

## **Clifton Park Planning Board Meeting Minutes**

**November 28, 2000**

Those present at the November 28, 2000 Planning Board meeting were:

Planning Board: K. O'Brien, R. d'Amico, B. Czub, S. Bulger

Absent were: K. Bowman , J. Marzola, J. Romano

Also present were: K. Simmonds, Director of Planning, M. Bianchino, Clough, Harbour and Associates, J. Kemper, ECC, J. Peller, Counsel

Mr. O'Brien called the meeting to order at 7:10 P.M. He noted that the Van Patten office building proposal, the Peter Belmonte proposal and the Horst Renz proposal were withdrawn from tonight's agenda at the request of the applicants.

Public Hearing 7:10 PM

[2000-047] Herold, John and Brucker, Eric and Lisa - Proposed land transfer of 7,525 square feet from Herold to Brucker, land transfer of 7,525 square feet from Brucker to Herold, and land transfer of 20,648 square feet from Herold to Herold, Grooms Road - Preliminary public hearing and determination.

Mr. O'Brien called the public hearing to order. The Secretary read the public notice as published in the Daily Gazette on November 18, 2000.

Mr. Gil Van Guilder said a portion of lands of Herold between the lands of Heid and Brucker are to be annexed to the lands of Brucker. The easterly 43' of lands of Brucker are to be annexed to the lands of Herold. There will be a reconfiguration of the lot line between lands owned by Herold, to have all the frontage on Grooms Road contained into one parcel. No new building lots will be created. Lot 1 will remain the same, and lot 2 will be increased.

Ms. Simmonds said the Saratoga County Planning Board approved the application on November 15. Standard notes should be added to the plan. Consolidation deeds must be submitted

Mr. Bianchino and the ECC had no comments.

Mr. O'Brien asked for public comments. Being none, he asked for Board comments.

Mr. Bulger moved, seconded by Ms. Czub, to close the public hearing. The motion was unanimously approved.

Mr. O'Brien moved, seconded by Mr. d'Amico, 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 approved.

Mr. d'Amico proposed Resolution #17, seconded by Mr. Bulger, to grant preliminary and final approval, conditioned on the submission of consolidation deeds, and on adding standard notes to the plan. Ayes: d'Amico, Czub, Bulger, O'Brien. Noes: None.

Public Hearing 7:15 PM

[2000-048] Huebner, Fred and Cyphers, Clark and Pauline - Proposed land transfer of 28,724 square feet from Cyphers to Huebner and land transfer of 58,976 square feet from Huebner to Cyphers, Tanner Road - Preliminary public hearing and determination.

Mr. O'Brien called the public hearing to order. The Secretary read the public notice as published in the Daily Gazette on November 18, 2000.

Mr. Gil Van Guilder presented the proposal to transfer a portion of Lot A along the southerly and easterly lines of Lot B to Lot B, and also to transfer the northerly portion of Lot B to Lot A. This transfer needs to be completed to settle a contract for sale. He said the original proposal had outstanding issues, and the gravel roadway was approved today. There will be a paved area in the rear. He said now that fire safety issues are resolved, he expects to be back with the rest of the proposal in a month.

Ms. Simmonds said the Saratoga County Planning Board approved the application.

Mr. Bianchino and the ECC had no comments.

Mr. O'Brien asked for public comments. Being none, he asked for Board comments.

Mr. d'Amico moved, seconded by Mr. Bulger, to close the public hearing. The motion was unanimously approved.

Mr. O'Brien said ordinarily the Planning Board does not like to segment out one lot, however, there is no controversy here.

Mr. O'Brien moved, seconded by Ms. Czub, to establish the Planning Board as Lead Agency for this application, an unlisted action, and to issue a negative declaration pursuant to SEQRA. The motion was unanimously approved.

Mr. Bulger proposed Resolution #18, seconded by Mr. d'Amico, to grant preliminary and final approval. Ayes: d'Amico, Czub, Bulger, O'Brien. Noes: None.

Public Hearing 7:20 PM

[2000-007] Boni, Lawrence - Proposed (3) lot subdivision, Grooms Road - Preliminary public hearing and determination.

Mr. O'Brien called the public hearing to order. The Secretary read the public notice as published in the Daily Gazette on November 18, 2000.

Mr. Kevin Dailey said the original concept plan in 1997 was for five lots, and was reduced in 1999 to three lots, with an average lot size of 3.765 acres. Mr. Boni will build a home for himself on the largest lot. He said there are a substantial amount of federal wetlands, and they have been delineated. Approximately .07 acres will be filled. He said originally three driveways were proposed, and although the county wanted only one curb cut, they have just approved two curb cuts.

Mr. O'Brien asked how far apart the driveways would be. Mr. Dailey said they were approximately 100' apart.

Ms. Simmonds said Mr. Clemens has stated that the proposal does not meet the 50' setback on all property lines, which is a requirement for keyhole lots. Ms. Reed said postal verification should be provided, and the driveway note should be revised to reflect proper verbiage from section 73-19. The application was approved by the Saratoga County Planning Board on January 28 with modification that there be one driveway, not three, and that a curb cut be issued by the Saratoga County Department of Public Works. Ms. Simmonds said a copy of the DPW curb cut permit should be submitted before plans are stamped. She said ACOE wetlands have been delineated, and she understood from John Connell of the ACOE that there was to be no filling of federal wetlands. This should be clarified since .07 acres is proposed to be filled. An accurate topography and field survey should be prepared. Standard notes regarding 500' driveway, abutting a farm, keyhole lot, ingress/egress, and water connection within two years should be added to the plan.

Mr. Bianchino had the following comments: The Saratoga County Planning Board approved the subdivision in January 2000, contingent on providing ingress/egress to the three lots at one driveway location. The plans should be revised accordingly. The Town's standard note for address identification for keyhole lots should be added to the plans. Contour lines should be at two-foot intervals and should be based on an accurate field survey. Pursuant to Section 208-86 B of the Zoning Regulations, keyhole lots shall be required to have a minimum 50-foot front, side, and rear yard setbacks. The setbacks for lot #904 should be revised accordingly. Building setback lines should not extend into the onsite wetlands. Due to the apparent poor soil conditions within the site and the constraints of the onsite wetlands, we recommend that the plans for the wastewater disposal systems be prepared by a NYS Licensed Professional Engineer and submitted for review prior to subdivision approval. Soil investigations including deep test pits and percolation tests should be performed in the location of the proposed wastewater disposal systems to verify that acceptable soils exists to support the use of on-site systems on the proposed lots. Based on the limited soil data provided, the use of conventional wastewater disposal systems will not be possible on this site. All wastewater disposal

systems should be located a minimum of one hundred feet from any wetland. In accordance with NYS Department of Health requirements, tile fields shall be located a minimum of twenty feet from a building. This requirement is not met for the wastewater disposal system locations shown on lot numbers 902 and 906.

Mr. Kemper had the following comments: The ECC has reviewed the project information and offers the following comments and recommendations. The following standard statements should be added to the plot plan. Federal jurisdictional wetlands have been identified on this site. The Town of Clifton Park Building Department shall be notified before undertaking any land disturbance activities in Federal wetlands. 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 in 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. O'Brien asked for public comments.

Mr. Howard Hickin, 322 Grooms Road, introduced Mr. Droms, nephew and executor of Elmer Droms' estate, who received a 500' notice. He asked for a location of the property in relation to his uncle's property.

Mr. O'Brien asked for Board comments.

Mr. Bulger moved, seconded by Ms. Czub, to close the public hearing. The motion was unanimously approved.

Mr. d'Amico asked if the wetlands would be split by the property line of Lot B, because it is the Board's policy not to split wetlands. Mr. Dailey said the lot line of the keyhole lot would split the wetlands, and he noted that the wetlands would be on all three lots. Mr. Dailey said if all the wetlands were kept together, only two lots could be created. Mr. O'Brien said it was a compromise, and because of the frontage requirements, the wetlands had to be split.

Mr. O'Brien said there were some outstanding issues which need to be resolved prior to final approval, including clarification by the ACOE, and the septic system design.

Mr. O'Brien moved, seconded by Ms. Czub, to establish the Planning Board as Lead Agency for this application, an unlisted action, and to issue a negative declaration pursuant to SEQRA. The motion was unanimously approved.

Mr. Bulger proposed Resolution #19, seconded by Ms. Czub, to grant preliminary approval. Final approval will be conditioned on a satisfactory waste disposal system design, ACOE approval regarding disturbance, adding postal addresses, and on a boundary and topographic survey. Ayes: d'Amico, Czub, Bulger, O'Brien. Noes: None.

Mr. O'Brien moved, seconded by Mr. Bulger, to waive the final public hearing. The motion was unanimously approved.

#### Old Business

[2000-006] Hoffman, Jean - Countrymen Estates North, Proposed (115) lot subdivision, Lapp Road - Revised conceptual review.

Mr. Gordon Nicholson, Environmental Design Partnership, representing Amedore Homes, asked the Board to consider a coordinated SEQRA review. He said the ACOE wetlands have been delineated and the first phase of the archaeological study has been completed. There are no endangered species on the site. A traffic study will be done. Active parklands of 14 acres with park facilities are proposed, and there will be a pathway system. No-cut buffers are proposed along Lapp Road and existing houses. Existing 60' right-of-ways will be utilized.

Ms. Simmonds said Ms. Reed stated that postal verification should be provided and street names added, and the driveway note should be added for lot 115 if the proposed driveway is over 500'. Ms. Simmonds said the Planning Board should take lead agency status. She suggested the developer should build the trail, and noted that the Park District is pleased to have the additional park area and proposed facilities. She said the trail should be tied in to the issuance of a certain number of certificates of occupancy. Ms. Simmonds noted a letter from Addie Nirsberger and Pat Mitchell which expressed their concerns regarding the egress which will connect Amedore Homes with Village Green at Village Lane.

Mr. Kemper had the following comments: The ECC has reviewed the project information and offers the following comments and recommendations. The Applicant should provide a stormwater management plan. The Town of Clifton Park should be copied on all correspondence with the A.C.O.E. The following standard statements should be placed on the map and individual plot plans: The Land Conservation (LC) Zone has been delineated in accordance with Section 208-69 of the Clifton Park Town Code. Federal jurisdictional wetlands have also been identified on this parcel. Uses in these areas are restricted. The Town of Clifton Park Building Department shall be notified before undertaking any land disturbance activities in the LC Zone and/or Federal wetlands. 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 in 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. Due to the location of this project relative to the Moe Road/Lapp Road aquifer/recharge area, no underground storage tanks shall be constructed on this property; during construction, any temporary

above-ground storage tanks shall have secondary containment of no less than 110% of the tank volume to prevent releases to the aquifer/recharge area; during construction, contractors shall have a spill contingency plan which addresses prevention and cleanup of releases of petroleum and/or hazardous materials.

Mr. Bianchino said the impacts to the stormwater recharge area should be addressed. The construction access should be identified. Clearing limits and access issues should be addressed. All other conceptual comments have been addressed.

Mr. O'Brien said the plans have come a long way since the original concept. He thanked Mr. Nicholson for working with the Board to address concerns. He said it is preferable to utilize right-of-ways and stub streets to keep traffic internal and off main roads, but traffic impacts will be considered.

Mr. O'Brien said this is not a public hearing, but he invited attending neighbors to comment. He said this is in its conceptual stage and the applicant is looking for input prior to making a preliminary application. He asked Mr. Nicholson to assess traffic patterns. Mr. Nicholson said he will bring the traffic engineer to the next meeting.

Ms. Pat Mitchell, 4 Village Lane, referenced her letter to the Board and added that she is concerned that people might want to use the connecting road as a shortcut to the Northway. She asked if the emergency services access could be a temporary access. Mr. O'Brien said emergency services have asked the Board not to approve temporary access roads.

Ms. Addie Nirsberger, 36 Weston Drive, noted that there is a school nearby, and the safety of children should be considered.

A neighboring resident said very sharp curves require slow speeds and he is concerned about the safety of children.

Mr. d'Amico asked if the park area could be accessed from Huntwood, and if so could it be utilized as an emergency access. Mr. Nicholson said it would be a substandard access and not an auto access. Mr. O'Brien noted that if an auto access were brought in, it could also bring more traffic into the area.

Mr. Nicholson said he will work with the neighborhood regarding the access point, and would consider proposing a one-way access or other alternatives.

Mr. d'Amico asked if anyone has spoken with the neighbors in Huntwood. Ms. Simmonds said there has been communication with Paul Bylenok of the Huntwood Park District. Ms. Nirsberger said she is a member of the Park District and believes the neighborhood is receptive to the park proposal.

Mr. Bulger moved, seconded by Mr. d'Amico, to establish the Planning Board as Lead Agency for this application, and to initiate a coordinated SEQRA review. The motion

was unanimously approved.

Ms. Nirsberger and Ms. Mitchell volunteered to act as contact people for the neighborhood.

[2000-042] Beebe, Grossman and Bergins, LLP - Proposed 3,600 square foot professional office renovation, 514 Vischer Ferry Road – Preliminary site plan review.

Mr. Ernie Gailor, representing the law firm, explained that the 3,600 square foot application includes the shed, but it is not intended that it will be used as office space. The garage will be used for file storage. The entrance has been widened and a light pole was added in the corner to illuminate the parking lot. Two handicap ramps will be provided.

Ms. Simmonds said the Saratoga County Planning Board approved the application on September 21, conditioned on the DPW permit being issued, and she wants a copy of the permit before plans are stamped. She asked for lighting specifications and noted that there should be downlighting and not a flood light. Postal addresses should be added. The application is subject to CIP fees.

Mr. Bianchino had no additional comments.

Mr. Kemper had the following comments: The ECC has reviewed the project information and offers the following comments and recommendations. The following standard statements should be placed on 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 in place at the initial phase of site preparation and shall be maintained until all construction ends and soils are stabilized. The Applicant will control fugitive dust and debris during the construction/demolition phase of the project. The 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. The limits of the LC Zone associated with the Dwaas Kill should be identified on the plot plan.

Mr. O'Brien asked for Board comments.

Ms. Czub moved, seconded by Mr. d'Amico, 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 approved.

Mr. Bulger moved, seconded by Mr. O'Brien, to grant preliminary and final approval, conditioned on the comments of Ms. Simmonds, Mr. Kemper, and Mr. Bianchino. The motion was unanimously approved.

## New Business

[2000-046] Folmsbee, Scott and Cindy - Proposed (2) lot subdivision, Ashdown Road and Schauber Road - Conceptual review.

Mr. David Flanders said there is a single family residence on the 5.5 acre lot. The subdivision proposes to subdivide the parcel into two lots; lot 1 with 2.8 acres and an existing house, and lot 2 with 2.7 acres which will be offered for sale for a single family residence. The entrance drive will be off Ashdown Road. He said he can not get a perc test and asked the Board to waive the septic design until a building permit is applied for. He said there will be on-site water, and the waste disposal will be a raised septic system.

Ms. Simmonds said the Saratoga County Planning Board approved the application on November 15. A note should be added to the plan regarding a farm in proximity. Postal addresses should be added to the map.

Mr. Bianchino asked what type of soil is present on the site. Mr. Flanders said it is silt and clay and will require a fill system.

Mr. Kemper said all comments have been addressed.

Mr. O'Brien said he had no problem waiting for the septic design until the building location is established. Board members agreed. He asked Mr. Flanders to have the 500' notices out by Friday if he wanted to be scheduled for a December 12 public hearing.

[2000-049] Munro, Henry and Violet - Proposed (2) lot subdivision, 279 Vischer Ferry Road - Conceptual review.

Mr. Gil Van Guilder presented the proposal to subdivide out a 1.25 acre lot from the 6.59 acre parcel, and leave 5.33 acres for future development. The property is located across from the entrance to Coburg Village. There is a steep embankment, and a driveway will be cut in so as to relieve the extensive grades. The existing house on lot 1 is connected to public water. There will be on-site septic.

Ms. Simmonds said Mr. Clemens advised that there should be a note on the plan regarding the near proximity of the Rod and Gun Club and the inherent noise associated with it. The Saratoga County Planning Board approved the application on November 15, conditioned on them receiving a curb cut permit from the DPW. Ms. Simmonds said standard notes should be added to the plan. She said Mr. Van Guilder has asked that the CIP fees be waived for the new lot since it is not really in the Vischer Ferry Road Corridor.

Mr. Kemper had the following comments: The ECC has reviewed the project information and offers the following comments and recommendations. The ECC noted that the parcel under consideration as depicted by the site location map does not agree with the plot plan. The following standard statements should be added to the plot plan: The borders of all

land that is to remain undisturbed shall be clearly marked on the site before site preparation begins. These on-site boundary markers shall remain until construction is completed and soils are stabilized. All erosion and water quality controls shall be put in 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. Bianchino had the following comments: Existing and proposed wells and septic systems within 100' of the project site should be shown on the plan. Due to the steep slope along the lot frontage, the location of the proposed driveway, along with site distances, should be shown on the plan. Review and approval of the proposed curb cut by the Saratoga County Highway Department is required. A fire hydrant, and apparently a watermain, is located across Vischer Ferry Road at the Coburg Village driveway. The consultant should verify if the existing watermain is located within 100' from the subject property. If this is the case, NYS Uniform Code requires connection to the water supply. Postal address should be provided for proposed lots. Final subdivision plans should be stamped and signed by a New York State Licensed Professional Land Surveyor. The site location map should be revised since the property apparently does not have frontage along Englemore Road.

Mr. Bianchino asked if there were any other existing septic systems on the adjoining lots. Mr. Van Guilder said they are probably 200' from the property line and are closer to Englemore Road. Mr. O'Brien said site distance, and the existing house and septic systems on adjoining lots should be noted. Mr. Van Guilder said he will do that prior to the public hearing.

Mr. d'Amico said he is concerned with visibility since the access will be across the slope. Mr. Van Guilder said the slopes will be laid back.

Mr. O'Brien said if the 500' notices are out by Friday, the application can be scheduled for a public hearing on December 12.

Minutes Approval:

A quorum was not present to approve the minutes of September 26, 2000 and October 24, 2000. The next Planning Board meeting is scheduled for December 12.

Mr. Bulger moved, seconded by Ms. Czub, to adjourn. The motion was unanimously approved. The meeting was adjourned at 8:25 p.m.

Respectfully submitted,

Elaine Hughes  
Secretary