr. Nicholson stated that there are no plans to “clear cut” the development site. He explained that grading limit lines indicate that vegetation will be preserved to the greatest extent practicable.

Mr. Bulger and Board members discussed the concerns raised by neighbors. Mr. Nicholson explained that, although the stormwater management has been designed in accordance with current regulations and with all necessary restrictor valve controls to manage the rate of water release, he will review the plans to determine if an increase in capacity is feasible. Ms. Catellier stated that although all applicable regulations and

standards were employed when Evergreen Estates was built, many of the homeowners have experienced water problems.

There being no further public comment, Ms. Czub moved, seconded by Mr. Larkin, to close the public hearing at 8:05p.m.

Board members discussed the major issues to be resolved. They agreed that the best plan for moving house locations from the wetland areas would be to combine Lots #10 and 11 and create a keyhole lot in the northeastern portion of the site on lands that were to be conveyed to the Town of Clifton Park. Mr. Larkin noted that such a revision would mean that the 44,590 SF area in the northeastern portion of the site would not be conveyed to the Town. He asked that the applicant consider conveying an equal area of land near Lots #10 and 11. Members also agreed that the multi-use pathway should be located between Lots #8 and 9 to permit a direct connection to the Lands of the Clifton Park Water Authority. Mr. Bulger and Mr. d'Amico both expressed concerns regarding the existing drainage problems in the area. Though Mr. Grasso reported that "no additional volume or rate of discharge" would be generated by the development, members asked that Clough, Harbour, and Associates investigate the situation and offer recommendations for improving the water problems that existing area residents are experiencing. Mr. Larkin asked that the existing trees along the Mastroianni property line be protected. Mr. Bulger asked Mr. Nicholson to prepare revised plans that illustrate the location of the multi-use pathway and other modifications requested by the Board.

[2003-070] Klimkewicz, Michael – Proposed two-family residence in an R-3 zone, 865 NYS Route 146A – Special Use Permit public hearing and possible determination and preliminary site plan review.

Mr. Bulger called the public hearing to order at 8:20p.m. The Secretary read the public notice as published in the Daily Gazette on November 18, 2003.

Mr. Gordon Nicholson, consultant for the applicant, provided a brief history of this 3.85 acre property that currently contains an existing residence and large barn that was formerly used as a furniture sales showroom. The current owners of the property have been unable to sell the property and requested approvals from the Zoning Board of Appeals for a front yard setback variance, a front yard building setback from the centerline of NYS Route 146A, and an area variance that would allow two (2) principal structures on a single lot. The applicant proposes to renovate the barn to create a two-family residence. These variances requests were granted on November 19, 2003. Though there will be no significant changes to existing structures, the breezeway that attaches the primary residence to the barn will be removed and a new septic system will be designed and installed on the lot.

Mr. Bulger informed Mr. Nicholson that the Zoning Board has subsequently recommended that the existing Special Use Permit allowing retail sales in an R-1 zone be rescinded. Mr. Nicholson reported that the owner/applicant would be amenable to this condition.

Mr. Kemper asked that the variances approved by the Zoning Board of Appeals should be included on the plans. Architectural renderings for the buildings should be provided. The plans illustrate the lot line adjustment that was previously approved by the Planning Board. This land transfer should be finalized prior to any decision by the Board. There is an existing special use permit on this property to operate a business. If the Board decides to grant the Special Use Permit to allow a two (2) family dwelling, the existing Special Use Permit should be surrendered.

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

Mr. Paul Wigger, 871 NYS Route 146A, stated that he resides in one of three "hi-end" homes adjoining this property. He pointed out that although zoning restricts development to 100,000 SF lots, this property would contain three residences. He stated that the proposed two-family rental property does not "fit" with surrounding homes. Mr. Wigger further commented that the soils in the area are not suitable for the necessary septic system and that drainage is a problem.

Mr. Nicholson noted that the septic system would be designed in accordance with applicable construction standards.

Mr. Paul Unter, 867 NYS Route 146A, told the Board that when he purchased his home in 1993, the area was marketed as an area of "mini-estates" with rural character. Noting that the installation of a septic system would be difficult given soil quality, he asked that the Board deny the request for a Special Use Permit.

There being no further public comment, Mr. Karam moved, seconded by Mr. d'Amico, to close the public hearing at 8:48p.m. The motion was unanimously carried.

Mr. Marzola stated that he was not in favor of relieving one resident's hardship while creating hardships for others. Mr. Bulger asked that the Board's responsibility be clarified. Mr. Pelagalli advised that since the Zoning Board decision permitted two principal structures on a single lot, the Board was obligated to approve the Special Use Permit that would allow the two (2) family dwelling since this is an allowable use per the Town Code. He cited recent court decisions that supported this position. Mr. d'Amico argued that the ten (10) requirements for approval of a Special Use Permit should be considered when deliberating such approvals. Mr. Bulger asked that the rationale for the Zoning Board's decision be considered: he was not in favor of approval of a two family residence at this location and asked that the applicant consider limiting the barn renovation to a single residence.

Old Business:

[2002-074] Special Projects Development, Inc. – Proposed 8,900 SF of medical office space in two buildings, 947 Route 146 – Preliminary site plan review and determination.

Mr. Gil VanGuilder, consultant for the applicant, presented this project for the Board's consideration, explaining that the revised preliminary plan addresses many of Clough, Harbour, and Associates' comments. He noted that the location of potential a cross-easement that would provide access to NYS Route 146 for adjoining properties has been illustrated on the plan. Since the plans for these parcels are currently "on hold," it is difficult to plan for a reasonable link. 44 permanent parking spaces, 4 handicapped spaces, and 15 future spaces have been included on the plan. Mr. VanGuilder has consulted with Sheryl Reed, Chief of the Bureau of Fire Prevention, and has received approval for the site design: it is her opinion that emergency services personnel will be able to maneuver vehicles adequately on the site. Mr. Lansing will evaluate the soils on site and provide revisions to the stormwater management design. Utility connections will be made via directional bore from Green Meadow Drive. Plantings will be placed on the parking lot side of the stormwater basins to screen adjoining properties.

Mr. VanGuilder called the Board's attention to a letter submitted by Stephen Dautel, applicant, that asked the Board to permit the use of vinyl siding or other building materials rather than brick since the masonry would significantly add to the project cost. Substantial plantings along the property lines will offer screening for adjacent parcels.

Mr. Kemper reported that this project last appeared before the Board on October 28, 2003. At that time, the Board asked the applicant to include more plantings in and around the stormwater management basin, provide descriptions of building materials on the architectural renderings, illustrate LC zone boundaries on the site plan, add brick on 3 sides of the front building, provide cross access easements, and extend utilities within the NYS Route 146 right-of-way. The red maples shown on the planting plan should be increased to a minimum of 3" caliper. A NYSDOT curb cut permit will be required prior to the stamping of the plans. Descriptions for all easements must be provided for review. The project will require a signoff from Sheryl Reed. Colored architectural renderings must be with each set of plans that are submitted for stamping. The project will require signoffs from both the Clifton Park Water Authority and the Saratoga County Sewer District.

Mr. Grasso stated that some of the comments from the January 8, 2003 and October 23, 2003 review letters have not been adequately addressed. Additional comments have also been provided. The proposed easement is located through the proposed possible future parking expansion area. The easement limits and/or parking spaces should be revised so that the cross connection will not be influenced by the construction of the parking spaces. The plan should have a parking table that identifies the number of required parking spaces per code, the number to be constructed initially and the number that will be constructed if deemed required by the code enforcement officer. Due to the lack of islands within the parking area, it does not appear that emergency vehicles would be able to maneuver around the site if the parking areas were full. The layout should be revised accordingly. The consultant should either provide documentation of the adequacy the emergency vehicle access by design templates or provide a letter from the Emergency

Services Department that they have reviewed that plans and find them acceptable.

Mr. Grasso offered several additional comments. An appropriately sized public water main should be extended across the front of the lots along the Route 146 right-of-way instead of a small service lateral bisecting two adjoining lots that can only serve this project site. A lighting plan should be submitted including light details, specifications, wattage, mounting height, style, photometric scan, etc. A revised Stormwater Management and the Stormwater Pollution Prevention Plan should be submitted for review and should include the results of the test pits to verify the suitability of the existing soil conditions for infiltration. A “No Parking” sign should be added in front of the north building’s striped island. The handicapped accessible parking signs should be located at the back edge of the sidewalk. It appears as though a portion of an existing building is located within the proposed forcemain utility easement. The location of the forcemain should be shifted to the north to avoid this conflict and the easement should be revised accordingly. The landscaping should be relocated out of the area to contain the service road. The minimum tree size should be increased to 3” caliper and the mixture of evergreen and deciduous trees should include an appropriate variety of landscape materials. It does not appear that a large truck can access the site within the limits of the pavement at the curb cut off Route 146 without hitting the utility pole or sign.

Mr. O’Brien, Environmental Specialist, reported that the ECC had two comments regarding this application. It is recommended that the public water connection should be brought along Route 146 within the public right-of-way. The following standard statements should be added to the plot plan:

- The Land Conservation (LC) Zone has been delineated in accordance with Section 208-69 of the Clifton Park Town Code. Uses in this area are restricted. The Town of Clifton Park Building Department shall be notified before undertaking any land disturbance activities in the LC Zone.

Mr. d’Amico stated his preference for a cross-easement that would serve adjoining properties by providing access near the center of the site. Mr. VanGuilder and Board members discussed the cost, location, and revisions to this and adjoining sites that would result from such relocation. It was decided that if such a connection was required for future approvals on adjoining lots, the cost of necessary revisions would be borne by the future applicant. In response to Mr. Larkin’s question concerning a voluntary contribution to a traffic study, Mr. VanGuilder stated that his client was prepared to make such a payment. Mr. Grasso emphasized the importance of extending the water lines along NYS Route 146 that would support future commercial development rather than providing such service through private property. Mr. VanGuilder explained that his client has spent a great deal of time, money, and expense to secure the utility connections based upon the initial direction provided by the Water Authority. Board members agreed that the extension of a water line along the NYS Route 146 right-of-way was the preferable option and directed Mr. Kemper to discuss long-range development plans with Water Authority representatives. Detailed colored architectural renderings were also requested. Mr. d’Amico reiterated his request for the relocation of the cross-easement.

[2003-044] County Waste – Proposed 11,930 SF (formerly 5,743 SF) recycling facility, 1927 Route 9 – Preliminary review and possible determination.

Mr. Bianchine, ABD Engineers and Surveyors, presented this project on behalf of his client. He explained that due to increased business, County Waste proposes a significant expansion of its facility at the Route 9 facility. The improvements proposed, including a gated access, expanded maintenance garage, and enlarged recycling area will provide for improved operations. The project includes a number of site improvements, including an expanded stormwater management containment area that will operate in accordance with new regulations. The redevelopment includes upgrades to facilities that are situated on the approximately six (6) acres of land located within the Town of Clifton Park.

Mr. Kemper explained that this project last appeared before the Board on July 8, 2003 at which time the Board found the project acceptable. Sheryl Reed's memo of July-9, 2003 must be addressed prior to the release of plans.

Mr. Grasso stated that all comments offered by Clough, Harbour, and Associates have been satisfied. He did report that the Town of Halfmoon had issued a SEQRA determination for this project. Mr. O'Brien, Environmental Specialist, reported that the ECC found the project acceptable.

Mr. Bulger was pleased that this business is continuing to grow and that its owners have planned this substantial expansion in southern Saratoga County. In response to Mr. Karam's question regarding chemical treatments used during the winter, Mr. Grasso stated that protection measures are in place to ensure protection of the nearby stream corridor.

Mr. Bulger moved, seconded by Mr. Karam, to grant preliminary and final site plan approval for this application conditioned upon the satisfaction of all comments issued by Mr. Kemper. The motion was unanimously carried.

New Business:

[2003-072] Brooks Heritage, Ltd. – Proposed (11) lot subdivision, Ushers Road – Conceptual review.

Mr. Gil VanGuilder, consultant for the applicant, presented this application on behalf of his client. The project calls for the subdivision of 13.76 acre parcel of land on the north side of Ushers Road adjacent to the Knollwood Hollow subdivision and lands of the Town of Clifton Park. The applicant proposes the creation of 11 single-family residential lots accessed by a 500 foot long cul-de-sac and served by the Town of Clifton Park Water Authority and the Saratoga County Sewer System. Approximately 6.4 acres will be deeded to the Town as Class B open space. A stormwater management area is shown in the northeastern portion of the parcel. An electrical transmission line crosses the property, though initial contacts with the utility company indicate that no setbacks from the line will be required.

Mr. Kemper offered several comments on this application. Mr. DiPasquale, Director of the Saratoga County Sewer District submitted a memo dated November 24, 2003 that states that the project will connect to a system owned by CK Sanitary. He recommends that the applicant and Board members consider the willingness of C.K. Sanitary to accept the proposed flows, ownership by C.K. Sanitary system, and adequate downstream capacity. The project is a Type 1 action under SEQRA and as such coordinated review is required. Lots #6, 7, and 8 are all in areas with excessively steep slopes. The applicant should explore the possibility of reducing the number of lots to pull these houses away from the steep slopes. Federally jurisdictional wetlands should be delineated on site and accurately mapped. The applicant should explore the feasibility of a shared access private drive. The project will require a signoff from C.K. Sanitary and the Clifton Park Water Authority. The proximity of Lots #2, 3 9, and 10 and to the transmission tower and lines raises some concerns. Numerous sections of the Long EAF need to be corrected prior to the beginning of coordinated review. When the subdivision layout is acceptable to the Board, the Highway Superintendent will be consulted to determine if the length of the proposed roadway is reasonable for conveyance as a Town road.

Mr. d'Amico left the meeting at 10:00p.m.

Mr. Grasso stated that Clough, Harbour, and Associates' review of the proposal resulted in a number of comments. Since the proposed project involves a subdivision with four or more lots of less than five acres it is considered a Realty Subdivision by NYSDOH, and, therefore, is a Type 1 action pursuant to SEQR. As such coordinated review is required. Involved agencies are expected to include the following: Town of Clifton Park Planning Board – Subdivision Approval; C.P.W.A. – Water Connection Permit; S.C.S.D. #1 – Acceptance of Wastewater Flows; CK Sanitary System – Sewer Connection Permit; Saratoga County Planning Board – Section 239 Referral; Town of Clifton Park Highway Department – Curb Cut Permit; N.Y.S.D.O.H. – Realty Subdivision Approval, Water Supply System Approval; N.Y.S.D.E.C. – Wastewater Disposal System Approval, Article 24 Wetland Permit, and SPDES Permit for Stormwater Discharges Associated with Construction Activity

A review of the Full Environmental Assessment Form (FEAF) resulted in the following comments:

- The name, address and phone number of the current property owner should be completed.
- A.6 and A.7. Copies of correspondence from the NYS Office of Parks, Recreation and Historic Preservation should be provided regarding building, site or district listed on the State or National Registers of Historic Places or listing on the Register of National Natural Landmarks.
- A.11 Copies of correspondence from the NYSDEC should be provided regarding any species of plant or animal life that is identified as threatened or endangered.
- A.15 Since the site does not drain to the Long Kill across Ushers Road, it is recommended that reference be made to the surface water which bisects the project site.
- A.16 It appears that freshwater wetlands may be located along the drainage course

bisecting the rear of the project site. The wetlands should be delineated and jurisdictional determination should be made before a conceptual lot layout should be considered.

- A.17 The site is not currently served by public utilities and offsite improvements will be required to allow connection.
- B.25 The project does not require site plan approval but does require subdivision approval by the Town Planning Board.
- C.1 The project does not require site plan approval but does require subdivision approval.

Mr. Grasso recommended that no SEQR determination of environmental significance be made until the plans and FEAF have been revised.

Mr. Grasso offered several other comments. It appears that freshwater wetlands may exist on the project site along the drainage course which bisects the project site. A formal wetland delineation should be performed by a wetland biologist and the wetland delineation map should be submitted to both the United States Army Corps of Engineers and the NYS Department of Environmental Conservation for a jurisdictional determination. Only after both agencies have reviewed, field verified, and approved the wetland delineation can the exact limits of onsite wetlands and LC-Land Conservation zone limits be known. All correspondence from these agencies should be copied to the Town for their records. There is an LC-Land Conservation zone that may enter the site from the north. This should be verified by accurate site analysis information. The engineering firm has concerns over the location of the proposed house on Lot #7 given the steep slopes. The lot should be reconfigured so that the home and normal lot area can be developed on areas less than 15% slope. Ushers Road is a fifty foot right of way. It is recommended that a minimum ten foot wide strip of land along the Ushers Road frontage be transferred to the Town for planned sidewalk and roadway improvements. Access to the project is proposed at a horizontal curve in Ushers Road. The consultant should verify the adequacy of sight distance at this location.

Mr. Grasso offered a number of other comments regarding this application. Driveway access for the two proposed corner lots should be by connection to the proposed roadway only: no direct access to Ushers Road should be permitted. According to Section 208-98 of the Town Zoning Code, no building shall extend nearer to the centerline of Ushers Road than 100 feet in a residential district. The building setback lines along Ushers Road should be revised accordingly. According to Section 208-11 c. of the Town Zoning Code, the minimum width of all lots at the front building line along Ushers Road shall be 200 feet in all residential districts. It appears that the two proposed corner lots along Ushers Road do not comply with this requirement. Overhead electrical transmission lines bisect the project site. The consultant should contact the utility company to gain permission for work within their right-of-way. The exact limits of the right-of-way or permanent easement should be clearly shown on the plans. A letter from the transmission line owner indicating their willingness to grant a public road right-of-way to the Town should be provided. Lot #5 appears to be a keyhole lot. All keyhole lots shall meet the requirements of Section 208-86 of the Town Zoning Code. Offsite sanitary sewer and water supply improvements appear required to serve the proposed project. The consultant should verify

if sanitary sewer improvements require review and approval by CK Sanitary Systems, a transportation corporation. A gravel access drive within a strip of land to be deeded to the Town should be provided from the proposed public roadway to the proposed stormwater management area to facilitate future maintenance. There are concerns over the proposed location of the stormwater management area on such steep slopes. It is recommended that the basin be located in the low area occupied by Lot #3. The title block indicates the plan scale is 1" = 100', however, the graphic scale indicates the plan scale is 1" = 50'. Future plan submittals should include the names of adjacent land owners and the zoning district and space and bulk standards.

Mr. O'Brien, Environmental Specialist, read the comments prepared by the ECC. The applicant must plot the NYSDEC classified stream on the property and the associated LC Zone. A steep ravine, which provides a natural surface drainage corridor for the upland portion of this subdivision, is the dominant feature of Lot #7. The ECC believes that this feature renders this lot unsuitable as a residential building lot. The ECC recommends that the area currently designated as Lot #7 be allowed to continue to provide storm drainage as well as an access route to Town lands at the north end of the property. The applicant should indicate the multi-use path on the plot plan and make provisions for future widening of the path.

Mr. Bulger asked that an evaluation of the sight distance along Ushers Road be completed and that specific details regarding the location of residences with respect to the transmission line be submitted. Mr. VanGuilder agreed that the number of lots may be reduced in order to protect the existing slope and to meet setback requirements. Though Board members discussed the feasibility of connecting to Southwood Drive, they agreed with Mr. Karam's observation that such a connection would require the removal of too many mature trees. Board members also asked that Mr. VanGuilder reconsider the location of the stormwater management area.

[2003-071] Kasey's Meadow Subdivision – Proposed (141) lot cluster subdivision containing 87 single-family dwellings and 54 two-family dwellings, 626 Waite Road – Conceptual review.

Mr. Rob Osterhout, Boswell Engineering, consultant for the applicant, presented this application for the Board's review. The project calls for the subdivision of 125.47 acres of vacant agricultural land located on the northeasterly side of Waite Road in an R-1 residential district. Mr. Osterhout described the plan that calls for the development of a 141 lot cluster subdivision that will minimize impacts to the classified NYSDEC stream, federally jurisdictional wetlands, and aesthetic resources. Approximately 56.5 acres, or 45% of the parcel, will be preserved as open space. Areas dedicated to stormwater management will be contained within the open space areas. Pursuant to cluster zoning legislation, the proposed minimum lot size with central water and sewer will be 15,000 SF. A minimum of one off-street parking space per dwelling unit will be provided. The plan proposes two means of access on Waite Road with nearly 15,000 linear feet of asphalt concrete roadways including one cul-de-sac. A 60' wide vegetative buffer will be maintained along all existing residences and all roadways will be designed in

conformance with the Town's design and construction standards. The developer plans to connect to the water and sewer lines that are currently being extended from the intersection of Routes 146 and 146A to the Corporate Commerce (C-C) zone. An appropriate stormwater management plan will provide for post-development runoff that will be no greater than the pre-development flows.

Mr. Kemper offered several comments regarding this application. He reported the receipt of a memo from Jim DiPasquale at the Saratoga County Sewer District that stated the following: "This project will connect to systems being constructed by the Town of Clifton Park. Information to be considered will be ownership of the lines and capacity within the system." Pursuant to the zoning code, a cluster subdivision layout along with a conventional layout has been provided. In order to determine the density to be used in the cluster layout, the applicant must provide a conventional layout that is acceptable to the Board. As proposed, the conventional layout would not be acceptable. The project is located within the Clifton Park GEIS study area and as such no approval or SEQRA determination will be made until the moratorium is lifted. To correctly determine the development constraints on the property, the applicant must delineate all DEC and ACOE jurisdictional wetlands. The stream that runs through the property is a DEC classified stream. The applicant is proposing to construct several two (2) family residences that are only allowed by Special Use Permit. Don Clemens should be consulted to determine if one Special Use Permit would cover the whole property or if permits would be required for each parcel. The open space within the subdivision should be situated so that contiguous open space corridors are created. Sight distance along Waite Road must be evaluated. Due to the uses that are allowed in the Corporate Commerce Zone, a buffer should be provided along the R-1 zone and B-5 zone boundary. Due to the size of the project, recreational amenities such as a multi-use pathway and Class A open space should be provided within the subdivision.

Mr. Grasso stated that Clough, Harbour, and Associates reviewed the concept plan for this application and offered a number of comments. Since the proposed project involves a subdivision with four or more lots less than five acres it is considered a Realty Subdivision by NYSDOH, and therefore, is a Type 1 action pursuant to SEQR. As such coordinated review is required. Involved agencies are expected to include the following: Town of Clifton Park Planning Board – Subdivision Approval; C.P.W.A. – Water Connection Permit; S.C.S.D. #1 – Sewer Connection Permit; Saratoga County Planning Board – Section 239 Referral; Saratoga County Dept. of Public Works – Curb Cut Permit; NYSDOH – Realty Subdivision Approval, Water Supply System Approval; NYSDEC – Wastewater Disposal System Approval, Article 24 Wetland Permit, and SPDES Permit for Stormwater Discharges Associated with Construction Activity; NYSDOT – Highway Work Permit for utility work.

Mr. Grasso noted that the project site is located within the limits of the Western Clifton Park Generic Environmental Impact Study (GEIS) Area. The Clifton Park Town Board has issued a moratorium on subdivisions involving more than four lots. The applicant can proceed with subdivision plan review, however the Planning Board should not issue a SEQRA determination of environmental significance or subdivision approval until after the

moratorium is lifted and the GEIS is completed. A Full Environmental Assessment Form should be submitted for review and comment. Before a cluster subdivision is considered, a conventional layout in compliance with all land use regulations and one that would not result in significant environmental impacts should be agreed to by the Planning Board. The conventional plan must conform to the applicable minimum lot size, density requirements, and all other normally applicable requirements of the underlying district. In addition, the conventional lot layout should respect the limitations that the land conservation zone imposes on the property. Only after the conventional layout has been agreed upon should the cluster lot layout with the same number of lots shown in the conventional layout be prepared. The conventional subdivision plan submitted does not respect the existing drainage course, wetlands and steep slopes that run from the northeast corner of the property to the southwest corner of the property. The plan indicates that the road right-of-way alone occupies 3.37 acres of wetlands. As such, it would be difficult to make a determination that a subdivision as proposed would not have a significant impact on the environment when compared to other recently approved cluster subdivisions. The proposed cluster subdivision layout lacks any creative design principals that would support deviation from a conventional subdivision. Although the plan proposes 45% of the site to be open space, the open space areas are fragmented into five separate areas. The wetland delineation map should be submitted to both the United States Army Corps of Engineers and NYS Department of Environmental Conservation for a jurisdictional determination. Only after both agencies have reviewed, field verified and approved the wetland delineation can the exact limits of onsite wetlands and LC-Land Conservation zone limits be known. Based on the size of the wetlands, it appears that NYSDEC make take jurisdiction over the wetlands. All correspondence from these agencies should be copied to the Town for their records.

Mr. Grasso also noted that the plan calls for 54 two-family dwellings. Pursuant to Section 208-10 of the Zoning Regulations, two family dwellings in an R-1 district require approval of special use permits by the Planning Board. Access to the adjoining lands of Dopp, and Sammler, and Parisi should be provided. Although the Parisi property is included in the Corporate Commerce zone, such a connection could negate the requirement to provide two Town roads accessing the site, which is not recommended. In addition, the two access roads are only 234 feet apart, which does not meet the current Town minimum of 300 feet. Although mitigation for traffic related project impacts may be determined through the Western Clifton Park GEIS, the applicant's consultant should review the traffic study done for the Corporate Commerce Zone GEIS and provide an evaluation of how this project will fit in the framework of the impacts and mitigation measures identified in that study. The adequacy of sight distance along any proposed access onto Waite Road should be evaluated. The minimum centerline offset from road entering opposite sides from one another is 125 feet.

Mr. O'Brien, Environmental Specialist, reported that the ECC reviewed this concept plan and offered the following comments. The applicant should indicate that the municipal water line connection would be coming from Route 146 and not Route 9. The conventional layout should demonstrate the actual number of lots that could be built considering the environmental constraints of the property.

Mr. Bulger advised the applicant that since this parcel lies within the boundaries of the GEIS study area, it is possible that the zoning could change. He identified several issues of concern. He recommended that the applicant prepare a plan that clearly illustrates the number of lots that could be contained in a conventional subdivision lay-out. The plan should be in conformance with all subdivision regulations, respect all wetland protections, and be approvable by the Planning Board. He emphasized the importance of eliminating all lots that encroached upon NYSDEC and ACOE wetlands and believes that such a design will substantially reduce the number of approvable lots. Mr. Bulger also expressed some concern regarding the type of housing proposed, asking that the consultant clarify the use of two-family residences or those with zero lot lines. Mr. Grasso explained that the zero lot line design is a "total deviation from required setbacks" and encouraged the Board members to carefully consider the concept. He recommended that the Board discourage two access points on Waite Road. Mr. Larkin asked for amount of land be conveyed to the Town for active park land and multi-use pathway connections. He also encouraged the applicant to provide future street connections to adjoining properties. Mr. Russell asked that the consultant consider the traffic impact of this development on the Waite Road/Route 146A intersection.

Mr. Marzola left the meeting at 10:45p.m.

Minutes Approval:

Mr. Bulger moved, seconded by Ms. Czub, approval of the minutes of November 12, 2003 as written. Ayes: Czub, Karam, Russell, Bulger. Noes: None. Abstained: Larkin.

Discussion Items:

Co-location at the Blue Barns Telecommunications Tower

Ms. Maureen Elwell, legal representative for the applicant, asked the Board for permission to place a temporary antenna on the existing Blue Barns telecommunications tower. Board members found this acceptable.

Cumberland Farms

Mr. Kemper explained that as construction has progressed at the Cumberland Farms location at the intersection of NYS Route 146 and Vischer Ferry Road, it is clear that a fence is needed along the top of the retaining wall. The developer proposes the use of a green vinyl coated chain link fence. Board members found this proposal acceptable.

Mr. Bulger moved, seconded by Mr. Larkin, adjournment of the meeting at 10:50p.m. The motion was unanimously carried. The next meeting of the Planning Board will be held on December 9, 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 #41

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 November 25, 2003, there were:

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

Absent: None

Mr. Russell offered Resolution #41, and Mr. Marzola seconded, and

Whereas, an application has been made to this Board by Allen Doty for approval of a subdivision entitled Land Transfer between the Lands of Allen E. and Margaret J. Doty and Kevin W. and Alida S. Coulter consisting of the reciprocal transfer of 2,104 SF of land and a (2) lot subdivision;

Whereas, pursuant to Section 276 of the Town Law, a public hearing was advertised and was held on November 12, 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 November 12, 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 Land Transfer between the Lands of Allen E. and Margaret J. Doty and Kevin W. and Alida S. Coulter consisting of the reciprocal transfer of 2,104 SF of land and a (2) lot subdivision is hereby granted preliminary and final approval conditioned upon satisfaction the comments offered by Mr. Kemper.

Resolution #41 passed 11/25/03

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

Noes: None

Steven Bulger,
Chairman