

Clifton Park Planning Board Meeting Minutes

October 26, 2004

Those present at the October 26, 2004 Planning Board meeting were:

Planning Board: S. Bulger, Chairman, T. Karam, A. Kramer, J. Larkin
J. Marzola, J. Russell
S. Pace arrived at 7:45p.m.

Those absent were: None

Those also present were: 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. Board members and all in attendance stood for recitation of the Pledge of Allegiance.

Public Hearings:

[2004-052] Paulsen, William F. – Proposed (2) lot subdivision, Waite Road and NYS Route 146A - Preliminary public hearing and possible determination.

Mr. Bulger called the public hearing to order at 7:10p.m. The Secretary read the public notice as published in the Daily Gazette on October 20, 2004.

Mr. Kevin Hastings, consultant for the applicant, presented this application that remains generally as presented at the October 13, 2004 Planning Board meeting. He explained that the comments received at that meeting have been addressed. The reference to R-3 zoning has been removed from the plans. Details regarding soil consistency, percolation rates, and pump test details have been provided to Clough, Harbour, and Associates for review and approval. He also explained that the maximum size of the sewage disposal system for each lot has been determined and is noted on the plan.

Mr. Kemper reported that this project last appeared before the Board on October 13, 2004 when the major issue of concern was the conflicting information presented regarding perc test results. At that time, the applicant agreed to meet with Clough, Harbour, and Associates to resolve the issue. The descriptions for the land to be deeded to the Town of Clifton Park for future road improvements must be submitted for review. The firm that performed the wetland delineation should be added to the plans. Postal addresses must be added to the plans.

In the absence of Mr. O'Brien, Environmental Specialist, Mr. Kemper reported that all ECC comments had been addressed for this project. Mr. Grasso stated that all comments issued by Clough, Harbour, and Associates have been satisfied.

There being no public comment, Mr. Bulger moved, seconded by Mr. Karam, to close the public hearing at 7:12p.m. The motion was unanimously carried.

In response to Mr. Bulger's question regarding the conveyance of additional right-of-way for future road improvements, Mr. Grasso noted that a 10' wide strip is proposed for dedication to the Town to provide for proposed on-road trail routes. Mr. Larkin's questions concerned the resolution of the issues raised at the last meeting regarding the ability of the soils on site to accept the installation of septic systems. Mr. Grasso explained that the details on the plan have been revised to specify the 5-30 minutes per inch for the soil percolation rate. He stated that the consistency of the soil material that was placed more than two years ago was considered acceptable for a fill type sewage system and, as evidenced by the soil testing reports, possesses the qualities necessary to meet NYSDOH standards. Mr. Grasso also explained that the wells must be located at least 10 feet from a property boundary and must be located at least 100 feet from a septic system. Addressing the issue of the sizing for sewage disposal systems, Mr. Hastings stated that proposed Lot #1 will support a three bedroom home; Lot #2 will support a four bedroom home. Mr. Bulger asked that the wetland boundaries be illustrated on the plans. Mr. Hastings reported that the boundaries are clearly shown on the plan: there will be no disturbance of designated areas.

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

Mr. Karam, offered Resolution #25, seconded by Mr. Kramer, to waive the final hearing for this application and to grant preliminary and final subdivision approval conditioned upon the satisfaction of the comments offered by Mr. Kemper. Ayes: Kramer, Larkin, Karam, Marzola, Russell, Bulger. Noes: None.

[2004-0043] Zeronda, Elizabeth – Proposed two-family residence in an R-1 zone, 24 Linden Court – Preliminary public hearing for Special Use Permit and site plan and possible determination.

Mr. Bulger called the public hearing to order at 7:17p.m. The Secretary read the public notice as published in the Daily Gazette on October 20, 2004.

Mr. Kemper presented this project proposal that calls for the construction of a 30' x 30' addition to an existing residence in the Clifton Gardens subdivision. The renovation will include re-roofing and residing the existing residence to insure a cohesive appearance.

Mr. Kemper reported that when the Board reviewed this application on September 15, 2004, they found the plan acceptable.

Mr. Kemper reported that the ECC reiterated previous comments. The Commission asked that the following standard statements should be adhered to during the project:

- 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. Grasso stated that Clough, Harbour, and Associates offered no comment on this application.

Mr. Joseph Pitkin, 26 Linden Court, stated that the notification letter that was sent to adjoining property owners described the addition as being 24' x 30'. He was concerned that the plan presented at the meeting showed a 30' x 30' building addition. He was also concerned that the addition, though now built to accommodate members of the same family, could eventually become a second residential dwelling and offered for lease. Mr. Pitkin feared that the neighborhood of single-family homes would become a neighborhood of two-family homes. The speaker also asked if the proposal was in conformance with required setbacks and zoning regulations.

Mr. Kemper explained that the project did comply with existing zoning regulations, noting that the required 10 foot side yard setback was illustrated on the plan.

Mr. Bulger responded to Mr. Pitkin's concerns, stating that the project as presented is permitted by Town law: the two-family use is permitted via the Board's granting of a Special Use Permit. Mr. Pelagalli confirmed Mr. Bulger's explanation, stating that the Board may not limit approval to an in-law or family situation.

There being no further public comment, Mr. Bulger moved, seconded by Mr. Russell, to close the public hearing at 7:25p.m. The motion was unanimously carried.

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

Mr. Kramer offered Resolution #26, seconded by Mr. Larkin, to approve this Special Use Permit that will permit the construction of a two-family dwelling in an R-1 zone as presented. Ayes: Kramer, Larkin, Karam, Marzola, Russell, Bulger. Noes: None.

Mr. Larkin commented that although the Board shared the concerns of the Pitkins regarding "incremental growth," he explained that the Board is restricted by the zoning code that currently permits construction of two family residences in an R-1 zone through the Special Use Permit approval process. He commented that the Board attempts to assure that the proposed construction will be "aesthetically pleasing" and reflect the character of the neighborhood.

The Board then addressed the site plan approval.

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

Mr. Larkin moved, seconded by Mr. Kramer, to grant preliminary and final site plan approval conditioned upon the satisfaction of the comments offered by Mr. Kemper. The motion was unanimously carried.

Old Business:

There was no old business scheduled for this evening's meeting.

New Business:

[2004-053] Sambrook, Scott – Proposed (3) lot subdivision of the Lands of Elmer Simmons, Plank Road – Conceptual review.

Mr. Dave Flanders, consultant for the applicant, presented this proposal for the Board's consideration. The applicant proposes the subdivision of 2.73 acres on the west side of Plank Road in an R-1 zone into lots of 37,169 SF, 31,730 SF, and 50,100 SF, respectively. Water service will be provided by the Clifton Park Water Authority. The applicant proposes to connect to the existing Saratoga Country Sewer District line on Bear Brook Court. All required building setbacks will be respected. Access will be provided for each proposed single-family residence to Plank Road, though the applicant has no intention of building on the center lot at this time.

Mr. Kemper offered several comments on this application. Postal addresses must be added to the plans. Sign-offs will be required from the Clifton Park Water Authority and the Saratoga County Sewer District. Mr. DiPasquale, Director at the Saratoga County Sewer District has sent a letter that states that "information on accessing existing sewer lines must be submitted in compliance with the District's Rules and Regulations for review, construction, and acceptance of flows." Details need to be provided on the sanitary sewer connection. The clearing limit lines should be illustrated on the plans. Topographical information must be included on the plans. Since there is no proposed house location for Lot #2, the applicant should clarify whether or not a residence will be constructed on the lot. Sight distances must be illustrated on the plans.

Mr. Kemper reported that the ECC asked that the following standard statements be added to the plot plan:

The borders of all land that is to remain undisturbed shall be clearly marked♣ on the site before site preparation begins. These on-site boundary markers shall remain until construction is completed and soils are stabilized.

All erosion and water quality controls shall be put into place at the initial♣ phase of site preparation and shall be maintained until all construction ends and soils are stabilized.

The applicant will control fugitive dust and debris during the construction/demolition phase of the project.

Mr. Grasso reported that Clough, Harbour, and Associates reviewed the proposed subdivision plan and offered the following comments. The proposed project appears to be an “Unlisted” action pursuant to SEQR, and as such, coordinated review is optional. Involved agencies are expected to include the following: Town of Clifton Park Planning Board – Subdivision Approval. The routing of the proposed utility connections should be shown on the plan. The application indicates that sanitary sewer service is to be provided from Bear Brook Court. A minimum 30 foot wide utility easement should be provided for the service. Five foot contours should be provided on the plan to determine the adequacy of the proposed home locations and evaluate potential impacts to adjacent properties. Portions of Plank Road have road side drainage ditches. If ditches are present in this area, adequately sized driveway culverts should be provided. The sight distance at the proposed driveway locations should be verified.

Mr. Grasso stated that an investigation of the soils on the parcel would be required if the applicant found it necessary to install individual septic systems.

Mr. Bulger asked that the need for additional right-of-way along Plank Road for future road improvements be explored. Mr. Karam asked about ownership of the “farm” that operates across the road from this project. It was determined that the applicant is not the owner of record for the farm. Mr. Bulger noted that the area along Plank Road is a favorite stopping place for families watching the farm animals. He suggested that “No Parking” signs along the Simmons property may be necessary to discourage parking along the south side of the road. Board members discussed the proposed connection to the existing sewer line on Bear Brook Court. Such a connection would require the installation of a public line across private property: the Saratoga County Sewer District generally finds such an arrangement unacceptable. To date, the consultant has not secured easements from property owners along Bear Brook Court. It was recommended that Mr. Flanders attempt to secure easements and approvals for connection to the existing sewer before initiating soils investigations. Mr. Flanders found this suggestion reasonable and agreed to revise the plan in accordance with the comments and recommendations offered at the meeting.

[2004-054] Jerome, Andrew – Proposed (2) lot subdivision and land transfer, Crescent Road – Conceptual review.

Mr. Gil VanGuilder, consultant for the applicant, presented this application for consideration. The project concerns land in an R-1 zone located on the south side of Crescent Road opposite Dutch Meadow Drive. The lands of Schwarzer that currently total 6.71 acres will be subdivided into lots of 1.21 acres and 3.37 acres, respectively. The smaller parcel will contain an existing single-family residence while the larger will provide for the construction of a new single-family residence. The proposal also includes a transfer of 2.13 acres of land from the parcel owned by Schwarzer to the adjoining property owned by Jerome. The new building lot will be served by an on-site well and

septic system. Mr. VanGuilder explained that although it appears that soils will readily accept a standard septic system, information from test pits and percolation rates will be provided for review. The consultant explained that a variance will be required from the Zoning Board of Appeals for lot width for Lot #1 since zoning regulations require 200 feet of frontage along Crescent Road. Mr. VanGuilder believes that this variance will be readily approved because of the significant area of the parcels.

Mr. Kemper explained that all wetlands located on the parcel must be delineated. He noted that the acreage depicted on the application form differed from the amount of acreage shown on the subdivision map. Mr. VanGuilder explained that the original survey work incorrectly plotted the proposed house location rather than the property boundary resulting in the discrepancy between the original application and the map. The plan presented at this evening's meeting accurately depicts the proposed subdivision. Descriptions for the land to be transferred must be submitted for review. Contours must be illustrated on the plans. The plan should clarify whether or not there is a shared access driveway proposed for Lots #1 and 2.

Mr. Kemper read the prepared memo from Mr. O'Brien that contained comments from the ECC. The Commission asked that the following standard statements be added to the plot plan:

- The borders of all land that is to remain undisturbed shall be clearly marked on the site before site preparation begins. These on-site boundary markers shall remain until construction is completed and soils are stabilized.
- All erosion and water quality controls shall be put into place at the initial phase of site preparation and shall be maintained until all construction ends and soils are stabilized.
- The applicant will control fugitive dust and debris during the construction/demolition phase of the project.
- This parcel (subdivision) is located in an area where aviation activity occurs. Such activity may include, but is not limited to periodic noise, vibration, hours of operation and other associated activities. A study describing this impact in detail is available for inspection in the office of the Albany International Airport.

Mr. Grasso reported that Clough, Harbour, and Associates offered the following comments. The proposed project appears to be an "Unlisted" action pursuant to SEQR, and as such, coordinated review is optional. Involved agencies are expected to include the following: Town of Clifton Park Planning Board – Subdivision Approval; Town of Clifton Park Zoning Board of Appeals – Area Variance (width at building line). 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 existing wells or wastewater disposal systems within 200 feet from the proposed wells or wastewater disposal systems must also be shown to verify required separations. Contours at a minimum of 5 foot intervals should be shown on the plan. The future intention of the driveway on Lot #2 should be specified on the plans. If the driveway is to remain, an ingress/egress easement should be provided to Lot #1.

Board members found the plan generally acceptable, though they recommended that there be no further subdivision of the property. Mr. Bulger asked about the feasibility of obtaining a strip of land for the trails network. Mr. Schwarzer stated that it would not be possible to install a trail on the south side of Crescent Road due to the steep slopes along the road. In response to Mr. Bulger's question regarding wetlands, Mr. VanGuilder explained that there were no NYSDEC wetlands on the property: he will walk the property to determine if there are any indications of federally jurisdictional wetlands.

[2004-056] Hockford, LeHuong – Proposed (3) lot subdivision, NYRoute 146A - Conceptual review.

Mr. Gil VanGuilder, consultant for the applicant, presented this application that calls for the subdivision of 14.31 acres of land in an R-1 zone on the westerly side of NYS Route 146A approximately ¼ mile north of the intersection of NYS Route 146 and NYS Route 146A into lots of 1 acre, 1.25 acres, and 12.06 acres, respectively. The applicant owns and resides in the existing residence on the 1 acre parcel. The existing home is connected to public water lines: the new lots will also connect to municipal water service. The existing home is served by an existing septic system. Though septic systems designed by a NYS Professional Engineer were originally proposed for the new lots, plans now call for connection to the existing manhole via a low pressure connection. An area variance was granted in 1995 for Lot #638 to be of substandard width as required by Section 208-98 of the zoning code. A combined driveway from NYS Route 146A will provide access to the two new lots. Mr. VanGuilder explained that the Sterling Heights subdivision has been developed directly south of the Hockford parcel. A right-of-way provided in that subdivision may allow for the future subdivision of the largest lot.

Mr. Kemper offered comments on the proposed subdivision plan. The details regarding the area variance that was granted in 1995 should be provided on the plans. If Lot #2 is proposed to be further subdivided in the future, a wetland delineation will need to be performed on the entire parcel. A description for the ingress/egress easement must be submitted for review. Clearing limit lines and topographical information must be illustrated on the plans. Postal addresses must be added to the plans and be appropriately referenced in note #6. The applicant should explore the possibility of connecting to the public sewer system. The additional right-of-way required for the construction of the multi-use path should be provided as part of this application. A NYSDOT curb cut permit will be required.

Mr. Kemper reported that the ECC offered a number of comments regarding this application. The applicant should explore the connection to public sewer for this project. The applicant must delineate all federal wetlands on the parcel. The applicant should explore with the Town what role this parcel might play in the Town Open Space Plan and trail network. This property exists in close proximity to a Fire Station and may be subject to periodic siren noise and other related activities and this should be noted on the plot plan. 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.
- This parcel (subdivision) is located in an area where aviation activity occurs. Such activity may include, but is not limited to periodic noise, vibration, hours of operation and other associated activities. A study describing this impact in detail is available for inspection in the office of the Albany International Airport.

Mr. Grasso offered several engineering 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; Saratoga County Planning Department – Section 239 Referral; NYSDOT – Curb Cut Permit. 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 existing wells or wastewater disposal systems within 200 feet from the wastewater disposal systems must also be shown to verify required separation. In order to accommodate future planned highway or pedestrian improvements along Route 146A necessary to address the cumulative impacts of development; it is recommended that additional right-of-way be provided along Route 146A so that there is a minimum of 25 feet from the edge of pavement to the right-of-way line. Based on the survey provided, this will result in a sliver of property beginning at a point in front of the house and widening to approximately fifteen feet wide at the northern property line. The development of Sterling Heights subdivision to the south of the proposed subdivision provided a right of way for a future town road or pedestrian path to connect to the parcels to the north. The Board should consider if a similar right-of-way should be incorporated into the project. It is recommended that the existing driveway be relocated off of the proposed common driveway. This could be done at the time of development of the two proposed residential lots.

Mr. Grasso emphasized the importance of obtaining the road-widening land conveyance since design plans for the multi-use trail along this portion of NYS Route 146A are being prepared. Board members discussed Mr. Grasso’s recommendation regarding the relocation of the existing driveway. Mr. Bulger stated that he was not as concerned with the existing driveway location as he was that the Town obtain the recommended additional land conveyance. Board members appeared to agree with his preference.

[2004-055] New York Development Company – Proposed (22) lot subdivision, Vischer

Ferry Road – Conceptual review.

Mr. Gil VanGuilder, consultant for the applicant, presented this application that calls for the subdivision of 26.95 acres of land in an R-1 zone on the east side of Vischer Ferry Road approximately 500 feet north of the Vischer Ferry Road/Greelea Drive intersection. The development site is located on land formerly occupied by Oranacah Farms. A 22-lot subdivision accessed by approximately 1,200 linear feet of town road ending in a cul-de-sac is proposed. The single-family residences will be served by the Clifton Park Water Authority and the Saratoga County Sewer District #1. All stormwater will be managed and treated on-site in accordance with NYS Department of Environmental Conservation standards and regulation. A NYSDEC wetland and its designated 100' buffer have been delineated along the northern property boundary. Mr. VanGuilder explained that the applicant would like to employ narrower road widths and 30' front yard setbacks that are characteristic of "cluster" designs. The consultant reported that the lay-out as presented requires no wetland crossings and no disturbance of designated wetland areas. He explained that this is significant because this entire parcel and many contiguous land parcels were once united under single ownership. The applicant was concerned that incremental wetland disturbances that have occurred in the past few years would make approvals for the wetland crossing from this parcel to Redfield Drive unacceptable and undesirable.

Mr. Kemper offered several comments regarding this application. The project is a Type 1 action under SEQRA, and, therefore, coordinated review is required. The project is adjacent to the Vischer Ferry Road GEIS study area: appropriate mitigation fees will be required. Mr. Kemper received the following comments from Jim DiPasquale, Director of the Saratoga County Sewer District: "information on accessing existing sewer lines and impacts on available system capacity needs to be submitted in compliance with the District's Rules and Regulations for review, construction, and acceptance of flows. A Saratoga County DPW work permit will be required. The application proposes more than 18 lots on a single access. He noted there was a stub street provided as part of the Wyncrest subdivision to allow for access to this parcel. The application was referred to the Saratoga County Planning Board on October 7, 2004. The proposed layout does not take into account the features of the site that make it unique. Mr. Kemper recommended that the existing residence be removed and that a cluster layout designed to accommodate the pond and other unique features on the site. Walking trails and other recreational amenities should be added to the plans. The stormwater management area should be incorporated as part of the design of the subdivision rather than placed in the back corner of the parcel. The proposed road is placed immediately adjacent to the neighboring property. Sight distance should be illustrated on the plans. NYSDEC wetlands should be delineated on site.

Mr. Kemper read the ECC comments. The applicant should incorporate some form of permanent buffering between any proposed home and the NYSDEC wetland and stream. The applicant should perform soil tests to insure pesticide residue levels do not exceed state and federal guidelines. The applicant should redesign the subdivision to utilize existing access on Redfield Park to provide dual access to this subdivision. This parcel

(subdivision) is located in an area where aviation activity occurs. Such activity may include, but is not limited to periodic noise, vibration, hours of operation and other associated activities. A study describing this impact in detail is available for inspection in the office of the Albany International Airport.

Mr. Grasso explained that Clough, Harbour, and Associates identified a number of engineering concerns and he offered the following comments and recommendations. The adjacent residential subdivision to the north, formerly known as Redfield Acres appropriately provided a right-of-way stub to the proposed project site in order to avoid the need for another access point onto Vischer Ferry Road. When the Redfield Acres project was designed, an emergency access drive to the well control building was provided. Section 179-25-H of the subdivision regulations states that “where a subdivision is proposed with more than 18 dwelling units, two means of access must be provided.” The engineering firm suggests that the drive to the well control building which is controlled by the Town meets the intent of the regulation and provides an appropriate level of emergency access. As such, another public road access onto Vischer Ferry Road may not be required. The proposed method of water and sanitary sewer provisions should be shown on the plans. It should be noted that gravity sewer does not exist on Vischer Ferry Road.

Mr. Grasso commented on wetland issues and site drainage. Jurisdictional determination letters regarding wetlands should be provided by the ACOE and NYSDEC. It is recommended that the entire L-C (Land Conservation) zoned areas be dedicated to the Town as open space. Such a strip will lie adjacent to other open space created as part of the Redfield Acres subdivision. The crossing of the L-C zone with a Town road is permitted in the zoning regulations and does not trigger the need for a variance. A 25’ drainage easement should be provided to the Town of Clifton Park over the stream along the northern property boundary.

Mr. Grasso asked that future plan submittals include the amount of lot acreage, existing contours, proposed house and driveway locations, and the Land Conservation zoning district boundary. He also noted that 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; 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, SPDES Permit.

The Town Engineer reported that although the project is located outside the limit of the Vischer Ferry Road GEIS Study Area, it appears that this project will connect to water and sewer facilities within the corridor that were installed as part of the Capital Improvement Plan. Because the proposed development will utilize reserve capacity within those improvements, the Town may wish to require that the respective water and sewer mitigation fees be applied. The respective fees would be as follows:

- Sanitary Sewer 22 EDUx \$3314/EDU = \$72,908
 - Water Distribution 22 EDUx \$1728/EDU = \$38,016
- Total: =\$110,924

Mr. Grasso's final comment concerned the Full Environmental Assessment Form (FEAF). He offered the following comments:

- A.2 - It would be likely that the wetland area would consist of more acreage than the water surface area.
- B.1.i – Typical homes are greater than 15 feet in height.
- B.25 – Site plan approval is not required.
- C.2 – The site also contains the L-C zoning district.

Board members identified several issues of concern. Mr. Larkin commented on the proposed access to Vischer Ferry Road, stating that the applicant should more seriously consider utilizing the connection to Redfield Park. Mr. VanGuilder explained that Sheryl Reed, Chief of the Bureau of Fire Prevention, would not approve the development of additional lots that would access only Redfield Park. Mr. Karam found the project too intense for the site, noting that he was concerned about the orientation of the homes adjoining Vischer Ferry Road. He encouraged the applicant to incorporate trails and other amenities into the design plan. Mr. VanGuilder stated that the required setback from Vischer Ferry Road is 100 feet; such a setback would minimize the visual impact from that major thoroughfare. Mr. Bulger asked that the applicant consider a cluster design: this would provide open space areas that would be beneficial to all residents of the community. Mr. VanGuilder explained that, as currently proposed, the plan meets all R-1 standards. He also stated that the applicant prefers to maintain "privately-owned" open space. Mr. Karam observed that this would make public access impossible. In response to Mr. Larkin's question regarding the size of the proposed homes, Mr. VanGuilder reported that the homes would likely be 2,500 SF to 3,000 SF in size. Mr. Kramer recalled the pleasures of picking strawberries on the parcel now slated for development and he asked that a "link between the past and future" be provided by the conveyance of open space to the Town to allow for trail development. Board members were also concerned about the status of the existing buildings on the parcel. While some of the farm buildings will be dismantled and removed, one existing residence will remain. The existing residence was described by the applicant as "attractive;" there are no plans for its demolition. Wetland boundaries and impacts should be clearly indicated on the plans. Mr. Bulger summarized the Board's concerns, listing the access location, intensity of the project, and open space considerations as items to be addressed by Mr. VanGuilder and his client.

Minutes Approval

Mr. Bulger moved, seconded by Mr. Larkin, approval of the minutes of the meeting of October 13, 2004 as written. Ayes: Kramer, Larkin, Pace, Marzola, Russell, Bulger.
Noes: None. Abstained: Karam

Discussion Items

Mr. Kemper called the Board's attention to the Saratoga County Planning and Zoning Conference to be held on January 27, 2005 at the Prime Conference Center in Saratoga Springs. He encouraged all members to attend the half-day session since the County Planning Board will be introducing a certification program for Planning and Zoning Board of Appeals members. Board members should contact the Planning Department if they intend to participate in this program.

Mr. Bulger called the Board's attention to recent editorials published in the Daily Gazette that focused attention on those business owners who failed to comply with the conditions of approval for site plans and subdivisions. He explained that the Town Board is considering the adoption of stricter regulations to insure continuing compliance with Board decisions.

[2003-072] Brooks Heritage

Mr. VanGuilder presented information regarding the traffic study that was prepared for the Brooks Heritage subdivision on Ushers Road. He explained that the results indicated that the sight distance could be based on a 48mph 85% design speed. Because the state now accepts ASHTO standards, the sight distance that was originally required may be reduced. Mr. VanGuilder reported that adequate sight distance could be achieved by the removal of one tree from the right-of-way. Safety would be increased by the additional removal of three trees that lie beyond the right-of-way but that are located on town lands that were conveyed to the Town when the Stonegate subdivision was approved. As mentioned at the previous Board meeting, this area was set aside specifically for road improvements. Though the proposal formerly called for regrading of the area, the sight distance issues can now be addressed more simply by the removal of trees. Mr. VanGuilder reported that the developer of the proposed subdivision would be responsible for removal of the trees.

Mr. Grasso explained that he had reviewed the traffic report and found that the proposed mitigation measures were acceptable. He recommended that all four trees be removed to improve traffic safety and increase sight distance. Board members, aware of the public's interest in maintaining the trees along Ushers Road, appeared divided on the issue of tree removal, though they all agreed that the one tree located within the right-of-way should be removed. The Board agreed to re-consider the tree removal issue upon resubmission of the application.

Mr. Bulger moved, seconded by Mr. Marzola, adjournment of the meeting at 9:15p.m. The motion was unanimously carried. The next meeting of the Planning Board is scheduled for November 9, 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 #25

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 October 26, 2004, there were:

Present: S. Bulger, Chairman, J. Larkin, T. Karam, A. Kramer, J. Marzola, J. Russell

Absent: S. Pace

Mr. Karam offered Resolution #25, and Mr. Kramer seconded, and

Whereas, an application has been made to this Board by William F. Paulsen for approval of a subdivision entitled Subdivision of the Lands of W.P.A.M./LP consisting of (2) lots;

Whereas, pursuant to Section 276 of the Town Law, a public hearing was advertised and was held on October 26, 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 October 26, 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 Subdivision of the Lands of W.P.A.M./LP consisting of (2) lots is hereby granted preliminary and final approval conditioned upon satisfaction of the comments offered by Mr. Kemper.

Resolution #25 passed 10/26/04

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

Noes: None

Steven J. Bulger, Chairman

Resolution #26

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 October 26, 2004 at 7:10 P.M. there were:

Present: S. Bulger, Chairman, T. Karam, A. Kramer, J. Larkin,
J. Marzola, J. Russell

Absent: S. Pace

Mr. Larkin offered Resolution #26 and Mr. Russell seconded, and

Whereas, an application has been made to this Board by C. B. Carney Remodeling for approval of Special Use Permit #80514 to allow the construction of a two family residence at 24 Linden Court, in an R-1 zone pursuant to Section 208-10,B and 208-79 of the Town Code;

Whereas, pursuant to Section 276 of the Town Law a public hearing was advertised and was held on October 26, 2004 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 C. B. Carney Remodeling for approval of Special Use Permit #80514 to allow the construction of a two family residence at 24 Linden Court in an R-1 zone pursuant to Section 208-10,B and 208-79 of the Town Code in an R-1 zone is hereby approved.

Resolution #26 passed 10/26/04

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

Noes: None

Steven Bulger,
Chairman