

Clifton Park Planning Board Meeting Minutes

November 26, 2002

Those present at the November 26, 2002 Planning Board meeting were:

Planning Board: K. O'Brien, Chairman, S. Bulger, B. Czub, R. d'Amico
J. Marzola,
Mr. Larkin arrived at 7:10p.m. following the review of the
Sanzen subdivision application

Those absent were: J. Russell

Those also present were: J. Kemper, Director of Planning, J. Grasso, Clough, Harbour,
and Associates, P. Pelagalli, Counsel

Mr. O'Brien, Chairman, called the meeting to order at 7:05p.m.

Public Hearings:

There were no public hearings scheduled at this evening's meeting.

Old Business:

[2002-065] Sanzen, David – Proposed (4) lot subdivision, Bradt Road – Determination
from preliminary public hearing held on November 13, 2002.

Mr. Brett Steenburgh, Ingalls, Smart Associates, presented this application that remains
unchanged from the November 13, 2002 review. The applicant has now addressed all of
the Board's concerns. The Land Preservation Area has been labeled on the plat and future
owners will be apprised of the restrictions for use and maintenance of these areas. The
designs for the septic systems were of significant concern; however, Clough, Harbour,
and Associates has reviewed the deep test pit information submitted and found the results
acceptable for the installation of the individual sanitary systems.

Mr. Kemper explained that although the public hearing was closed at the November 13th
meeting, no SEQRA determination was made. The only outstanding issue remaining
from that meeting was submission of the deep test pit information that was requested by
the Planning Department and CHA. The information was subsequently provided and the
results should be added to the plat. Mr. Tom Ziobrowski, Rexford Water District,
reported that there is adequate supply and pressure to serve these lots and they will be
allowed to connect to the system. All other issues have been resolved. Descriptions for
the drainage easement will have to be provided and reviewed prior to stamping of the
plans.

Mr. Grasso stated that Clough, Harbour, and Associates have reviewed the information

provided and find that all engineering concerns have been addressed.

Mr. O'Brien 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. Bulger offered Resolution #37, seconded by Mr. d'Amico, to grant preliminary and final subdivision approval to this application conditioned upon the satisfaction of the comments offered by Mr. Kemper. Ayes: Czub, d'Amico, Bulger, Marzola, O'Brien. Noes: None.

New Business:

[2002-071] Equine Training Center – Proposed 360 SF barn for hay storage, 394 Riverview Road – Conceptual site plan review.

Mr. Hank LaBarba, H.V. LaBarba and Associates, presented this application for the Board's consideration. He explained that the applicants plan to construct a building for hay storage on the lands of Trade Winds Farm that is located on Riverview Road. The barn will be a 360 SF, one-story metal building constructed on a slab. This storage facility will be constructed of the same materials as the arena facility.

Mr. Kemper noted that this project was discussed by the Board on November 13, 2002 at which time it was determined that this project required formal site plan review. The applicant is interested in constructing a 12' x 30' hay storage barn: no water or septic is required for the new structure. The applicant must clarify if there will be any exterior lighting on the building and provide descriptions of materials to be used to construct the building. It is unclear at this date if the project will require review from ESAB.

Clough, Harbour, and Associates offered no comment on this application.

Mr. Kemper reported that the ECC recommends that the following standard statements should 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.

Board members found this plan acceptable. It is expected that the applicant will present preliminary plans at the December 10, 2002 meeting.

[2002-069] Breen, John F. and Patricia A. – Proposed (2) lot subdivision, 447 Moe Road – Conceptual review.

Mr. Gilbert VanGuilder, consultant for the applicant, explained that this proposal calls for the subdivision of 2.19 acres of land at 447 Moe Road into lots of 40,035 SF and 55,369 SF, respectively. The smaller lot contains an existing single-family home that is served by an on-site well and septic system. The proposed single-family home will connect to public water and a septic system designed by a NYS Professional Engineer will be installed on the property. Although there is a NYSDEC wetland area along the northerly property boundary, no disturbance of the delineated wetland or adjacent land is proposed.

Mr. Kemper explained that the proposed project is an unlisted action under SEQRA and as such coordinated review is optional. The date and firm that performed the wetland delineation should be placed on the plot plan. Deed restrictions should be placed on the environmentally sensitive portions of the site. The proposed building lot will be required to connect to the sanitary sewer.

Mr. Kemper read the comments submitted by the ECC. 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.
- 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).
- The LC Zone should be delineated on individual plot plans.

The ECC also recommends that any future construction should look into the feasibility of connecting into public sewer.

Mr. Grasso, Clough, Harbour, and Associates, reported that the proposed project appears to be an unlisted action pursuant to SEQRA, and as such, coordinated review is optional. Involved agencies are expected to include the following: Planning Board - Subdivision approval; C.P.W.A. – Water Connection Permit; S.C.S.D. #1 – Sewer Connection Permit.

The plan indicates that use of an on-site wastewater disposal system is proposed. There is an existing sanitary sewer force main running across the front of the site. In accordance with NYS Uniform law, new development is required to connect to municipal utilities if available within 100 feet in a residentially zoned area. As such, connection to these facilities will be required. The plan indicates that water supply to the existing residence is from an existing well. The location of the well should be shown to verify that acceptable separation from the existing wastewater disposal system exists. If adequate separation is not provided, connection to the municipal facilities should be required.

The final subdivision plan should include the stamp and signature of a Licensed Land Surveyor. The Town's standard subdivision notes and certification statement should be

added, as applicable.

Mr. O'Brien asked that, as a condition of approval, the existing residence be required to connect to the municipal water system. Board members agreed that this would be beneficial and members agreed that the plan was acceptable.

[2002-070] Healy, Richard – Proposed (7) lot subdivision, 488 Grooms Road – Conceptual review.

Mr. Gilbert VanGuilder, consultant, described this project proposal on behalf of the applicant, Mr. Richard Healy. The applicant plans to subdivide 5.02 acres of land in an R-1 zone on the south side of Grooms Road 250 feet west of its intersection with Lincoln Drive. Seven residential lots will range in size from 22,925 SF to 36,462 SF: all will meet the bulk and setback requirements established for the zone. The largest lot will contain the existing house. All homes will connect to the Clifton Park Water Authority and the Saratoga County Sewer District No. 1. The lots will be accessed via a new cul-de-sac that will be 550 linear feet. Mr. VanGuilder has submitted a letter from Creighton Manning Engineering that states that vehicles waiting on Grooms Road at the traffic signal will have no impact on the operation of the proposed subdivision access road. Sight distances along Grooms Road at the subdivision entranceway are acceptable. Mr. VanGuilder did point out that a variance may be necessary for Lot # 7 since, per the zoning code, the lot width at the building line for properties fronting on Grooms Road must be 200 feet. This lot, although accessed from the proposed new street, also has frontage on Grooms Road. Stormwater will be directed to an existing stormwater management area located to the south of Roosevelt Court. This area will be modified to accommodate the additional run-off.

Mr. Kemper explained that the proposed project will be a Type 1 action under SEQRA and as such coordinated review will be required. Involved agencies for the project will include C.P.W.A., N.Y.S.D.E.C., N.Y.S.D.O.H., Saratoga County Planning Board and D.P.W. The applicant should clarify whether or not the proposed road will be conveyed to the Town. If there are wetlands on the parcel, such areas should be clearly delineated. A fax from Jim DiPasquale, Director of the S.C.S.D., states that the proposed project appears to be acceptable. A multi-use path should be incorporated into the subdivision plan to allow for pedestrian access between subdivisions. Consideration should be given to providing a buffer between #4 Roosevelt Court and the proposed expansion area for the stormwater management area. A memo from Lou Gerard dated November 26, 2002 states that he "does not want" this roadway that serves 7 lots. Mr. Kemper believes that it will be necessary to determine Mr. Gerard's specific concerns.

Mr. Grasso stated that because the proposed action involves a realty subdivision approval by NYSDOH, the proposed project is a Type 1 action pursuant to SEQR, and as such, coordinated review and preparation of a Full Environmental Assessment Form 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 Department of Public Works – Curb Cut Permit; N.Y.S.D.O.H. – Realty Subdivision Approval, Water Supply System Approval; N.Y.S.D.E.C. – SPDES Permit, Wastewater Disposal System Approval.

In addition, Mr. Grasso recommends that the plan show existing topography and any environmental constraints including wetlands, streams, vegetation, etc., as well as existing improvements on the north side of Grooms Road. Consideration should be given to the conveyance of a ten-foot strip of right of way along Grooms Road to accommodate possible future highway and drainage improvements. The subdivision should accommodate pedestrian access to other parklands in the project site area. Consideration should be given to a pathway through the existing utility easement to Roosevelt Court, a pathway along Grooms Road to Lincoln Avenue, or a pathway along Grooms Road to Evergreen Avenue.

Mr. Kemper stated that the ECC recommends that the following standard statements should be added to the plot plan:

- Due to the potential for Federal wetlands on this parcel, the applicant will determine the location and extent of disturbance of federal wetlands before a building permit is issued.
- 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).
- 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.

The ECC also advises that a stormwater management plan will be necessary for this project. It should demonstrate that the Presidential Estates stormwater management system has capacity to handle this additional load. The utility easement to Presidential Estates should incorporate a multi-use recreational trail.

Board members asked Mr. VanGuilder to clarify a number of issues. Mr. d'Amico, Mr. O'Brien, and Mr. Larkin asked that the impacts to the stormwater management area be evaluated. Mr. Bulger questioned Mr. Gerard's memo that states that he would be unwilling to accept the proposed road, though the applicant proposes to construct the road in accordance with Town specifications and standards. Summarizing the Board's concerns, Mr. O'Brien stated that the issues to be resolved included the capacity of the stormwater management area, delineation of wetland areas, placement of a multi-use pathway link, and the Town's willingness to accept the proposed road.

Minutes Approval:

Mr. Bulger moved, seconded by Ms. Czub, approval of the minutes of November 13, 2002 as written. Ayes: Larkin, Czub, d'Amico, Bulger, Marzola. Noes: None. Abstained: O'Brien.

Discussion Items:

Hidden Crest

Mr. Kemper explained that he has discussed the elimination of the driveway at the intersection of Englemore Road and Vischer Ferry Road with Mr. Marini, the project developer. The purchaser of the former Bonser residence contends that he had no knowledge of this requirement when he purchased the property and does not want to eliminate the driveway. Board members steadfastly agreed that the driveway should be removed and that the issue must be resolved between the homeowner and the developer.

Maxwell Drive Extension

Mr. Kemper explained that the developers of Maxwell Drive Extension would like to begin to clear and grub the property to prepare for paving of the roadway. Board members agreed, based upon Mr. Grasso's statement that the roadway design would be complete in another week or two, to allow clearing of the property in anticipation of completion of the new road.

Kohl's (renovation of the former Grand Union)

Mr. Kemper noted that Board approval for the Kohl's retail outlet was conditioned upon the installation of off-site traffic improvements. The applicant has asked that the traffic study be deferred until the spring to allow for more realistic traffic counts. Board members agreed that this would be acceptable, though a Letter of Credit for the estimated cost of the improvements must be established, a letter of commitment stating that the applicant will adhere to all conditions of site plan approval, including the off-site traffic improvements must be submitted, and a note on the site plan stating that the applicant is committed to such improvements must be added to the subdivision plat prior to the stamping.

Mr. O'Brien submitted a letter to Board Members that stated that he has decided not to seek reappointment to the Planning Board upon the expiration of his term on December 31, 2002. He expressed his appreciation to Town Supervisors for their support during his thirteen-year tenure and to numerous Town Board members, Planning Board Members, Planning Department staff, and for their help and support throughout the years.

Mr. Bulger complimented Mr. O'Brien on a job well done, noting that the citizens of the Town owed him a debt of gratitude for his command of the planning process, his fairness in administering the zoning law, and his professional management of the Planning Board. He further stated that it would be difficult to replace such a dedicated individual. Mr. O'Brien responded that he found it an honor to serve the community, describing his

involvement in municipal government as a “labor of love”.

Mr. Bulger moved, seconded by Mr. Larkin, adjournment of the meeting at 7:50p.m. The motion was unanimously carried. The next meeting will be held as scheduled on December 10, 2002.

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, Oscar Schreiber, 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 #37
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 26, 2002:

Present: K. O’Brien, Chairman B. Czub, S. Bulger, R. d’Amico
J. Larkin, J. Marzola,

Absent: J. Russell

Mr. Bulger offered Resolution #37, and Mr. d’Amico seconded, and

Whereas, an application has been made to this Board by David Sanzen for approval of a subdivision plat entitled Subdivision of the Lands of New Look Properties LLC. Bradt Road at Deerfield Court, consisting of (4) lots;

Whereas, pursuant to Section 276 of the Town Law, a public hearing was advertised and was held on November 13, 2002 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 26, 2002, 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 plat entitled, consisting of (4) lots is hereby granted preliminary and final approval conditioned upon satisfaction of the comments offered by Mr. Kemper.

Resolution #37 passed 11/26/02

Ayes: Czub, Bulger, d'Amico, Marzola, Larkin, O'Brien

Noes: None

Kevin P. O'Brien,
Chairman