

Clifton Park Planning Board Meeting Minutes

November 23, 2004

Those present at the November 23, 2004 Planning Board meeting were:

Planning Board: S. Bulger, Chairman, T. Karam, A. Kramer, J. Larkin
J. Marzola, S. Pace

Those absent were: J. Russell

Those also present were: J. Kemper, Director of Planning; J. Grasso, Clough, Harbour and Associates; M. O'Brien, Environmental Specialist, 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:

[2004-053] Sambrook, Scott – Proposed (3) lot subdivision of the Lands of Elmer Simmons, Plank Road – Preliminary public hearing and possible determination.

The Chairman called the public hearing to order at 7:10p.m. The Secretary read the public hearing notice as published in the Daily Gazette on November 16, 2004.

Mr. David Flanders, consultant for the applicant, presented this application that remains generally as presented at the October 26, 2004 Board meeting. Though the Board had expressed its preference that this subdivision be connected to the municipal sewer on Bear Brook Court, the applicant proposes the installation of on-site septic systems. The site statistics table illustrates that the lots have been created in accordance with Town zoning law. Test pit information has been provided that indicates that soils are likely to accept the installation of the septic systems. Mr. Flanders noted that although the locations of houses, driveways, and clearing limits have been added to the plan to demonstrate the possible locations of these improvements: they are not intended to indicate the final locations. A 25-foot no cut buffer is provided to buffer the existing residences on Bear Brook Court.

Mr. Kemper reported that this application was considered by the Board on October 26, 2004. At that time the biggest issue to be resolved was whether or not the project would be connecting to the municipal sewer system. The applicant has illustrated the use of on-site septic systems on the most recent set of drawings. Postal addresses must be added to the plans. A sign-off will be required from the Clifton Park Water Authority.

Mr. Grasso reported that Clough, Harbour, and Associates, found that all previous comments have been adequately addressed. Mr. O'Brien, Environmental Specialist,

reported that the ECC found the project acceptable.

There being no public comment regarding this application, Mr. Bulger moved, seconded by Ms. Pace, to close the public hearing at 7:15p.m. The motion was unanimously carried.

In response to Mr. Karam's question regarding connection to the existing sewer on Bear Brook Court, Mr. Flanders explained that there was no existing easement across private lands and that connection would have been difficult because of the depth of the existing sewer line. Though Mr. Flanders believes that Mr. Sambrook will not clear to the 25' buffer, his client would prefer to establish the no-clearing line to 25 feet. Mr. Flanders also pointed out the homes on Bear Brook Court have substantial back yards. Mr. Bulger favored the 25-foot no cut buffer. Mr. Grasso reported that there are no trail connections proposed for Plank Road.

Mr. Marzola 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. Karam offered Resolution #28, seconded by Mr. Marzola, to waive the final hearing for this application and to grant preliminary and final subdivision approval conditioned upon satisfaction of the comments offered by Mr. Kemper and Mr. Grasso. Ayes: Kramer, Larkin, Pace, Karam, Marzola, Bulger. Noes: None.

[2004-029] Country Club Acres – Proposed (18) lot subdivision, Grooms Road and Vischer Ferry Road – Preliminary public hearing and possible determination.

The Chairman called the public hearing to order at 7:20p.m. The Secretary read the public hearing notice as published in the Daily Gazette on November 16, 2004.

Mr. Bianchine, consultant for the applicant, described the project plan. He stated that 1.9 acres of the Lands of Cole will be excepted from the residential project plan and be transferred to the lands owned by Stewarts' Ice Cream Shops. 1.5 acres will be transferred to James Shearer, 8 Pine Forest Lane. The classified stream corridor will be retained by Cole. The consultant explained that there will be no disturbance of federal wetlands or the designated L-C zone. Each new residence will be connected to the existing sewer system via a grinder pump. The subdivision meets all zoning requirements. Though the applicant proposed 900 linear feet of sidewalk and residential street lighting along the new road, Board members later rejected the sidewalk plan and asked to give additional consideration to the installation of residential street lighting. Drainage will be directed to a stormwater management area that has been designed in accordance with the latest regulations. Mr. Bianchine reported that the applicant would convey a 10 foot strip along Vischer Ferry Road to Four Leaf Manor for development of a multi-use pathway. A double row of evergreens will be planted to screen the Stewarts' buildings and the Fire Department.

Mr. Kemper explained that when this project last appeared before the Board on September 28, 2004, the major issues to be resolved were identified as the location of the sidewalk along Vischer Ferry Road and the connection from the subdivision into the Stewart's parcel. Coordinated review has been conducted and all agencies concur with the Town of Clifton Park acting as Lead Agency for this application. In addition, there are comments from NYSDEC and OPRHOP that must be addressed. A catch basin must be provided in the center of the cul-de-sac. The details for the construction of the sidewalks still need to be finalized. Plantings must be provided in and around the stormwater management areas. The types and number of plantings around Lots #14 and 15 should be indicated on the plans. Some plantings should be provided in front of Lot #1. A revised drawing showing the connection to the Stewart's parcel should be provided. Sign-offs must be received from the Clifton Park Water Authority and the Saratoga County Sewer District. A copy of a letter received from Richard Hermann is included in your folders for review. Mr. Hermann asks that the Board consider asking the applicant to transfer title of a portion of the Cole parcel to his neighbors and him.

Mr. Grasso reported that Clough, Harbour, and Associates reviewed the revised subdivision plan and offered several comments and recommendations. The issue of the multi-use pathway along Vischer Ferry Road continues to be unresolved. Engineer's reports should be submitted for the proposed sanitary sewer and water distribution systems. A stormwater management report and pollution prevention plan should be submitted. The operation of the 1" orifice for the outlet control structure should be discussed in the stormwater management report. The detail is unclear as to how the orifice will be protected from clogging. It should be verified that a 1" orifice can be constructed only 9" below the top of frame. It appears the ground elevation depicted on the catch basin detail should be revised. It has not been typical to surround Town owned stormwater management areas with fencing and this is not supported in the DEC Storm Water Design Manual. Alternatives to fencing should be investigated. No provisions have been included for the dedication of "park land" or "open space" to the Town of Clifton Park as required by Section 179-27 of the Town's subdivision regulations. The plans should clarify and detail the method of connection to the existing sanitary force main. A commitment letter from the SCSO #1 should be provided. A street light should be provided over the new road at its intersection with Grooms Road. In accordance with current Town practices and at the direction of the Highway Superintendent, a catch basin should be provided within the proposed cul-de-sac. The profile should clearly indicate that the minimum depth of the proposed watermain is 5'. A detail of the proposed sidewalk and split rail fence should be provided. The sidewalk details should address what will happen when driveways are constructed and it is crossed by construction traffic. Since it is not a common practice, the installation of the sidewalk within a Town road right-of-way should be discussed with the Highway Superintendent or the Town Board. Proposed signage including a street sign, stop sign, and dead end sign should be shown on the plan.

Mr. Pelagalli spoke to the issue of sidewalk construction, explaining that the Town Code has no statute regarding the construction and maintenance of sidewalks. He outlined the two types of laws employed by Towns to address such issues. The first would be a statute

that required sidewalks to be owned by the Town but maintained by the homeowner. The second option also would require that sidewalks be owned by the Town and maintained by the homeowner. In addition, however, a homeowner who does not properly maintain the sidewalk would be responsible for injuries suffered by a third party. He advised the Board that in the absence of any local legislation regarding sidewalk ownership and maintenance, approval of such an amenity would not be recommended.

Mr. O'Brien reported that the ECC reviewed this application and offered the following comments. The applicant must identify the boundaries of the L-C Zone prior to construction of the stormwater basin and outfall. Due to the proximity of these features intrusion of the LC Zone during construction is possible and must be prevented. The following standard statements should be added to the plot plan:

- o 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.

- o 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).

- o 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.

- o 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.

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

- o 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. Kevin Dailey, attorney for the applicant, explained that Section 179-27 of the Town Code sets forth the requirements for the dedication of parkland or the payment of fees. He explained that, pursuant to the code, the applicant would owe \$7,500 in parkland fees. He asked the Board to consider locating the sidewalk on the western side of Vischer Ferry Road to eliminate contamination of the Class I trout stream that flows through the Lands of Cole. He suggested that the Town seek grant money from the Federal Highway bill of 2004-2005 that provides funding for the construction of sidewalks that eventually lead to a school. Mr. Dailey also noted that Stewarts was also committed to supplying its fair share to such construction. Mr. Bulger agreed that since the Town has no laws in place to address sidewalk ownership and maintenance, the sidewalk proposed for construction within the subdivision should be eliminated. He supported the proposal that calls for Cole to retain the stream corridor. He favored the installation of the multi-use pathway on the west side of Vischer Ferry Road and encouraged research to determine if such installation could be reasonably achieved. Since the sidewalk originally proposed for the subdivision

was no longer feasible, Mr. Bulger recommended that a contribution of \$11,250 be provided for multi-use pathway/sidewalk by the developer.

Mr. Ken Allen, 630 Grooms Road, explained that he and his family live south of Grooms Road across from the new street that will serve the proposed new subdivision. Explaining that traffic in the area is often “difficult,” he stated that he was not in favor of directing traffic from a commercial property to a residential street. Mr. Allen was also concerned that the driveway serving the Stewart’s property would become a “shortcut” for drivers attempting to avoid stopping at the Vischer Ferry Road/Grooms Road intersection. Mr. Bulger explained that Board members directed the applicant to provide access to the Stewart’s property on the new town road to reduce the number of curb cuts along Grooms Road. He stated that the Board will attempt to mitigate the impact of headlights on homes situated on the south side of Grooms Road – perhaps by adding additional trees on properties located directly opposite the proposed road. A reduction in the speed limit in the area may also be considered.

Mr. Karam does not believe that the driveway serving the Stewart’s plaza will be used as a shortcut because it would not provide a direct route from one road to another. He also found the single curb cut on Grooms Road, serving both the residential subdivision and the business area to be more reasonable than two curb cuts. Board members agreed that ownership of the stream corridor should remain with Cole since enforcement of the non-disturbance area would be more difficult if it was divided among adjoining property owners. Mr. Larkin supported this position, noting that it would be likely that homeowners would be likely to encroach upon the area. He also observed that the Cole family appears to take stewardship of the stream corridor seriously. Although the plan calls for the installation of a chain link fence around the stormwater management area, Board members favored more aesthetically pleasing fencing such as a split rail design. Mr. Bianchine stated that the applicant would provide fencing in accordance with Board recommendations. Though Board members remained concerned with the safety of children near the stormwater management area which Mr. Bianchine reported would be 4’ deep to conform with existing regulations, they seemed to favor the installation of a split rail fence combined with landscaping.

Following a discussion regarding the proposed street lighting along the new street, it appeared that such lighting would not be practicable because of the established lighting districts within the Town. Mr. Dailey asked the Board to consider “a special district within a special district.” Mr. Larkin asked that the lighting specifications be supplied to him so he would be able to investigate all options available to the developer. Since there is no established Town policy regarding the regulation of sidewalks, Board members agreed that approval of such walks for this project would be inappropriate.

Board members discussed the sidewalk/multi-use pathway issue at length. Members discussed the amount of monetary contributions that would be required from both the developer of the subdivision and the Stewart’s Company, the location of the sidewalk, and the width of the proposed trail link. Members seemed to agree that an \$11,250.00 was a reasonable contribution from the developer of the subdivision, that installation of a

trail connection along the west side of Vischer Ferry Road from the Grooms Road/Vischer Ferry Road intersection to Four Leaf Manor should be pursued, and that, pursuant to Mr. Grasso's recommendations, an 8' wide asphalt path located 10' from the roadway pavement would be desirable. Board members expressed reluctance to grant final approval to this application until the issues surrounding the trail construction were resolved.

There being no further public comment regarding this application, Mr. Bulger moved, seconded by Ms. Pace, to close the public hearing at 7:50p.m. The motion was unanimously carried.

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

Mr. Bulger offered Resolution #29, seconded by Mr. Larkin, to waive the final hearing for this application and to grant preliminary subdivision approval conditioned upon satisfaction of the comments offered by Mr. Kemper, Mr. Grasso, and members of the Board. Ayes: Kramer, Larkin, Pace, Karam, Marzola, Bulger. Noes: None.

Old Business:

No items of old business are scheduled

New Business:

[2004-061] Daigle, Howard – Proposed (5) lot subdivision, Vischer Ferry Road –Concept review.

Mr. Matt Brobston, representative of Ivan Zdrahal Associates and consultant for the applicant, reported that this application proposes the subdivision of 23.52 acres of land in an R-3 zone on the west side of Vischer Ferry Road between Englemore Drive and Ray Road. The proposed lots range in size from 2.13 acres to 10.03 acres. A 3.61 acre lot contains an existing residence. The plan proposes the extension of the water main from the Hidden Crest subdivision. On-site septic systems will be provided. Access to the largest lot will be provided from Ray Road; a driveway will remain to serve the existing home though it will be relocated to improve sight distances; a combined driveway will provide access to Vischer Ferry Road for the three northern most lots. The plan shows that a significant amount of NYSDEC wetlands have been identified on the parcel. Wetlands and associated buffers have been labeled on the plan.

Mr. Kemper noted that this project is located within the GEIS study area. Since the project contains a pre-existing house, the project is acceptable under moratorium guidelines. He asked that the clearing limit lines be clearly indicated on the plan and also required that the plan show the current edge of field. Sight distance information must be added on the plans. The standard note for aviation activity must be added to the plans.

Descriptions must be provided for the proposed ingress/egress easement. The standard tree note must be added to the plans.

Mr. Grasso reported that Clough, Harbour, and Associates reviewed this conceptual 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; NYSDOH- Water Supply System Approval; Clifton Park Water Authority – Water Connection Permit.

Mr. Grasso offered several additional comments. 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. It is recommended that deed restrictions be established over the wetland areas and area within the Land Conservation District. The sight distance at the proposed driveway location should be verified. Future plan submittals should include the bearing and distances of the proposed lot lines.

Mr. O’Brien reported that the ECC offered the following comments. The applicant must confirm the location of Federal and State wetlands and associated buffers on the property to ensure the proposed septic system will not have a negative impact on the wetlands. The applicant should consider incorporating design remedies for appropriate consideration of the potential high water table impacting the basement level of the residences. This parcel is located in an area of a Rod and Gun Club. Such activity may include, but is not limited to periodic noise, extended hours of operation, and other associated activities.

Mr. Larkin commented that he approved of the proposed lay-out. Ms. Pace and other Board members also found the proposal acceptable. Mr. Bulger commented that the density was nearly in conformance with the Draft Land Use proposed as part of the GEIS for the western part of Town since the draft requires a density of one residence per three developable acres.

[2004-059] Amedore Homes – Proposed (10) lot subdivision, Clifton Park Center Road – Concept review.

Mr. Gavin Vuillaume, consultant for the applicant, described the proposed subdivision that calls for the subdivision of 7.16 acres of land in an R-1 zone on the north side of Clifton Park Center Road approximately ¼ mile west of its intersection with Moe Road. The application calls for the creation of 10 single-family residential lots ranging in size from 20,000 SF to 36,000 SF served by a proposed public roadway. All lots will connect to public water and sewer via utility extensions from Moe Road. Stormwater will be managed within the site boundaries.

Mr. Kemper commented that the proposed project is too dense to allow for usable back yards. He recommended that the applicant reduce the overall length of the cul-de-sac and eliminate two lots. Since the proposed project is a Type 1 action, coordinated review will

be required. Plantings should be placed in and around the stormwater management area. The project will require a sign-off from the Saratoga County Sewer District and the Clifton Park Water Authority. Mr. Kemper reported that he was in receipt of a letter from Kathy O'Brien, NYSDEC official, stating that there is the possibility for Karner Blue Butterfly habitat on this parcel. A copy of the letter has been forwarded to the applicant. It was recommended that a buffer area be provided along the property lines. The application should clarify whether or not the existing house is slated for removal. Plans should stipulate if the applicant proposes to open cut or directional bore Clifton Park Center Road to connect to utilities.

Mr. Grasso presented the comments and recommendations regarding this application prepared by Clough, Harbour, and Associates. The engineering firm expressed concerns over the proposed lot layout and resulting density of the project. The rear yards of Lots #5 and #6 are almost exclusively within the rear yard setback area and provide no buffer to the adjacent property. In addition, it is recommended that the cul-de-sac right of way diameter be reduced to 140'. The lot width for Lot #1 (corner lot) does not provide the same buildable area width for a typical lot. Attached is a sketch of a revised layout with a reduced cul-de-sac width, revised corner lot width, and reduced roadway length to increase the rear yards of the northern lots. The resulting density decreases by two lots. A no cut buffer should be considered along the rear property boundaries. Clifton Park Center Road is noted in the Town's Trails Master Plan as being designated for an off-road multiuse pathway. It is recommended that this project construct a multiuse pathway from the project site to the pathway along Moe Road. A wetlands investigation should be performed on the site. If wetlands are present, jurisdictional determination letters should be submitted from the ACOE and NYSDEC. The sight distance at the proposed driveway location should be verified. Future plan submittals should include the following: existing contours; proposed drive way locations; north arrow. 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; 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.

Mr. O'Brien, Environmental Specialist, reported that, after reviewing the project, the ECC recommended that the applicant incorporate room to accommodate a ten (10) foot wide multi-use path along Clifton Park Center Road.

Mr. Karam commented that it appeared that the building envelopes for Lots #5 and 6 were not large enough to provide reasonable back yard areas: he favored a reduction in the project's density. Mr. Bulger commented that it appeared reasonable to reduce the density by two lots. He also noted that verification of the presence or absence of the Karner blue butterfly or its sustaining blue lupine habitat on the site will be required. Mr. Vuillaume explained that it will be very difficult to produce evidence of the species or habitat until the spring. Mr. Larkin suggested that the applicant consider creating four flag lots served by a private drive, thus minimizing the project's impact on adjoining

properties and providing larger lots for the proposed residences. Mr. Kramer also encouraged the applicant to consider a reduction in the number of lots proposed.

Minutes Approval:

Mr. Bulger moved, seconded by Mr. Karam, approval of the minutes as amended. The motion was unanimously carried.

Mr. Larkin moved, seconded by Ms. Pace, adjournment of the meeting at 8:50p.m. The motion was unanimously carried. The last meeting of the year will be held on December 14, 2004 as scheduled.

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 #28

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 23, 2004, there were:

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

Absent: J. Russell

Mr. Karam offered Resolution #28, and Mr. Marzola seconded, and

Whereas, an application has been made to this Board by Scott Sambrook for approval of a subdivision entitled Subdivision of a Portion of the Lands of Elmer Simmons consisting of (3) lots;

Whereas, pursuant to Section 276 of the Town Law, a public hearing was advertised and was held on November 23, 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 November 23, 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 a Portion of the Lands of Elmer Simmons consisting of (3) lots is hereby granted preliminary and final approval conditioned upon satisfaction of the comments offered by Mr. Kemper.

Resolution #28 passed 11/23/04

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

Noes: None

Steven J. Bulger, Chairman

Resolution #29

Preliminary 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 23, 2004, there were:

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

Absent: J. Russell

Mr. Bulger offered Resolution #29, and Mr. Larkin seconded, and

Whereas, an application has been made to this Board by Country Club Acres, Inc. for approval of a subdivision entitled Subdivision of a Portion of the Lands of Country Club Acres, Inc. consisting of (15) lots;

Whereas, pursuant to Section 276 of the Town Law, a public hearing was advertised and was held on November 23, 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 November 23, 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 a Portion of the Lands of Country Club Acres, Inc. consisting of (15) lots is hereby granted preliminary approval conditioned upon satisfaction of the comments offered by Mr. Kemper, Mr. Grasso, and members of the Planning Board.

Resolution #29 passed 11/23/04

Ayes: Kramer, Larkin, Pace, Karam, Marzola, Bulger
Noes: None

Steven J. Bulger, Chairman