

Clifton Park Planning Board Meeting Minutes

June 8, 2004

Those present at the June 8, 2004 Planning Board meeting were:

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

Absent: None

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

Mr. Bulger, Chairman, called the meeting to order at 7:10p.m. Mr. Bulger asked all present to rise for a moment of silence to respect the passing of former President Ronald Reagan. The Board and those in attendance then recited the Pledge of Allegiance.

Public Hearings:

[2004-028] Paulsen Development Group – Proposed lot line adjustment, 21 and 23 Jarose Place – Preliminary public hearing and possible determination.

The Chairman called the public hearing to order. The Secretary read the public hearing notice as published in the Daily Gazette on May 31, 2004.

Mr. Tom Andress, consultant for the applicant, explained that the developer of the Sunset Woods subdivision has requested approval of a lot line adjustment between Lots #21 and 23 as originally proposed. Lot #21 will be reduced from 23,700 SF to 20,048 SF – 3,652 SF. This amount of land will be added to Lot #23. No other revisions to the approved subdivision are requested.

Mr. Kemper found the plan generally acceptable. He asked that revised deed descriptions for the lots must be submitted for review. The ECC had no comment on this application.

Mr. Grasso reported that Clough, Harbour, and Associates found the application acceptable.

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

Mr. d'Amico moved, seconded by Mr. Russell, 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. Marzola offered Resolution #12, seconded by Mr. Karam, to waive the final hearing for this application and grant preliminary and final subdivision approval conditioned upon satisfaction of the comments offered by Mr. Kemper. Ayes: Larkin, Pace, d'Amico, Karam, Marzola, Russell, Bulger. Noes: None.

Old Business:

[2004-017] Grace Chapel – Proposed 2,840 SF addition to existing church, 996 Main Street – Preliminary site plan review and possible determination.

Mr. Chad Pagen, consultant for the applicant, explained that this proposal calls for a 2,480 SF addition to the existing Grace Chapel church located on a 9.85 acre parcel in an R-1 zone north of the intersection of MacElroy Road and Main Street. The total building area will increase from 12,576 SF to 15,040 SF; the pavement area will remain the same – 11.7% of the site; the green area will be reduced from 85.4% to 84.8%. Since the expansion is designed to accommodate Sunday school classrooms and offices, no changes are proposed to the parking area that currently provides spaces for 134 vehicles. No changes to the seating capacity are planned at this time; therefore, no changes to the septic system are required. The existing septic system will be removed and a new tank will be installed at the required distance from the new addition. Though Clough, Harbour, and Associates had requested that the plan include a 6' high solid wood dumpster enclosure on an asphalt pad located to the south of the proposed addition, the consultant was unaware specific plans for the dumpster.

Mr. Kemper explained that this project last appeared before the Board on April 13, 2004. No major issues were raised by the Board at that meeting. He asked that the location of the septic tank be verified. He noted that the dumpster location has been added on the plans. Sign-offs must be received from Clifton Park Water Authority and the Saratoga County Sewer District. The Saratoga County Planning Board approved the project with the following comment: "Although the applicant is not proposing any new drives onto Main Street, Saratoga County DPW may want to review the existing access." Since the lawn of this project lies fallow, the applicant should topsoil and seed this area. Mr. Kemper reported that the ECC submitted no comments on this application.

Mr. Grasso explained that Clough, Harbour, and Associates reviewed this application and offered comments. A detail of the proposed solid wood dumpster enclosure should be provided. It is recommended that the concrete pad to be installed in front of the dumpster and that enclosure be large enough to accommodate a garbage truck. The existing stormwater management system should be shown on the plans and the effects of the proposed addition on the system should be evaluated. Because the length of the pipe runs will be increased, invert information or minimum pipe slope on the septic tank, laterals, distribution box and septic field should be provided. Landscaping should be provided around the proposed addition and dumpster enclosure.

Mr. Larkin, a resident of the adjoining Dutch Meadows subdivision, observed that the "desert landscaping" on the site was unattractive. He was also concerned that the

dumpster location has not been determined. In response to his concerns, a member of the building committee for the church explained that a permanent site for the dumpster will be established once final plans for the addition are prepared. Pastor Neuman explained that church members have been attempting to seed the property and add landscaping that would enhance the church. Mr. d'Amico recommended that the permanent dumpster location be finalized prior to the stamping of the site plan. Mr. Kemper suggested that money for landscaping be included in the required security deposit to ensure that site work is completed.

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

Mr. Larkin moved, seconded by Mr. Marzola, to grant preliminary and final site plan approval to this application conditioned upon establishing the permanent placement of the dumpster and suitable seeding and landscaping of the entire site. The motion was unanimously carried.

[2004-022] VanGuilder, Gilbert – Proposed 1,184 SF addition to existing office, 988 Route 146 – Preliminary site plan review and possible determination.

Mr. Gil VanGuilder, applicant, explained that his application remains generally as presented on April 11, 2004. The 1,184 SF expansion will be added to the east of the existing office. Six additional parking spaces will be provided because the existing parking lot is sometimes full. The existing buffer along the Shenendehowa Central School District property will remain and a spruce tree located in the proposed expansion area will be relocated to the rear property line. Though there will be some changes to the sidewalk, the enlarged building will maintain the existing residential character and the building materials will be similar to those used for the existing office. Colored architectural renderings were presented for the Board's consideration. In response to Mr. d'Amico's question regarding the roofline, Mr. VanGuilder explained that the shed roofline shown above the easternmost entry will be revised: the roof will continue its angled slope to the edge of the overhang.

Mr. Kemper reported that this project was first considered by the Board on April 11, 2004 at which time the project was found to be acceptable. The Saratoga County Planning Board approved the project on May 20, 2004. The specific variance numbers should be depicted on the plans. The façade renderings presented this meeting must be included in the plans that are submitted for stamping.

Mr. Grasso reported that all of Clough, Harbour, and Associates' previous comments have been adequately addressed.

Mr. Kemper read the comments prepared by the ECC: The Commission reiterated their previous recommendation that the following standard statements be 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.

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

Mr. Karam moved, seconded by Ms. Pace, to waive the final hearing and to grant preliminary and final approval to this application conditioned upon the satisfaction of comments offered by Mr. Kemper. The motion was unanimously carried.

[2002-045] DCG Development Company – Mixed Use PUD 200 units of senior housing, Maxwell Drive and Wall Street – Preliminary site plan review and possible determination.

Representatives for the applicant in attendance at this meeting included Mr. Donald MacElroy, Vice President of DCG Development Co., Mr. Gordon Nicholson and Gavin Viallume, engineering consultants for the applicant, Kurt Woodward, architect for the project, and Jeff Ward, construction manager for DCG Development Co. Mr. Nicholson addressed the issues of concern that were raised by the Board at the last meeting. He explained that the green space allocation was calculated site specifically. He also pointed out that the plan illustrates possible connection locations to the property to the north, a 3 foot addition to the grade to the north and west of the building, grading from the site to the stormwater management area, the location of the emergency generator, the 30 foot strip for emergency access along the western side of the building, details of the retaining wall, and specifications for the lighting fixtures and pole lights.

Mr. Woodward presented the colored architectural renderings and described the proposed construction materials. An exhibit of materials contained samples of the “cultured stone” that would be added to the front of the center projection and the cement clapboard that would be used to side most of the building. The end “ells” will be faced with regular red brick. Mr. Woodward believes that the combination of materials will add interest and depth to the design.

Mr. Kemper reported that this project last appeared before the Board on May 25, 2004. The main issue raised at that meeting was the proposed elevation of the building and whether or not the building height would be acceptable to the Town Board. He explained that, at that time, the Board found the proposed renderings to be unacceptable. A multi-use pathway connection was requested. Members agreed that Sheryl Reed’s comments must be addressed. Sign-offs will be required from the Clifton Park Water Authority and the Saratoga County Sewer District. The notes relating to road improvements on Wall Street and the town’s acquisition of lands from the YMCA must be removed from the

plans. The building materials must be depicted on the architectural renderings. He listed Sheryl Reed's comments that were included in a June 8, 2004 memo:

- o Provide additional comments per the Clifton Park Fire Chief
- o Fire Access Road shall be minimum width of 20 ft. in length and shall be provided with an approved area for turning around for fire apparatus per section 503 of Fire Code of New York.
- o Security gate at fire access road to be approved by fire chief per section 503 of the Fire Code of New York.
- o Place fire access road signage
- o Place Fire Lane signs per local fire chief.
- o Address all Fire Department comments per correspondence dated March 3, 2004.

Mr. Grasso reported that although many of the engineering comments have been addressed, a manufacturer's cut sheet of the proposed lighting fixtures should be provided. The plan should also state that there will be no wall-packs on the building. He also asked that the design information for the proposed sanitary pump station be provided. In response to his question regarding ownership of the pump station, Mr. Nicholson stated that the Saratoga County Sewer District has agreed that it will not be a public service extension since it will be retained under DCG Development Co. ownership to serve the senior housing facility and the proposed office buildings to the north.

Board members offered several comments on the project. In response to Ms. Pace's comment regarding the parking garage, Mr. Woodward stated that there will be residential-style garage doors installed: they will be painted to blend with the colors used on the building. Landscaping to screen the garage doors was requested. Mr. d'Amico asked that the garage entry be relocated to the side of the building: according to the architect this would not be possible because of the required site grading. Mr. Larkin asked about the sidewalk that will be installed along the rear of the building and expressed concern that security measures would be adequate. Mr. MacElroy assured the Board that adequate security and lighting would be provided. Mr. Karam commented on the future connection provided to the office buildings, noting that he would not find a direct connection to Route 146 through the PUD acceptable. Mr. Russell, on behalf of his father-in-law, asked about the method of fire suppression in the basement parking area. Mr. Woodward explained that in addition to the sprinkler system, plans call for the installation of a thick concrete fire barrier between the parking area and the living space. Ms. Pace asked about access for tour buses. Though there will be parking space available at the front of the building, Mr. MacElroy did not believe that such large vehicles could be accommodated beneath the proposed portico. Addressing other comments, Mr. MacElroy stated that such things as conveyance of sanitary lines to the County and stormwater management will be addressed when detailed plans for the adjoining parcel are prepared.

Mr. Bulger discussed the height of the building, noting that at the last meeting the Board was concerned that the proposed building elevation was in conformance with the PUD approval granted by the Town Board. Mr. Bulger reported that Town Board members found the proposed project acceptable: he now views this concern as a "non-issue". He

approved of the changes made to the building design, noting that the addition of stone to portions of the façade and the colors of the sample building materials were an improvement over the renderings originally presented. Board members agreed. Mr. Russell commented that it appeared to be “a good project.” Mr. Larkin, stating that the building resembled the Mohonk Lake Mountain House, found the design acceptable. Mr. Karam added that, in his opinion, the facility would be a desirable addition to the Exit 9 area. Mr. Bulger expressed apprehension about the applicant’s willingness and/or ability to meet the conditions of site development imposed by the fire district and Sheryl Reed, Chief of the Bureau of Fire Prevention. At his request, Mr. Kemper read Ms. Reed’s comments and those issued by the fire district on March 3, 2004. Following a brief discussion that included comment from the applicant’s construction manager, Board members expressed confidence that all fire safety prerequisites could be incorporated into the project plan.

Mr. Bulger moved, seconded by Mr. Larking 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. Karam moved, seconded by Mr. Larkin, to grant preliminary and final site plan approval to this application conditioned upon the comments offered by Mr. Kemper and Mr. Grasso and upon satisfaction of all the items required by Sheryl Reed, Chief of Bureau of Fire Prevention. The motion was unanimously carried.

[2003-070] Klimkewicz, Michael – Proposed two-family residence in an R-3 zone, 865 NYS Route 146A – Special Use Permit – Determination from public hearing held on November 25, 2003 and preliminary site plan review.

Mr. Gordon Nicholson, consultant for the applicant, explained that the owner authorization form requested by the Board has been submitted. He provided building elevations and stated that the current owner will remove the breezeway area that connects the existing single-family residence with the larger barn-like structure that will become a two-family dwelling. Mr. Nicholson reported that site improvements will include the installation of a sidewalk, residing of two-family structure, and interior renovation that will include new sheetrock, plumbing, and room divisions. An exterior staircase will be added to the northern side of the building. Soil analysis will be required to determine the best location and most feasible design for installation of a new septic system. Seven evergreen trees are to be placed along the right-of-way areas.

Mr. Kemper reported that this project last appeared before the Board on April 27, 2004. The main issues raised at that time were the quality of the renderings and the fact that the applicant no longer owned the property. An owner authorization form has been signed and was submitted by the current owner. Mr. Kemper introduced Mr. Lazarus, the current owner, was in attendance at the meeting. Mr. Kemper explained that no additional renderings have been provided. He asked the consultant to describe the proposed improvements that would be necessary for the existing furniture showroom to be changed to a two-family dwelling. The variances that were received from the Zoning Board of

Appeals should be depicted on the plans. Mr. Kemper reported that the ECC had no comment on this application.

Mr. Grasso explained that Clough, Harbour, and Associates reviewed this application. The proposed project appears to be an unlisted action pursuant to SEQR, and as such, coordinated review is optional. The involved agencies are expected to include: Clifton Park Planning Board - Site Plan Approval; Clifton Park Zoning Board of Appeals – Area Variances and Special Use Permit. The plans indicate the following variances being required: front yard - to allow a 16-foot front yard as opposed to the 50-foot per §208-11; front yard building Setback from centerline of Route 146A – to allow a 65-foot setback as opposed to the 100-foot setback required per §208-98; number of structures per lot – to allow two structures rather than the one permitted. The proposed plans do not include provisions for water and sewer. The adequacy of the existing facilities to provide water and sanitary service for the proposed plan should be reviewed and verified prior to allowing a use other than that for which it was originally designed. The driveway to the parcel extends onto the neighboring parcel. An easement should be obtained or the driveway configuration revised.

Mr. Karam asked if the septic failure that was reported at the last meeting was still a problem. Mr. Nicholson stated that the septic design would require a design similar to that required for a single-family home. The owner was willing to submit detailed plans to Clough, Harbour, and Associates for approval. Mr. Karam also asked that the plan reflect the proper property boundary. Mr. Larkin said that he found the project easier to approve since the owner resided on the property. He asked Mr. Pelagalli if the Board could impose a condition that would require owner occupancy of one of the buildings at 865 Route 146A as a condition of approval of the Special Use Permit. Mr. Pelagalli advised that such a condition would be nearly impossible to enforce. Mr. d'Amico asked that his position be noted – he stands opposed to approval of the Special Use Permit that would allow the existing “barn” to be renovated to create a two-family dwelling. Mr. Bulger stated that he would approve the application conditioned upon Clough, Harbour, and Associates’ review and approval of the septic design.

Mr. Russell moved, seconded by Mr. Larkin, to establish the Planning Board as Lead Agency for this application, an unlisted action, and to issue a negative declaration pursuant to SEQRA. Ayes: Larkin, Pace, Karam, Marzola, Russell, Bulger. Noes: d'Amico.

Mr. Bulger offered Resolution #13, seconded by Mr. Marzola to approve this Special Use Permit application that would permit the renovation of an existing building on this property to create a two-family dwelling. Ayes: Larkin, Pace, Karam, Marzola, Russell, Bulger. Noes: d'Amico.

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. Bulger moved, seconded by Mr. Karam, to grant preliminary and final site plan approval conditioned upon the satisfaction of comments offered by Mr. Kemper and Mr. Grasso and the sign-off from Clough, Harbour, and Associates for the septic system. The motion was unanimously carried.

[2003-053] Mama Vee's, Inc. – Proposed 303 SF Addition, NYS Route 146 – Preliminary site plan review.

Mr. Russell recused himself from any comment and/or vote on this application.

Mr. VanGuilder, consultant for the applicant, explained that revisions to the project plan included redefinition of the eastern access, including the removal of one parking space, relocation of the asphalt curbing, and additional plantings. No change to the western access is proposed. He stated that the rear of the building will be uniformly resided, that the dumpster area will be cleaned up, and that additional plantings will be installed in front of the retaining wall at the front of the site. He noted that the expansion project will not change the number of restaurant seats. He also reported that the owner is working to secure formal parking agreements with adjoining property owners.

Mr. Kemper explained that the project last appeared before the Board on April 27, 2004 when the main concerns raised were the submission of executed agreements with adjoining owners for parking and the installation of additional plantings on the site. Sign-offs will be required from the Clifton Park Water Authority and the Saratoga County Sewer District.

Mr. Kemper reported that the ECC did not comment on this application. Mr. Grasso reported that all of Clough, Harbour, and Associates' comments have been addressed.

Mr. Larkin found the proposed plan acceptable. Mr. d'Amico observed that most restaurant patrons park in the Starburst parking lot: he emphasized the importance of securing easements from the adjoining owners. Members agreed that clean-up of the site was necessary, though they found the application generally acceptable.

New Business:

[2004-020] Fitzgerald, Patricia E. – Proposed (2) lot subdivision, Riverview Road – Conceptual review.

Mr. Dave Flanders, consultant for the applicant, stated that the original application submitted called for the subdivision of 6.97 acres of land in an R-3 zone into lots of 157,270 SF and 146,720 SF, respectively. The larger lot contains an existing residence: a second single-family residence is proposed for the smaller lot. Access for each lot is provided from Riverview Road. The lots will be served by individual wells and septic systems. The consultant explained that revised plans have been prepared in response to comments issued by the Town Engineer and now show lots of 181,200 SF and 122,800 SF, respectively. Though no stream crossing is planned, the proposed new driveway

crosses the NYSDEC buffer area: the applicant has applied for a NYSDEC permit.

Mr. Kemper explained that this project was removed from the May 11, 2004 meeting at the request of the applicant. The date of the wetland delineation must be depicted on the plans. The site should be investigated to determine if any ACOE wetlands are located on the site.

Mr. Grasso explained 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: Town of Clifton Park Planning Board – Subdivision Approval; NYSDEC – Wetlands Disturbance Permit, Stream Disturbance; Saratoga County Planning Board – Section 239 Referral. He offered a number of comments on the proposed subdivision. A drainage easement over the stream should be established in accordance with §179-25.G of the Town’s subdivision code. Soil investigations including deep test pits and percolation tests should be conducted in the area of the proposed wastewater disposal system to verify the adequacy of the soils to accept an on-site wastewater disposal system. The limits of any streams or wetlands within 100 feet of the edge of the tile field must be verified. Any existing wells or wastewater disposal systems within 200 feet from the proposed well or wastewater disposal system must also be shown to verify required separation. In accordance with §208-11 the minimum width at the building line shall be 200 feet. This will not be met at the minimum front setback line, as such; the line at which it is to be met must be shown for both lots. The building setbacks and yard requirements should be shown for the existing residence to ensure that the subdivision will not create a non-conforming lot. Location of the proposed well and on-site sanitary sewer systems should be shown. The systems must be designed by a New York State licensed professional engineer conforming to the requirements of the New York State Department of Health. In accordance with §208-69.3, for subdivisions of land within an LC zone, the applicant must furnish sufficient information to demonstrate that the proposed activity is not a detriment to the wetlands. The applicant should refer to this section for further information. The drive for “Lot B” appears to encroach on an adjoining parcel owned by Gerald and Mary Harwood. The driveway to the parcel extends onto the neighboring parcel. An easement should be obtained or the driveway configuration revised. In accordance with §179-8 of the subdivision code, future submissions should include, but not be limited to, contours at five foot intervals, setback and yard requirements for both parcels, and flood hazard areas.

Mr. Grasso stated that most engineering concerns were addressed in the revised plan presented at this evening’s meeting. He did ask that Mr. Flanders verify that the distance from the pond on the adjoining property to the proposed septic system and well meet all separation requirements.

Board members found the application acceptable.

[2004-029] Country Club Acres – Proposed (18) lot subdivision, Grooms Road and Vischer Ferry Road – Conceptual review.

Mr. Joe Bianchine, consultant for the applicant, presented this application that calls for the subdivision of 18.5 acres of land located along the northerly bounds of Grooms Road and the easterly bounds of Vischer Ferry Road that is currently zoned R-1, B-3, and LC. The 18.5 acre parcel will be created by merging two parcels: one currently owned by Country Club Acres: the other is owned by William Cole. Mr. Bianchine explained that the project has several components. The first and largest is the creation of a 15-lot subdivision on a new 1,000 foot long cul-de-sac which will be dedicated to the Town. The lots will be served by the Clifton Park Water Authority and the Saratoga County Sewer District which maintains lines along the southerly right-of-way of Grooms Road. Connection will be made to the existing force main via grinder pumps. The lots will have a minimum area of 20,000 SF and will conform to all other lot criteria for the zoning districts in which they are located.

The second component is a 29,575 SF parcel of land that will be conveyed to the Vischer Ferry Road Fire District. This parcel will increase the depth of the present Vischer Ferry Fire District lot by approximately 100 feet and will increase the width by approximately 70 feet. The third component is the creation of a homestead lot to go with the existing home owned by William Cole located on the easterly side of Vischer Ferry Road. The parcel would have approximately 560 feet of frontage and an area of 2.66 acres of land. A 1.8 acre parcel located within the 18.5 acres will be deeded to Stewart's Ice Cream Co., Inc. by a separate contract: it is not to be considered a part of this application. The remaining land between Vischer Ferry Road and the Mill Creek Subdivision will contain the stormwater management area for the residential subdivision.

The consultant offered a description of the property, stating that there is a classified stream that meanders through the lands to be retained for the homestead parcel and the stormwater management area. The stream and its accompanying 50-foot buffer will be protected during all phases of construction. The site also contains 3.5 acres of federal wetlands that have been flagged and located. All wetland areas will be located on the lands to be conveyed to the fire district, the lands to be retained for the homestead parcel, and the parcel containing the stormwater management area. No federal wetlands will be located within the 15-lot subdivision. The project will comply with all Stormwater Prevention Plan and erosion control guidelines and a SPDES general permit will be applied for prior to the beginning of construction.

Mr. Kemper offered a number of comments based upon his review of the conceptual project plan. The Saratoga County Sewer District submitted comments in a memo dated May 27, 2004: "Sewer service will be privately owned grinder pumps for the individual lots. Sanitary sewer service should be reviewed in conjunction with Clifton Parks Vischer Ferry Corridor Improvement Plan." A wetland delineation should be performed to determine the extent of any NYSDEC or ACOE wetlands. The applicant should explore the possibility of providing a pedestrian access to the Wishing Well Subdivision and to the trail infrastructure in the Vischer Ferry Road Corridor. The applicant should clarify whether or not the homeowners in the Mill Creek subdivision have been notified regarding the possible transfer of lands from the Cole property to their existing lots on Wildflower Way. Sign-offs will be required from the Clifton Park Water Authority and

the Saratoga County Sewer District. This project is a Type 1 action and, as such, coordinated review is required. A full EAF must be submitted.

Mr. Grasso explained that Clough, Harbour, and Associates reviewed this application and offered a number of comments. The project site includes a significant segment of Mill Creek which is a NYSDEC protected water course. As such, it is afforded protection through the Town's LC-Land Conservation zoning district. The proposed subdivision does not adequately protect this sensitive resource. It is recommended that any clearing or grading work be prohibited below the 310 contour. Given this site's proximity to the Vischer Ferry/Grooms Road intersection which is being developed with commercial and high density residential uses, consideration for a more intensive residential hamlet style development should be considered. Clustering the development could allow higher density and further protect the Mill Creek drainage corridor. A jurisdictional determination should be made by NYSDEC regarding the wetlands on the site, as this may impact the limits of the LC-Land Conservation zoning district. The engineering firm recommends that the entire LC zone, wetlands and areas on the west side of proposed Lots #10, 11, 12 and 13 below elevation 309 be dedicated to the Town as open space. The proposed lot additions to the Mill Creek subdivision are not recommended.

Mr. Grasso also stated that the project will benefit from and use reserve capacity within the municipal sanitary sewer and water supply systems that were installed as part of the Vischer Ferry Road Corridor Capital Improvement Plan (CIP). As such, in order to mitigate this project's impact on those facilities the respective mitigation fees should be applied. As discussed during the subdivision review, there is a strong need for a pedestrian connection from the existing trail system within the Wishing Well subdivision to the commercial development at the Vischer Ferry Road/Grooms Road intersection, as well as to subdivisions along Grooms Road. This development will increase that need. It is recommended that a sidewalk/multiuse pathway be proposed along the Vischer Ferry Road frontage from Four Leaf Manor to Grooms Road and along Grooms Road to the proposed Town road. In addition, an additional ten feet of right-of-way should be dedicated to the Town across the remainder of the project frontage of Grooms Road for future extension of the multiuse pathway system. According to Section 208-98 of the Town Zoning Code, no building shall extend nearer to the centerline of Grooms Road than 100 feet in a residential district. The building setback lines along Grooms Road for Lot #1 should be shown on the plan. According to Section 208-11 c. of the Town Zoning Code, the minimum width of all lots at the front building line along Grooms Road shall be 200 feet in all residential districts. It appears that Lot #1 does not comply with this section. The proposed method of sanitary sewer service should be shown. A gravel access drive should be provided from the proposed public roadway to the proposed stormwater management area to facilitate future maintenance.

Mr. Grasso explained that because 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 – Acceptance of Wastewater Flows
 - Saratoga County Planning Board – Section 239 Referral
 - Saratoga County 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, SPDES Permit for Stormwater Discharges Associated with Construction Activity
- A Full Environmental Assessment Form (FEAF) should be submitted for review. Mr. Grasso recommended that no SEQR determination of environmental significance be made until the FEAF has been reviewed.

After a brief discussion regarding the location of the multi-use pathway connection, it was decided that a connection along Vischer Ferry Road north from its intersection with Grooms Road to the entrance to Wishing Well would be most practicable.

Mr. Bianchine addressed a number of the comments offered by Clough, Harbour, and Associates. The consultant rejected the recommendation that no development be permitted below the 310 foot contour because such a restriction would mean a loss of three (3) building lots. He also found the recommendation that a “cluster” design be considered unacceptable since the applicant would like to construct traditionally-sized single-family homes. The applicant will contribute the required CIP fees as assessed by the Board and the pedestrian connection will be installed as approved with the final plan.

Mr. Larkin commented on the “unique nature” of Grooms Corners and the “hamlet approach” that was discussed during review of the Stewart’s Ice Cream Company’s application for a small plaza on lands surrounding the existing Stewart’s Shop. He asked that sidewalks, street lights, and additional tree plantings be provided within the development and the Grooms Corners’ neighborhood. A discussion regarding the submission of a “cluster” plan resulted in the comment by Mr. Kemper that such a plan would require a variance from the Zoning Board of Appeals since legislation requires a minimum 20-acre parcel for submission of an application for approval of a cluster design.

Mr. d’Amico called the Board’s attention to the fact that Stewart’s Ice Cream Co. has a pending application for a small retail plaza on lands adjacent to this proposed subdivision. Substantial buffering was recommended to screen proposed residences from the adjoining commercial site. Members discussed the viability of a combined access that would serve the two uses. Though no consensus was reached, it seemed that members agreed that ingress and egress from a commercial site to a residential street was not desirable. Mr. Bulger suggested that elimination of Lot #15 may be necessary to ensure that an adequate buffer is provided between this subdivision and the uses on the adjoining property. He stated his preference for the transfer of L-C zoned lands to adjoining property owners rather than the conveyance of these lands to the Town. He encouraged all Board members to visit the site to determine if Clough, Harbour, and Associates’ recommendation regarding the restriction of development below the 310 foot contour was reasonable. He also asked the applicant to consult with Mr. Lewis, Stewart’s representative, regarding the proposed expansion of their complex.

[2004-030] Country Club Acres – Proposed (3) lot subdivision, Carlton Rd – Conceptual review.

Mr. Dave Flanders, consultant for the applicant, presented this application that calls for the subdivision of 4.28 acres of land at Carlton and VanPatten Drive into three (3) single-family residential lots of 1.41 acres, 1.32 acres, and 1.53 acres, respectively. The lots will connect to the Clifton Park Water Authority and to the C K Sanitary system. The applicant proposes the conveyance of a two-foot strip along the easterly property boundary to adjoining owners Jeffrey and Lisa Vedder to eliminate a problem with an existing encroachment. Access will be provided directly from Carlton Road to the proposed residence on the 1.41 acre site and via a combined drive with a 20-foot wide ingress/egress and utility easement for the remaining parcels. In response to Clough, Harbour, and Associates' comments, Mr. Flanders stated that the applicant is willing to convey a 10' strip along Carlton Road to the Town for future road improvements. He also reported that the existing buffer area along the railroad track will remain. The applicant will consider alternative locations for the driveways, including the use of a single driveway that would serve all three lots.

Mr. Kemper provided several comments on this application. The Saratoga County Sewer District submitted the following comments in a memo dated May 27, 2004: "The proposed lots will discharge to a line currently owned by CK Sanitary, which is proposed for dedication to SCSD as part of the Fairway Woods Subdivision." Don Clemens, Director of Building and Development, submitted the following comment: "It should be noted that portions of this site were used for a construction dump for many years. The site was capped about 10 years ago with several feet of fill brought in when the Knolltop subdivision was developed. I would believe that investigation of the site would be necessary." Sight distance information for the proposed driveways must be depicted on the plans. A shared access drive should be utilized for all three lots.

Mr. Kemper stated that the ECC had no comment on this application.

Mr. Grasso offered a number of comments regarding this application. The proposed project appears to be an "Unlisted" action pursuant to SEQR, and as such, coordinated review is optional. Involved agencies are expected to include the following: Town of Clifton Park Planning Board – Subdivision Approval; Town of Clifton Park Zoning Board of Appeals – Use Variance. The proposed subdivision is located within the B-2 zoning district. Pursuant to §208-32 of the Zoning Code, one and two family dwellings are not allowed in this district. It appears that a residential use of the property is appropriate. Sight distance is very poor along the frontage of the project site. The driveway location(s) should be located to optimize sight distance and the adequacy of sight distance should be verified at any proposed driveway location. It would appear that the best access point would be on the far west side of the site. Having a driveway across from Van Patten Drive is not desirable, as it gives the appearance of a four-way intersection. A common drive that serves all three lots may be required. Clough, Harbour, and Associates recommends that ten feet of additional right of way be conveyed to the

Town across the frontage for future roadway/trail improvements. The note for the sewer easement should be expanded to state to whom it is being granted to. Given the proximity of the easement to the residences, a hold harmless agreement should be provided. The approximate sanitary sewer connections should be shown on the plan. The location of the existing water service proposed for Lot #1 should be shown on the plan. In addition, the method of connection to the existing watermain and the method of crossing Carlton Road should be specified on the plan. In accordance with §179-8 of the subdivision code, future submissions should include contours at no more than five foot intervals and proposed setbacks.

Mr. Karam asked that a note regarding the parcel's proximity to the railroad track be included on the plan and in the individual property deeds. Mr. Bulger identified the issues to be addressed by the applicant as a determination regarding the most practical location for the driveway(s): this decision must take sight distance into account. An assessment of the amount and type of materials deposited on the site must be made. Though the applicant agrees to excavate and remove such construction debris and other materials that may have been dumped on the site, Town officials should oversee the clean-up to ensure that all applicable laws are obeyed.

Minutes Approval:

Mr. Bulger moved, seconded by Mr. d'Amico, approval of the minutes of May 25, 2004 as written. The motion was unanimously carried.

Mr. Bulger asked that the July meeting be rescheduled to accommodate vacation schedules. Board members agreed that Wednesday, July 21, 2004 would be acceptable.

Mr. Bulger moved, seconded by Mr. d'Amico, adjournment of the meeting at 10:15p.m. The motion was unanimously carried. The next meeting of the Planning Board is scheduled for June 22, 2004.

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 #12
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 June 8, 2004, there were:

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

Absent:

Mr. Marzola offered Resolution #12, and Mr. Karam seconded, and

Whereas, an application has been made to this Board by Paulsen Development Group for approval of a subdivision entitled Lot Line Modification, Lots 21 and 23, Sunset Woods, 508 Grooms Road consisting of the transfer of 3,652 SF from Lot #21 Jarose Place to Lot #23 Jarose Place;

Whereas, pursuant to Section 276 of the Town Law, a public hearing was advertised and was held on June 8, 2004 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 June 8, 2004, 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 Lot Line Modification, Lots 21 and 23, Sunset Woods, 508 Grooms Road consisting of the transfer of 3,652 SF from Lot #21 Jarose Place to Lot #23 Jarose is hereby granted preliminary and final approval conditioned upon satisfaction of the comments offered by Mr. Kemper.

Resolution #12 passed 6/8/04

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

Noes: None

Steven J. Bulger, Chairman

Resolution #13

APPROVAL

Special Use Permit

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 June 8, 2004. there were:

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

Absent: None

Mr. Bulger offered Resolution #13 and Mr. Marzola seconded, and

Whereas, an application has been made to this Board by MRK Real Property LLC for approval of a Special Use Permit pursuant to Section 208-8B(a) and 208-79 of the Town Code to permit a two-family residence in an R-3 residential zone;

Whereas, pursuant to Section 276 of the Town Law a public hearing was advertised and was held on the 25th day of November in the Town Office Building,

Whereas, the Planning Board was established as Lead Agency for this application, an unlisted action, and a negative declaration was issued pursuant to SEQRA, 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 application of MRK Real Property LLC for approval of a Special Use Permit pursuant to Section 208-8B(a) and 208-79 of the Town Code to permit renovation of an existing building on this property to create a two-family residence in an R-3 residential zone is hereby approved.

Resolution #13 passed 6/8/04

Ayes: Larkin, Pace, Karam, Russell Marzola, Bulger

Noes: d'Amico

Steven Bulger,
Chairman