



Planning Board Meeting
October 29, 2008

Those present at the October 29, 2008 Planning Board meeting were:

Planning Board: S. Bulger, Chairman, J. Koval, J. Larkin, E. Ophardt, S. Pace,
T. Werner

Those absent were: None

Those also present were: J. Scavo, Director of Planning;
J. Grasso, Clough, Harbour and Associates;
J. Quinn, Chairman, Environmental Conservation
Commission;
P. Pelagalli, Counsel;
J. Dean, Secretary

Mr. Bulger, Chairman, called the meeting to order at 7:10p.m. All in attendance stood for recitation of the Pledge of Allegiance.

Public Hearings:

[2008-038] **Deleonardis, Pat and Antoinette** – Proposed (2) lot subdivision, 403 Riverview Road – Preliminary public hearing and possible determination.

Mr. Bulger, Chairman, called the public hearing to order at 7:10p.m. The Secretary read the public notice that was to have been published in the Daily Gazette on between October 19 and 24, 2008.

Mr. Tom Andress, consultant for the applicant, presented this subdivision plan for Board members to review, explaining that the proposal remains generally as presented at the September 23, 2008 meeting. The property proposed for subdivision is located on the easterly side of Riverview Road opposite its intersection with Ferry Drive in the CR (Conservation Residential) zoning district. The proposed single-family residence will be accessed via a private driveway from Riverview Road. Since the subdivision of 5.6 acres out of 49.3 acres is to be used by a family member, the one time exemption pursuant to

§208-16E 2c of the zoning code allowing for a one time subdivision for family members is applicable. The lot will be served by an individual well and septic system. Test pit information indicates that a shallow trench type septic design will be required. Several notes have been added to the plan including applicable ECC notes and the standard note for a driveway over 500' in length. Addressing the Board's concerns regarding the "land-locked" parcel that is owned by the owners of the larger parcel and the recommendation that it be consolidated with the larger parcel, Mr. Andress explained that the applicant does not control that parcel or the adjoining property that could supply access.

Mr. Scavo recommended that the Planning Board condition subdivision approval on the addition of a note to the plan stating that the keyhole lot configuration was approved by the Planning Board due to the amount of frontage provided on Riverview Road and that the lot was created to provide for construction of a single family residence for a family member. Board members agreed that this was a reasonable recommendation.

Mr. Myers, Director of Building and Development, offered the following comments regarding this application. The application appears to meet requirements of Section 208-16E(2)(c) that allows a one time subdivision of property for family members. The driveway will have to meet the requirements of the NYS Fire Code: it must be 20' wide and be capable of supporting a 75,000 pound vehicle and have a turnaround within 100' of house.

Mr. Grasso stated the Clough, Harbour, and Associates reviewed the subdivision plan for the above referenced project prepared by ABD Engineers and Surveyors, dated August 2008. The following comments from the September 5, 2008 review letter remain to be addressed. Soil investigations including deep test pits and percolation tests should be conducted in the area of the proposed wastewater disposal systems to verify the adequacy of the soils to accept an on-site wastewater disposal system. Any raised septic system designs require design by a licensed professional engineer and review and approval prior to subdivision approval. This information should be provided prior to any approvals by the Planning Board. A cursory site investigation revealed federally jurisdictional wetlands exist within the project site that will be impacted by construction. In addition, a 100 foot setback should be established between the wetlands and the proposed tile field. As such, all wetland areas within the new lot and all areas 100 feet downslope from the tile field area should be delineated. The total extent of anticipated federal wetlands should be added to the plan to verify appropriate permitting requirements. The adequacy of sight distance should be verified at the proposed driveway location along Riverview Road. The plan does not include any provisions to address the lack of public road frontage for the parcel in the back. The proposed subdivision will restrict the options for providing suitable frontage in the future. At the last meeting the applicant's consultant indicated an ingress/egress easement or consolidation deed would be provided commensurate with this application. Neither has been provided for review.

Mr. Jim Quinn, Chairman of the Environmental Conservation Commission, reported that the ECC found this subdivision proposal acceptable.

There being no public comment, Mr. Bulger moved, seconded by Mr. Larkin, to close the public hearing at 7:22p.m. The motion was unanimously carried.

In response to Mr. Larkin's question regarding access to the land-locked parcel, Mr. Andress explained that the land adjoining it is relatively flat and access could be easily provided from the remaining lot in the future. He further explained that the Deleonardis family intends to subdivide the larger lot to provide buildable lots for their children and grandchildren. Mr. Larkin advised the applicant that future subdivision applications must comply with CR (Conservation Residential) zoning requirements and that access to the back parcel should be "as direct" as possible. Mr. Andress assured Mr. Bulger that there were no designated wetland areas within 100' of the proposed septic system. However, Mr. Grasso emphasized the fact that, in accordance with the standard request made by the Board, the applicant must conduct a wetlands investigation and formally map them. Mr. Bulger concluded the discussion by commenting that although the Board found the subdivision proposal generally acceptable, the consultant must address all of the issues outlined by Clough, Harbour, and Associates and Board members.

Old Business:

[2008-031] **Mother Teresa Academy** – Change of use of a 5,400 SF building, 942A Route 146 – Amendment to approved site plan.

Mr. Ray Emirzia, representative for the applicant, explained that the applicant has submitted an amended site plan for the Board's consideration that shows a revised design for the playground area. The area has been designed so that no variances from the Zoning Board of Appeals will be required. The speaker reported that attorneys for Mother Tesesa's academy and those representing the property owner are attempting to resolve issues concerning the installation of the cross-easement as required by previous approvals, though no consideration of the cross-easement is requested at this evening's meeting.

Mr. Myers, Director of Building and Development, commented that the setback of fence appears to satisfy landscape buffer requirements.

Mr. Grasso reported that Clough, Harbour, and Associates offered no comment on this application.

Mr. Jim Quinn, Chairman of the Environmental Conservation Commission, reported that the ECC offered no comment on this application.

Mr. Larkin reminded the Board that a condition of the site plan approval granted for this application on August 12, 2008 required that the owner of the property install a cross-access easement with the adjacent property. To date, this condition of approval has not been satisfied. Mr. Bulger affirmed that fact that, although the cross-easement

condition imposed in the initial approval has not yet been satisfied, all requirements of that approval must eventually be addressed by the applicant.

Ms. Pace moved, seconded by Mr. Bulger, 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. Werner moved, seconded by Mr. Koval, to grant preliminary and final approval to this application that approves the specific amendment to the approved site plan that allows for the construction of a playground area as shown on the plan presented. The motion was unanimously carried.

New Business:

[2008-043] **Triller, David** - Proposed (4) lot subdivision, 747 Plank Road – Conceptual review.

Mr. Tom Andress, consultant for the applicant, presented this subdivision plan for the Board's consideration. The applicant intends to subdivide a 6.51 acre parcel on the east side of Plank Road south of its intersection with Wood Stream Drive into four (4) lots ranging in size from .94 acres to 3.25 acres. The parcel is reputedly located with the Country Knolls South Planned Unit Development, though all underlying R-1 standards have been met. The largest lot contains an existing wood frame house. Existing barns and sheds on the property will be demolished to permit construction of three new single-family residences. The new homes will be served by municipal water and sewer services. Mr. Andress reported that LC (Land Conservation) zoned lands have been delineated in accordance with §208-69 of the Town Code. A classified stream, NYSDEC wetland, or federally jurisdictional wetlands have been identified on the parcel. A note has been added to the plan stating that uses within the designated "proposed conservation easement" are restricted. The minimum lot width setback at the building line, rear, and side yard setbacks have all been met. In response to comments issued by Clough, Harbour, and Associates regarding the setbacks from designated wetlands, Mr. Andress explained that the footprints for the proposed houses have been reduced to represent traditionally-sized homes. The setback distances from the wetland areas will reputedly be 40' – 50'.

Mr. Scavo provided comments prepared by the Planning Department, reporting that he finds the current plan more reasonable than the previous plan that called for a six (6) lot subdivision. He reported that research indicates that the development parcel is not included within the boundary of the Country Knolls South PUD: references to the planned unit development district should be removed from the map. He supports the extension of municipal water and sewer services to serve the proposed new lots. It is recommended that the applicant consider utilizing combined driveways to limit the number of curb cuts along Plank Road.

Mr. Bill Mackesey, representative of the Trails Subcommittee of the Open Space, Trails, and Riverfront Committee, asked that the Planning Board require the conveyance of a 15' strip of land along Plank Road to the town to permit future trail development and/or roadway improvements. He also requested that the applicant construct a multi-use pathway along the property's frontage.

Mr. Myers, Director of Building and Development, provided several comments regarding this application. He states that the proposed subdivision involves a lot that is part of Country Knolls South Planned Unit Development and notes that the PUD requires 1.7 dwelling units per acre. Referencing Section A217-69 of the Town Code, Mr. Myers notes that all 4 parcels together equal 1.6 dwelling units per acre. The three (3) new lots equal 1.06 dwelling units per acre. The underlying R-1 zoning requirements appear to have been met on all lots. All the new residences are located outside the LC zone. The existing residence is pre-existing and non-conforming. A demolition permit and historic review will be required for the existing barns. Mr. Andress reported that the barns and shed have been razed.

Mr. Grasso explained that Clough, Harbour, and Associates reviewed the subdivision plan for the above referenced project as prepared by ABD Engineers and Surveyors dated October, 2008 and offered the following comments. The proposed project appears to be an unlisted action pursuant to SEQR and as such coordinated review is optional. The only involved agency is expected to be the Clifton Park Planning Board for subdivision approval. The project site contains an important stream and wetland complex that is jurisdictional by the NYSDEC and the Town of Clifton Park. Land disturbance within 100 feet of the wetland limits requires an Article 24 Wetland permit from the NYSDEC and a variance by the Town of Clifton Park Zoning Board of Appeals for work in the LC (Land Conservation) zoning district. Clough, Harbour, and Associates does not support the development as currently proposed and recommends the elimination of one of the proposed lots since it is likely that typical lot development activities will occur in the protected areas and significant environmental impacts, in proportion to the development of three lots, will occur. The proposed conservation easement is located only a few feet from the proposed house location on Lot #3. It is recommended that a minimum unrestricted area of a least fifty feet of each proposed home be provided to accommodate a useable back yard. Given previous land disturbances within the limit of the LC zone, reducing the 100 foot restricted area may be appropriate in certain limited areas. Unless an easement grantee has been established it is recommended that the proposed "Conservation Easement" be established as a "Land Conservation Area" and the Town's standard notes for these areas be used. The engineering firm is concerned with the addition of three driveways directly onto Plank Road: the use of common driveways is recommended. The sight distance at each of the proposed driveway locations should be verified. A conceptual grading plan depicting the proposed house locations, driveway locations and finished floor elevations should be provided for review. The topography, front yard setback and LC area on the lots significantly limit the developable area. Because the proposed development will consist of single family homes and the disturbance will be between 1 and 5 acres, the preparation of a post construction storm water management plan may not be required. A basic Storm Water Pollution Prevention Plan including an erosion and sediment control plan will be required under NYSDEC SPDES General Permit GP-02-01. The total disturbance and need for a full SWPPP must be confirmed prior to preliminary plan approval. The limits of the existing vegetation and the proposed limits of disturbance should be depicted on the plan. The subdivision plan should include a north arrow. The size of the existing

watermain location along Plank Road should be depicted on the plan. The proposed water service and low pressure sewer service locations and methods of crossing Plank Road to provide a connection should be provided. The location of the connection of the proposed 2" low pressure sanitary sewer to the existing system should be depicted on the plan. It is assumed that this low pressure sewer main along Plank Road will be dedicated to the Saratoga County Sewer District #1 or Town of Clifton Park Water and Sewer Authority for ownership and maintenance. A commitment letter from the respective sewer district to this affect should be provided.

Mr. Jim Quinn, Chairman of the Environmental Conservation Commission, reported that the ECC issued the following recommendations regarding this application. Considering the front yard setback and the location of the LC zone, Lot #3 does not appear to be a useable residential lot as any use of the backyard would necessitate disturbance in the land conservation zone. It should be made clear by note in the Lot #4 deed that no improvements will be permitted in the designated LC zone.

Mr. Pelagalli advised the applicant to consult with Mr. O'Brien, Director of the Town of Clifton Park's Sewer District as well as Mr. DiPasquale, Director of the Saratoga County Sewer District, to be certain that the sewer extension will be installed in compliance with all district requirements and that the grinder pumps as proposed will be acceptable. Mr. Andress stated that all grinder pumps will be installed outside the residences and that they will be privately owned.

Mr. Bulger stated that he had recently visited the property. He was concerned that the proposed residence to be constructed on Lot #3 would require disturbance of the LC zone: he recommended that the wetland areas identified on the site be protected by fencing and appropriate signage. The speaker also observed that the area that contained the barns and sheds should be restored to its natural state. Mr. Andress explained that the applicant is providing significant improvements to the property and would find a reduction in the number of lots an economic hardship. He assured the Board that construction of the homes could be achieved within the building envelopes and beyond wetland boundaries. He was amenable to providing detailed grading plans for each approved building lot. He also agreed to consider the installation of combined driveways. In response to Mr. Koval's question concerning plans for the existing residence, Mr. Andress stated that the house will be rehabilitated and updated because its proximity to designated wetlands areas prohibits its removal and construction of a new residence. Mr. Andress agreed to comply with Mr. Grasso's recommendations that a land conservation area be established and that a note stating that no further subdivision will be permitted be added to the plan. Board members agreed that construction of a multi-use pathway segment along the Plank Road frontage would not be reasonable since there is no existing pathway in the area. Ms. Pam Marshall, town resident, stated that the houses along Plank Road are located close to the roadway and that an existing hill could prove dangerous for those walking or biking along the roadway. The applicant was instructed to address Board concerns.

[2008-045] **Herbinger, Darren and Renae** – Proposed (2) lot subdivision, 798 Grooms Road – Conceptual review.

Mr. Gil VanGuilder, consultant for the applicant, explained that the applicants seek permission to subdivide a 3.77 acre parcel located in the CR (Conservation Residential) zoning district into lots of 1.91 acres and 1.86 acres, respectively. The parcel is located on the southerly side of Grooms Road approximately 1,000 feet east of Sugar Hill Road. The larger lot contains all of the existing improvements including the existing well and septic system. A single-family residence proposed for the new lot will be served by a new well, a septic system designed by a licensed professional engineer, and a new driveway. The speaker reported that the Zoning Board of Appeals granted permit Number 80711 pursuant to Section 208-16E(2)(c) that provides for a one time single lot exception for subdividing a pre-existing lot. The variances requested included one from the required parcel size of 10 acres: 3.77 acres are available. A variance for 6.33 acres was requested. Newly created lots are to be owned by family members only: the new lot will not be owned by a family member. The newly created lot should be a minimum of two acres: the new lot will be 1.86 acres: a .14 acre variance is requested. The remaining lot will be 1.91 acres, requiring a variance of .09 acres. Mr. VanGuilder pointed out that although there are apparent wetlands along the southern property boundary, no impacts to the wetland areas are anticipated. The federally jurisdictional wetlands that encroach on the parcel were delineated in the field by Mr. VanGuilder's firm on August 6, 2008. The sight distance at the proposed driveway location exceeds acceptable standards. Test pit and percolation rate information will be provided to the Board before public hearing is scheduled.

Mr. Scavo reported that the Saratoga County Planning Board approved this application, though it was noted that the applicant will be required to obtain a Saratoga County Department of Public Works Work Permit for installation of a driveway along Grooms Road.

Mr. Bill Mackesey, representative of the Trails Subcommittee of the Open Space, Trails, and Riverfront Committee, asked that the Planning Board require the conveyance of a 15' strip of land along Grooms Road to provide for future trail development and/or roadway improvements.

Mr. Grasso reported that Clough, Harbour, and Associates reviewed the subdivision plan prepared by Gilbert VanGuilder Land Surveyor, PLLC and offered the following comments. The proposed project appears to be an "Unlisted" action pursuant to SEQRA, and as such, coordinated review is optional. The only involved agencies are expected to include the Clifton Park Planning Board for subdivision approval and the Clifton Park Zoning Board of Appeals for approval of an area variance. The parcel is located within the limits of the Western Clifton Park GEIS Study Area and within the CR (Conservation Residential) zoning district. The project will be required to comply with the GEIS statement of findings and mitigation fees will be applicable. It appears as though an area variance has been granted for the reduced lot area. Clough, Harbour, and Associates is concerned with the granting of the area variance as it undermines the intended zoning and the anticipated density within the CR district. The plan should include the density calculations per the zoning regulations to determine the allowed density. Based upon the lot size it would appear that only one lot would be permitted per the regulations. Test pit and percolation test results must be provided to confirm that the proposed parcel is acceptable for an individual septic system. The septic system should be designed by a licensed New York State Professional Engineer and included with the

final plans unless specifically waived. If a waiver is sought, it must be identified on the final plans and the Town's standard notes must be added. In order to reduce the number of curb curbs along Grooms Road, the potential for a shared driveway with the existing residence should be investigated. Should a second curb cut be proposed, the adequacy of sight distance along Grooms from the proposed driveway should be verified. An additional 10' of right-of-way along the project frontage should be provided for future trail/bikeway improvements.

Mr. Jim Quinn, Chairman of the Environmental Conservation Commission, reported that, after review of data presented at the October 21, 2008 meeting, the ECC made the following recommendation. The wetlands at the southerly edge of the existing parcel shall be properly delineated and jurisdiction should be identified.

Mr. VanGuilder addressed the recommendation offered by Mr. Mackesey, asking that the Board consider the granting of a 15' wide easement rather than a direct conveyance of property because of the specific conditions of the Zoning Board approval. The Board, however, supported Mr. Grasso's recommendation that the owner convey a 10' strip along the roadway.

In response to Mr. Larkin's question regarding the amount of land identified as federally jurisdictional wetland, Mr. VanGuilder stated that approximately 5,000 SF of land in the southeastern portion of the site has been delineated. Though Mr. Larkin expressed his concern with reduced lot sizes, Mr. Bulger explained that the Planning Board must "work with" the approvals granted by the Zoning Board of Appeals. He noted that the zoning request was not unanimously approved. Mr. VanGuilder explained that the owner purchased the property in 2001, prior to the adoption of CR (Conservation Residential) zoning by the Town Board.

[2008-044] **Ryan and Connery** – Proposed land transfer, 753 Plank Road and 717 Plank Road – Conceptual review.

Mr. Gil VanGuilder, consultant for the applicant, presented this application for the Board's consideration. The application calls for the transfer of land from 735 Plank Road owned by Connery to the Lands of Ryan at 717 Plank Road. The properties are located on the northern side of Plank Road approximately .27 miles northwest of its intersection with Mountain Way. Mr. Ryan requests additional property to the rear of his lot to provide a buffer that would ensure privacy. After the land transfer the Connery's lot will be 3.52 acres and the Ryan's lot will be 2.72 acres. Mr. VanGuilder explained that there is an existing stream corridor that runs along Mr. Ryan's northern property boundary. He further explained that there are identified NYS DEC wetlands to the west. Since NYS DEC is only permitted to extend wetlands 500' from existing boundaries, it is unlikely that wetlands will extend to the site.

Mr. Scavo asked that the consultant prepare a consolidated deed for submission to the Planning Department and filing at the County Clerk's office.

Mr. Mackesey, representative of the Trails Subcommittee of the Open Space, Trails, and Riverfront Committee, asked that the Planning Board require the conveyance of a 15' strip of land along the properties' right-of-way.

Mr. Myers, Director of Building and Development, found this application acceptable.

Mr. Grasso reported that Clough, Harbour, and Associates prepared no written comments or recommendations regarding this application.

Mr. Jim Quinn, Chairman of the Environmental Conservation Commission, reported that, after review of data presented at the October 21, 2008 meeting, the ECC provided the following comment. Considering the possible presence of adjacent wetlands to the north, the applicant should determine if the LC zone applies to each property and, if so, the LC zone should be delineated on the revised plot plan of each lot.

Mr. Ryan, applicant, stated that he has requested the acquisition of additional lands in order to protect the forested area that currently borders his property. The forested area provides a buffer between his property and newly constructed properties with the Country Knolls South subdivision.

Mr. VanGuilder agreed to add a note to the plan that provides information regarding protection of the stream corridor. Board members found the project proposal generally acceptable.

Discussion Items:

21st Century Park Senior Housing

Mr. Tom Andress, consultant, and Mr. Jim Fitzgerald, representative for the applicant, presented an overview of this project for the Board's consideration. Mr. Andress explained that an amendment to the existing 21st Century Park Planned Unit Development adopted by the Town Board allows for the development of a 51-unit "age-restricted" housing project. As a result of comment from NYSDOT, the entranceway has been modified to provide one lane into the site and two lanes out. The applicant has agreed to supply a "fair share" contribution for roadway corridor improvements. Though wetlands on the site have been mostly defined as "isolated," a wetland disturbance permit from the ACOE has been requested. All roads serving the entire site as well those internal to the senior housing complex will be constructed in accordance with Town standards and will provide adequate area for maneuvering emergency vehicles. Public water and sewer services will serve the site. Appropriate buffering and landscaping will be provided to separate the uses within the 21st Century Park PUD boundary.

Mr. Bulger explained that the PUD includes language that assures that the dwelling units will be used by "seniors". Mr. Grasso stated that the Planning Board will be charged with considering such items as traffic impacts, land use change, diminishment of viewshed areas, project density, and changes to the area's rural character. Though Mr.

Larkin expressed concerns regarding payment for necessary upgrades to the sewer system, Mr. Address stated that the project site lies within the district boundaries and that adequate capacity is available. Mr. Werner recommended that the applicant consider the granting of an easement that would permit construction of a trail segment along the Route 156 corridor since the new park will be developed to the west. Mr. Bulger recommended that funds contributed for traffic improvements along the corridor be used to install traffic controls "as close to the site" as possible. Mr. Koval pointed out that several intersections along the corridor are "dangerous," particularly the one at Route 146 and Miller Road. Mr. Werner suggested that the installation of a round-about near the new park may be worthy of consideration. Mr. Grasso suggested that it may be prudent for the Board to support the preparation of a Supplement Environmental Impact Statement that would address the issues of traffic safety in the corridor. Mr. Bulger explained that the Planning Board had recommended that the Town Board approve the amendment to the 21st Century Planned Unit Development. Site plan approval by the Planning Board will be required.

Minutes Approval:

Mr. Bulger moved, seconded by Mr. Koval, approval of the minutes of October 15, 2008 as written. The motion was unanimously carried.

Mr. Bulger moved, seconded by Ms. Pace, adjournment of the meeting at 9:00p.m. The motion was unanimously carried. The next meeting will be held as scheduled on Wednesday, November 12, 2008.

Respectfully submitted,

Janis L. Dean,
Secretary

Cc: Planning Board Members, Planning Department, Supervisor, Town Administrator, Assessor, Zoning Board, Department of Building and Development, Town Clerk, Town Board Members, Highway Superintendent, Town Attorney, Lou Renzi, Town Attorney, Tom McCarthy, Town Attorney, Paul Pelagalli, Town Attorney, Department of Parks and Recreation, ECC, Clifton Park Water Authority