

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

**March 27, 2001**

Those present at the March 27, 2001 Planning Board meeting were:

Planning Board: K. Bowman , Acting Chairman, R. d'Amico, B. Czub, J. Marzola, J. Russell

Absent were: K. O'Brien, S. Bulger

Also present were: J. Kemper, Director of Planning, J. Grasso, Clough, Harbour and Associates, J. Peller, Counsel

Mr. Bowman called the meeting to order at 7:10 P.M.

**Public Hearing:** There were no public hearings scheduled.

Old Business

[2001-004] **Conservatory Grill** – Proposed 695 square foot addition to existing restaurant - Preliminary site plan review.

Mr. Gordon Nicholson, Environmental Design Partnership, representing Robert Phillips, said the Department of Health has recommended that the cooler, restrooms and outside storage shed should be enclosed. There will be no change in the seating area or parking, and the addition would be modified to be a one-story structure. He said Clough, Harbour has suggested adding plantings, and the Planning Department requested that notes regarding variances be added to the plan.

Mr. Kemper said the new plan addresses most outstanding issues. He had the following comments: Clough, Harbour has requested that all previous Zoning Board of Appeals approvals and dates as well as Planning Board approvals be placed on the plot plan. Source and storage fees will be due prior to the stamping of the plans. D.E.C. wetland and the associated L-C Zone should be added to the plot plan. Notices were sent on March 9, 2001.

The ECC submitted the following comments: The ECC has reviewed the project information and offers the following comments and recommendations. The Applicant should indicate the DEC Wetland and associated LC Zone on the plot plan. The Applicant should quantify the amount of greenspace for the entire parcel and delineate that greenspace on the plot plan. The following standard statements should be placed on the plot plan: 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.

Mr. Grasso had the following comments: Additional plantings should be provided along the north side of the proposed expansion. The planting should include a mixture of foundation plantings, evergreen trees and deciduous trees.

Mr. Bowman asked if there were any responses from the 500' notices. Mr. Kemper said there were none.

Mr. Bowman asked for Board comments.

Mr. d'Amico asked if there would be a flat roof on the addition and said he would prefer a peaked roof. Mr. Nicholson said he would talk to Mr. Phillips about the roof design.

Mr. d'Amico moved, seconded by Mr. Marzola, 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.

Ms. Czub moved, seconded by Mr. d'Amico, to grant preliminary and final site plan approval conditioned on adding the standard ECC statements to the plan. The motion was unanimously approved.

### **New Business:**

[2001-010] **Comtois, Susan** - 408 square foot in-law Apartment, 11 Cranberry Lane - Special use permit and site plan review.

Ms. Susan Comtois requested a special use permit to add a bedroom, bath and small kitchen to her house. The one-story addition will be attached to the rear of the house and will be used for her elderly parents.

Mr. Kemper said if it is okay with the Board a public hearing could be scheduled for the next Planning Board meeting on April 10, 2001. He asked Ms. Comtois to get the 500' notices out.

The ECC and Clough, Harbour had no comments.

Mr. d'Amico asked if there would be a sidewalk from the apartment entrance to the front of the house. Ms. Comtois said the entrance to the apartment would be from inside the existing house.

[2001-008] **Bonser, Grant and Violet Munro** - Proposed (12) lot subdivision, Englemore Road - Conceptual review.

Mr. Zdrahal said the 13.15 acres will be subdivided into 12 lots, and the existing house owned by Mr. Bonser will be subdivided from the parcel. The average lot size is one acre. The L-C zone will be protected.

Mr. Kemper had the following comments: The application was approved by the Saratoga County Planning Board on March 15, 2001. A note should be added to the plan indicating that a perimeter no-cut buffer has been defined by the plan and is enforced by filed deed restrictions for each of the 12 lots. Mr. Zdrahal said he will check on it. There should also be a no-cut buffer established for lot #1. The final map should identify the building lots with house addresses on Hidden Crest Court. He asked if there is any further subdivision proposed for Lot #1; if not then a note should be added to the plan. Mr. Zdrahal said he will confirm this with the applicant. Mr. Kemper said there is a proposed planting buffer on Lot #2, and asked what this will be comprised of, and what is the sight distance from the proposed roadway. Mr. Zdrahal said sight distance will be checked prior to Preliminary Site Plan Review. Mr. Kemper asked if there any stormwater management proposed for the site. Mr. Zdrahal said on-site stormwater management is proposed. Mr. Kemper said the following standard notes should be placed on the plot plan; keyhole lot note, and address identification for keyhole lots. Notes regarding proximity to the Clifton Park Fish and Game Club, and street tree ordinances should be added to the plan. Mr. Kemper said a letter from the Sewer District states that the project is located outside of the boundaries of the Saratoga County Sewer District #1, and approval for discharge into the County System must be granted by the Sewer District Commission and the County Board of Supervisors. A formal request for this service must be submitted. Mr. Zdrahal said he will be submitting the request. Mr. Kemper said the Building and Grounds Department has requested that the proposed cul de sac be maintained by the homeowners and that it be placed in their deeds or on the plot plan. Mr. Kemper asked if there will be any fire hydrants located on the parcel. Mr. Zdrahal said hydrants will be located within the subdivision, but exact locations have not yet been determined.

The ECC submitted 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 for review by the town engineer and the Environmental Conservation Commission. The following standard statements should be added to 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 sight boundary markers shall remain until construction is completed and soils are stabilized. All erosion and water quality controls shall be put in place and maintained at the initial phase of site preparation. The applicant will control fugitive dust and debris during the construction/

demolition phase of the project.

Mr. Grasso had 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 Highway Department - Highway Work Permit, Clifton Park Water Authority - Water System Approval, Saratoga County Sewer District No. 1 - Sanitary Sewer Approval, NYSDEC - Public Sanitary Sewer System Approval, NYSDOH - Public Water Supply and Realty Subdivision Approval. In order to adequately evaluate the environmental impacts associated with the proposed project, we recommend that a Full Environmental Assessment Form be submitted. Although the project is located outside the limit of the Vischer Ferry 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 a portion of the sewer and water fees apply. If the entire water and sewer mitigation fees were applied, the respective fees would be as follows: Sanitary Sewer, 11 EDU x \$3314/EDU=\$36,454; Water Distribution , 11 EDU x \$1728/EDU= \$19,008; Total: = \$55,462. A note should be added to the plan stating that no new driveways shall be constructed onto Vischer Ferry Road and Englemore Road. The adequacy of the sight distance at the proposed road entrance should be verified and shown on the plan. The proposed method of water supply, sanitary sewer service and stormwater management should be provided for conceptual review. The applicant should demonstrate the mechanism that will be used to preserve the vegetation so noted. In order to provide additional protection to the drainage area in the southeast corner of the site, we recommend limiting the building envelope area for lots #10-#12 to a depth of 200 feet. Any federal wetlands within the project site should be shown. The preliminary and final subdivision plans should include the following: Expanded project data table including minimum allowable lot size, setbacks, etc.; Town’s standard note for keyhole lots; Town’s standard note for address identification; Town’s standard street tree note; stamp and signature of the design professional and land surveyor; notes regarding the proximity to the Clifton Park Fish and Game Club and associated noise; minimum setback from Vischer Ferry Road of 100 feet from centerline of road.

Mr. Bowman asked for Board comments.

Mr. d’Amico asked about the status of the approved road cut to Vischer Ferry Road. Mr. Zdrahal said it was approved. Mr. d’Amico said it should be noted that the only permitted access will be through the cul de sac. Mr. Peller said before final approval is given, the other curb cut approval should be negated.

Mr. Kemper said the application will be on the agenda for the second meeting in April.

[2001-007] **Elliot, Terrance** - Proposed (2) lot subdivision, Tanner Road - Conceptual review.

Mr. Gil Van Guilder said the site is a 35.5 acre parcel on the westerly side of Tanner

Road. The L-C zone has been labeled. He has received a D.E.C. wetlands permit to construct the driveway. The septic system and wells will be located on the map. He said the D.E.C. wetlands are very well defined and the entire portion of the conservation easement will be protected.

Mr. Kemper had the following comments: A letter from Sheryl Reed stating that the note for driveways in excess of 500' should be added to the plot plan. A N.Y.S.D.E.C. Wetlands Disturbance Permit will be required for this project, the Planning Department should be copied on all correspondence with D.E.C. Mr. Van Guilder said a D.E.C. wetland disturbance permit has already been obtained for project. Mr. Kemper said the Town of Clifton Park L-C Zone should be added on the plot plan. He asked if there were any ACOE jurisdictional wetlands on the site. Mr. Van Guilder said there are no ACOE wetlands on the site, and the ACOE was involved during the review for D.E.C. wetland disturbance permit. Mr. Kemper said a note should be added preventing any further subdivision. He noted that Clough, Harbour made the comment that the remaining land be preserved in some manner. This parcel is adjacent to land owned by Saratoga Land Conservancy so that option should be explored. Mr. Van Guilder said the applicant will check into donating the land to the S.L.C., if the land is not turned over to S.L.C. then a some sort of permanent protection will be placed on it. Mr. Kemper asked where the well will be located for lot #1. Mr. Van Guilder said the applicant is exploring those options. Mr. Kemper said the following standard notes should be added: Lots with wells, 500 ft. driveway identification of keyhole lots, common ingress/egress, and the clearing limits should be placed on the plot plan.

The ECC had the following comments: The ECC has reviewed the project information and offers the following comments and recommendations: The ECC notes that the proposed driveway significantly impinges on the buffer zone of the wetlands. As proposed, The ECC recommends that this project not be approved.

Mr. Grasso had 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, NYSDEC - Wetland Disturbance Permit. The limits of the L-C zoning district should be shown on the plan. Given the apparent availability of area to keep proposed work outside of the wetland buffer and L-C zone, we recommend that the proposed layout be revised. In addition, given the extent of wetlands on the project site, measures to protect these resources from further incremental impacts should be proposed. A copy of the NYSDEC Wetland disturbance permit for the driveway work on Lot #1 should be submitted to our office. Adequate sight distance should be verified on Tanner Road at all possible driveway locations. The location of the proposed well should be shown for Lot #1, and any wells or wastewater disposal systems within 100 feet (if downhill) or 200 feet (if uphill) from the project site should be shown on the plan. In accordance with New York State Department of Health Design Standards, at least two percolation tests and one deep test pit shall be performed within each of the proposed absorption areas with the bottom of the test holes at 24 to 30 inches below grade. If the soil investigations indicate limitations with respect to wastewater disposal system design,

we recommend that final wastewater disposal system plans be submitted for review. Consideration should be given to establishing deed restrictions or conservation easements over the environmentally sensitive portions of the project area. Existing and proposed contours should be shown at 2-foot intervals and shown based on an accurate filed survey within the limits of proposed work. The final plans should include the following additional information: Town's standard note for address identification should be added to the plans, Town's standard note for driveways over 500 feet in length, stamp and signature of the design professional and land surveyor. Mr. Grasso said there should be a longer term than 15 years for protection of the conservation easement areas.

Mr. d'Amico said he agrees that there should be a deed restriction or a longer term for protection of the conservation easement areas, and asked if Mr. Van Guilder has spoken with the Saratoga Land Conservancy. Mr. Van Guilder said he has not spoken with them, but he can ask them what their parameters are for protection.

Mr. Bowman asked if the two lots could be reconfigured to remove the driveway from the buffer. Mr. Van Guilder said moving the driveway closer to the house on Lot #2 would eliminate privacy.

[2001-009] **Spetla, Charles and Geraldine** - Proposed (3) lot subdivision, Route 146A - Conceptual review.

Mr. David Flanders said the 10 acre parcel is located on the north side of Route 146A near Waite Road. The existing residence is shown on the map. A second lot will be for family members and a house is proposed. The driveway is curved to bend around ACOE wetlands. He said he has addressed most of Clough, Harbour's comments.

Mr. Kemper had the following comments: The Town of Clifton Park L-C Zone should be labeled on the plot plan. The Saratoga County Planning Board approved the project on March 15, 2001. The standard note for address identification should be added to the plan.

Mr. Grasso had 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, New York State Department of Transportation - Curb Cut Permit, Saratoga County Planning Board - Subdivision Recommendation. Adequate sight distance should be verified at the driveway location on Route 146A. It appears as though there is an existing drainage course along the north side of 146A. The proposed driveway should contain, at minimum, an 18" culvert. A note should be added stating that no new driveway curb-cuts should be created from NYS Route 146A other than those shown on the plan. The limits of the L-C Land Conservation zoning district should be shown on the plan. In accordance with section 208-8-B of the zoning code, commercial greenhouses and roadside stands for the sale of farm products are prohibited on lot less than five acres. A note should be added to the plans stating that these practices shall not occur on the existing or proposed lots. The Town of Clifton Park Planning Board note #3 shown on the plan states that a 30-ft. vehicle shall be able to turn around within 100 ft. of a

proposed structure. This does not appear to be satisfied for proposed lot #2. A note should be added stating that the existing greenhouse and wood shed located near the proposed drive shall be relocated. The Town's standard note for address identification should be added to the plans. Consideration should be given to establishing deed restrictions or conservation easements over the environmentally sensitive portions of the project site. We have reviewed the Septic Details prepared by Wayne K. Kant, P.E. dated February 14, 2001 and we offer the following comments: Existing well and septic systems within 200 feet of the subject property should be shown on the plan. According to NYSDOH requirements, when sewage treatment systems are located upgrade of a well, the closest part of the treatment system shall be at least 200 feet from the well. This requirement does not appear to be met for lot #2. The proposed wastewater disposal system for lots #2 and 3 does not comply with the minimum 100-foot separation distance between a wetland and a raised system. The locations of the percolation tests and deep tests should be within the wastewater disposal system and should be shown on the plan. The raised system was designed using a percolation rate in the fill material of 1 inch drop in 5 to 7 minutes, however the Raised Bed System Section specifies a fill material percolation rate of 1 inch drop in 5 to 30 minutes and the Installation of Fill notes specify a 1 inch drop in 6 to 7 minutes percolation rate. Since it will difficult to obtain fill material with a narrow percolation range, we recommend the design be based on percolation rate not to exceed 1-inch drop in 15 minutes. Due to the high groundwater we recommend the installation of a curtain drain on the uphill side of the proposed systems. We also recommend that swales be graded on the uphill side of the proposed systems to divert surface water. A wastewater disposal system design should be provided for the proposed lot #2. Mr. Grasso said most comments have been addressed with the exception of the deed restriction issue. Mr. Flanders said Mr. Spetla will have no problem with deed restrictions.

The ECC had the following comments: The ECC has reviewed the project information and offers the following comments and recommendations: The following standard statement should be placed on the plot plan: The Land Conservation (LC) Zone has been delineated in accordance with Section 208-69 of the Clifton Park Town Code. Uses in this area are restricted. The Town of Clifton Park Building Department shall be notified before undertaking and land disturbance activities in the LC Zone. The ECC also recommends that the limits of the LC Zone and 100 foot buffer zone, DEC Wetlands and Federal Jurisdictional Wetlands also be identified on each plot plan.

Mr. Russell asked if the existing driveway could be changed. Mr. Flanders said because of their business, the applicants would like to keep it where it is, at least until the greenhouse operation ends. Ms. Czub said the current driveway location maintains privacy for the residence.

Mr. Flanders asked if the Board would schedule a public hearing.

[2001-010] **Bobrow, Scott** - Proposed 30,800 square foot ice arena , Clifton Common - Conceptual review.

Mr. Bowman said because this arena is on Town property it does not come under Planning Board jurisdiction, but the Supervisor has asked that this proposal follow normal procedures.

Mr. Gil Van Guilder said the new ice arena will immediately adjoin the existing ice facility. The entrance will be brick veneer, and will be modified to create a central focal point. The building will be 20' high at the eaves, which is the same as the existing building, and the peak will be 30' high. There will be extensive planting to break up the expanse of the wall. Some existing concrete will be removed. The existing parking area lighting is adequate. Mr. Van Guilder said the new arena will be open all year and the existing arena will be open approximately six months of the year, so there should be no increase in ice usage at the same time as the Clifton Common is used for soccer. A water purification system will be used, providing a denser ice and a finer finish. The zamboni will have to operate less and the water can be recycled. An exterior condensing unit will be screened.

Mr. Russell said he is concerned with how close the condenser is to the playground. Mr. Van Guilder said it will be approximately 100-125' away. Mr. Bobrow said it won't be noisy, and it will be gated and locked.

Mr. Russell asked if the maintenance room is shown on the plan. Mr. Van Guilder said the 20' x 40' structure is not shown.

Mr. Russell said he was not aware that the ice arena will be open 12 months a year, and has concerns with parking. Mr. Bobrow said the parking for soccer use is approximately 500 cars and the ice arena will only add 12 to 16 cars.

Mr. Kemper said Mr. Van Guilder has addressed most issues, but added that due to the proximity to parkland and the playground, an anchor fence should be placed around the construction area.

Mr. Grasso said subdivision approval is not required because this is a lease situation and ownership will not change hands. He had the following comments: The original Environmental Impact Statement for the Clifton Common included development of an indoor ice rink facility. Although the possibility of multiple rinks was not clearly identified, the statement did indicate that the total building square footage for an ice rink facility and fitness center would be approximately 70,000 square feet. The existing ice arena is approximately 32,000 square feet, and the proposed expansion is for an additional 31,000 square feet, for a total size of 63,000 square feet. Because a fitness center has not been developed, it appears that the development planned by this expansion is consistent with the development thresholds included with the original environmental impact statement, and as such, no additional environmental review may be required pursuant to SEQRA. Involved agencies are expected to include the following: Town of Clifton Park Planning Board - Subdivision Approval, Town of Clifton Park Zoning Board - Area Variances for greenspace, setbacks and parking. The Chief of the Bureau of Fire Prevention should review the site plan for hydrant locations and the adequacy of

emergency vehicle access. The following additional information should be identified on future plan submissions: Proposed water and sanitary sewer connections, parking analysis including existing spaces, spaces to be removed, and proximity of available spaces to parking generators including the ice arena and playground, proposed method of stormwater management should be shown on the plan, proposed building height. In order to reduce the potential for parking in undesignated areas due to the distance from desired destination, additional parking south of the ice rink's existing parking area may be required. We recommend that the proposed pedestrian entrance walkways be redesigned to help unify and accentuate the new entrance to the facility. Given the size and anticipated height of the expanded building, we recommend that extensive landscaping be provided around and in close proximity to the building to reduce its visual impacts on the surrounding area. Details of any outdoor lighting, including building mounted lights should be included with the final site plans. The zamboni snow and ice storage area should be shown on the plan.

The ECC 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: The borders of all land that is to remain undisturbed shall be clearly marked on 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 and maintained at the initial phase of project. The applicant will control fugitive dust and debris during the construction/demolition phase of the project. The ECC also recommends that any new proposed exterior lighting shall be directional and limited.

Mr. Bowman said he has concerns with the adequacy of parking and wants future parking provided for, and built when needed.

Mr. Peller said the Town Board wants the Planning Board to hold a public hearing. He said Mr. Bobrow should be prepared for public comments. He said the public already complains that there is not enough parking, and they are required to park along the entrance way, at the risk of getting parking tickets.

Mr. Kemper said a public hearing will be scheduled when 500' notices are sent out.

### **Minutes Approval:**

Mr. Russell moved, seconded by Mr. d'Amico, to approve the minutes of March 13, 2001 as amended. The motion was unanimously approved.

Ms. Czub moved, seconded by Mr. Russell, to adjourn. The motion was unanimously approved. The meeting was adjourned at 8:20 p.m.

Respectfully submitted,

Elaine Hughes  
Secretary