

Clifton Park Planning Board Meeting Minutes

November 27, 2001

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

Planning Board: K. O'Brien, R. d'Amico, B. Czub, J. Marzola, J. Russell

Absent were: K. Bowman, S. Bulger

Also present were: J. Kemper, Director of Planning, J. Grasso, Clough, Harbour and Associates,
M. O'Brien, ECC, P. Pelagalli, Counsel

Mr. O'Brien called the meeting to order at 7:10 P.M.

Public Hearing 7:10 PM

[2001-043] Wassenaar, Bertha J. - Proposed 864 square foot addition and Special Use Permit for a two-family dwelling in an R-1 zone, 428 Moe Road - Preliminary public hearing and site plan review and possible determination.

Mr. O'Brien called the public hearing to order. The Secretary read the public notice as published in the Daily Gazette on November 17, 2001.

Mr. Kemper said the addition will match the existing siding and roofing.

Mr. Kemper said the only remaining issue from the October 23, 2001 Planning Board meeting was the septic details that had to be submitted for the proposed septic tank and associated leachfield. The required drawings have been submitted.

Mr. Grasso had no comments.

The ECC had the following comments: The ECC has reviewed the project information and offers the following comments and recommendations. The commission encourages the applicant to explore the environmental health and economic benefits of connecting into the Clifton Knolls sewerage system. 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 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. Being none, he asked for Board comments.

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

Regarding the Special Use Permit, 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 offered Resolution #25 and Ms. Czub seconded, to grant a Special Use Permit for a two family dwelling as requested. Ayes: d'Amico, Czub, Russell, Marzola, O'Brien. Noes: none.

Regarding the site plan, 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.

Ms. Czub moved, seconded by Mr. Marzola, to grant preliminary and final approval. The motion was unanimously approved.

Old Business

Mr. O'Brien announced that the application made by Clifton Country Road Associates has been removed from tonight's agenda at the request of the applicant, as they were unable to address outstanding issues.

New Business:

[2001-053] Wunderlich, Joseph R. - Proposed land transfer of 8.5 acres from Wunderlich to the Lands of County Waste, 1925 Route 9 - Conceptual subdivision review.

Mr. Tom Westervelt, ABD Engineers, said 8.5 acres will be transferred. Approximately 3 acres are in the Town of Clifton Park, and 5.5 acres are in the Town of Halfmoon. An access easement will be granted to Mr. Wunderlich, and a sewer easement will be granted to both parties. No improvements are planned at this time.

Mr. Kemper had the following comments: The application was referred to the Saratoga County Planning Board on November 8, 2001. A revised easement will have to be filed for the lands of Wunderlich. The original PDD legislation may need to be changed.

Mr. Grasso had the following comments: We have reviewed the preliminary subdivision plan for the above project prepared by ABD Engineers and Surveyors last revised October 11, 2001 and offer 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: Town of Clifton Park Planning Board - subdivision approval; Saratoga County Planning Board - subdivision approval recommendation; Town of Halfmoon Planning Board - subdivision approval. The project may require approval of an amendment to the existing County Waste Planned Development District (PDD) by the Halfmoon Town Board.

Mr. O'Brien said there is no need to hold up the process by waiting for approval from the Town of Halfmoon.

The ECC had the following comments: The ECC has reviewed the project information and offers the following comments and recommendations. The ECC recommends that any plans for future use of the property be submitted to the Town building Department for review.

Mr. d'Amico asked how the 8.5 acres is zoned. Mr. Westervelt said the land in the Town of Clifton Park is zoned light industrial, and in the Town of Halfmoon it is C-1 commercial.

Mr. O'Brien said once the 500' notices are sent out, then the application can proceed in the Town of Clifton Park.

[2001-052] New York Development Group, LLC - Proposed (20) lot subdivision, Tanner Road - Conceptual subdivision review.

Mr. Gil VanGuilder said there will be 18 lots on a 1100' cul de sac, and the rear portion of the 46 acres will be subdivided into 2 large lots. He said recreational pathways will be fit into the plan. The water main will be extended to Tanner Road from the Emerson Subdivision. Total wetland disturbance will be approximately 3,000 square feet. All of the DEC wetlands will either be on open space areas or on Lot #19. Keyhole lots will have 50' setbacks all around. Mr. VanGuilder said he spoke with Sheryl Reed regarding having 20 lots on a cul de sac, and she said the applicant must go to the Fire Code Appeals Board.

Mr. Kemper had the following comments: The Town of Clifton Park LC Zone should be indicated on the plot plan. The date of the wetland delineation should be indicated on the plans. The proposed water and sewer infrastructure will need to be extended across a N.Y.S.D.E.C. classified wetland and stream. Therefore, any approval should be made a condition of those approvals. The appropriate setbacks should be indicated for keyhole lots according to 208-86(b) of the Town Code. The following standard notes should be placed on the plans: 500 ft. driveway note, address identification for keyhole lots, C.P.W.A. note, street tree note.

Mr. Grasso had the following comments: We have reviewed the preliminary subdivision plan for the above project prepared by Lansing Engineering, P.C. dated November 5, 2001 and offer 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: Town of Clifton Park Planning Board - subdivision approval; New York State Department of Health - realty subdivision, public water extension; New York State Department of Environmental Conservation - public sewer extension and SPDES permit; Saratoga County Sewer District #1 - acceptance of flows and ownership of sewer system. The proposed project involves a rather

conventional style subdivision in the mostly rural western side of Town. In order to help retain the rural character of the area, consideration should be given to the development of a cluster or conservation density layout that enhances and protects the open space quantities in the area. Given the potential environmental impacts, we do not recommend the extension of the municipal water and sewer mains across the stream and wetland corridors. These extensions should occur along the existing public right-of-ways. Pursuant to Section 86-6 F. of the Town Code, dead end streets shall not service in excess of 18 residential units. Twenty lots are proposed, we do not recommend access to lots number 1 and 2 from Tanner road. We offer the following comments regarding the proposed keyhole lots number 19 and 20: The minimum front, side and rear yard setbacks shall be 50 feet. The Town's standard note for driveways in excess of 500 feet should be added to the plan. The Town's standard note for address identification should be added to the plan. Water supply and sanitary services should be designed to accommodate the long length to the public mains. The driveway culvert(s) should be sized to pass the entire upstream drainage area. The wetland delineation's should be reviewed and approved by the US Army Corps of Engineers and New York State Department of Environmental Conservation. The location of the Land Conservation Zoning District boundaries should be shown on the plans. The consultant should verify the adequacy of the site distance at the proposed intersection with Tanner Road. The locations of the existing residences across Tanner Road should be shown on the plans. Provisions should be made to screen the automobile headlights exiting the proposed development. Consideration should be given to providing recreational paths to make use of the proposed open space areas for passive recreation. Review and approval of the proposed public water supply and sanitary sewer should be granted by the Clifton Park Water Authority (CPWA) and Saratoga County Sewer District (SCSD). The consultant should document that the existing low-pressure sanitary forcemain at Dawson Lane has the capacity to accept flows from the proposed subdivision. Watermain and sanitary sewer stubs should be provided for potential future connection at the future road right-of-way and at Tanner Road. Lot lines should be perpendicular and/or radial to the roadway where possible. Corner lots number 1, 2, 5 and 7 should be enlarged to accommodate the additional building setback requirements. Existing topography is eligible.

The ECC had the following comments: The ECC has reviewed the project information and offers the following comments and recommendations. The Applicant should submit a Stormwater Management Plan for review by the ECC and the Town Engineer. Due to the potential Federal wetlands on this parcel, the Applicant will determine the location and the extent of disturbance of Federal wetlands before building permit is issued. The following standard statements should be added to the plot plan and each individual lot plans. 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. No salts, fertilizers, pesticides, or other materials may be used on this property where they will contaminate any wetland areas or surface waters through runoff, leaching, or in any other manner which violates the New York State Environmental Conservation Law (ECL). The borders of all lands to remain undisturbed shall be clearly marked on the site before site preparation begins. These on-

site boundary markers shall remain until construction is complete 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. O'Brien asked if there were any boundary disputes with Mrs. Hubbard. Mr. Van Guilder said he has met with Mrs. Hubbard's surveyor and the lines are correct.

Mr. Van Guilder said 30' setback variances were received in the Emerson subdivision, and if the Planning Board agrees, he would like to move all the houses forward in this subdivision to preserve vegetation in the rear. Mr. O'Brien said there was an economic hardship in the Emerson subdivision because of the lot line discrepancies. He said the 50' setback was established for a reason, and he does not want to set a precedent.

Discussion Items:

Stonegate Phase II - Mr. O'Brien expressed concern that many areas of Phase II have been clearcut, and is concerned that there has been no enforcement of no clearing in the no cut zones. He said when the application came before the Planning Board the developer assured the Planning Board that the subdivision would be heavily wooded. Mr. O'Brien asked Mr. Kemper and Mr. Pelagalli to come up with language to recommend to the Town Board that there should be some penalty assessed to developers or builders who violate site plan restrictions and requirements.

Mr. Russell added that ACOE wetlands in Peacock Glen are being filled in.

Dunkin Donuts, Balltown Road - Mr. Grasso said Dunkin Donuts has not been able to get DOT approval, and said the DOT may take 30'- 50' from the Dunkin Donuts' site, and a new site plan has been submitted. Mr. O'Brien said he wants Dunkin Donuts to come back to the Planning Board for further review.

Minutes Approval:

The minutes of November 14, 2001 were not distributed in time for the members to review them, and will be on the agenda for approval at the December 11, 2001 meeting.

Mr. Russell moved, seconded by Mr. d'Amico to adjourn. The motion was unanimously approved. The meeting was adjourned at 8:40 p.m.

Respectfully submitted,

Elaine Hughes
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, Oscar Schreiber, 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

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 November 27, 2001, at 7:10 P.M. there were:

Present: K. O'Brien, R. d'Amico, B. Czub, J. Marzola, J. Russell

Mr. d'Amico offered Resolution #25 and Ms. Czub seconded, and

Whereas, an application has been made to this Board by Bertha J. Wassenaar for a Special Use Permit for a two family dwelling in an R-1 zone, 428 Moe Road, and

Whereas, pursuant to Section 276 of the Town Law a public hearing was advertised and was held on November 27, 2001 in the Town Office Building, 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, and

Whereas, it appears to be in the best interest of the Town that said application be approved,

Now therefore, be it resolved that a Special Use Permit be granted to Bertha J. Wassenaar for a two family dwelling in an R-1 zone, 428 Moe Road.

RESOLUTION #25 passed 11/27/01

Ayes: d'Amico, Czub, Marzola, Russell, O'Brien.

Noes: None

Kevin O'Brien
Chairman