

Clifton Park Planning Board Meeting Minutes

March 26, 2002

Those present at the March 26, 2002 Planning Board meeting were:

Planning Board: S. Bulger, B. Czub, R. d'Amico, J. Larkin, J. Marzola, J. Russell

Those absent were: K. O'Brien

Those also present were: J. Kemper, Director of Planning, J. Grasso, Clough, Harbour, and Associates, P. Pelagalli, Counsel

Mr. Bulger, Vice-Chairman, called the meeting to order at 7:10p.m. He announced that the last item on the agenda, a proposed (2) lot subdivision on Judith Drive submitted by Belmonte Builders, had been withdrawn at the request of the applicant.

Public Hearing

[2002-018] Droms, Elmer – Proposed land transfer of 1.39 acres from the Lands of Drescher to the Lands of Droms, 43 Droms Road – Preliminary public hearing and possible determination.

Mr. Bulger called the public hearing to order at 7:10p.m. The Secretary read the public hearing notice as published in the Daily Gazette on March 20, 2002.

Mr. Gil VanGuilder, Gilbert VanGuilder and Associates, presented this application on behalf of the applicant. He explained that Elmer Droms took title to two parcels of land located between Grooms Road and Droms Road in the 1930's. Those parcels, totaling 83.74 acres, were combined for tax mapping purposes. The Dreschers recently purchased the easterly 30 acres of tax map parcel 276.-1-46.1 which was conveyed to Droms in one deed. Due to contractual matters relating to the purchaser of the western portion of the tax map parcel, the Dreschers have agreed to transfer two parcels, totaling 1.39 acres of land from their 30.3 acre parcel to the remaining lands of the estate. No new lots will be created.

Mr. Kemper listed a number of concerns. Since there are proposed N.Y.S.D.E.C. wetlands on the site, the approximate boundaries of these wetlands should be placed on the plot plan. The N.Y.S.D.E.C. classified stream on the western part of the Lands of Droms and associated LC Zone should also be depicted on the plot plan. It appears that the existing wood frame house will need a setback variance as a result of this land transfer. The standard subdivision notes for lots with wells and the farm note should be added to the plans. Samples of the consolidation deed should be submitted for review.

Mr. Kemper and the ECC asked that a site location map denoting the location of the proposed land transfer be provided on the plot plan.

Mr. Grasso reported that the proposed project appears to be an “Unlisted” action pursuant to SEQRA, and as such, coordinated review is optional. The Town of Clifton Park Planning Board appears to be the only involved agency. He noted that Grooms Road is identified in the Town of Clifton Park Trails Master Plan as being planned for the “Riverview Trail,” an on-road bike route from Groom’s Corners to Rexford and recommended that the Parks and Recreation Department be consulted to determine if the recent reconstruction of Grooms Road accomplished this goal or if any additional right-of-way acquisition may be warranted. The plan should identify the buildings to be demolished. In addition, the proposed setbacks on all remaining buildings should be shown on the plan to verify if any variances may be required. The location of the existing septic system should be shown on the plan to verify that the required separation distances are met. He also noted that a site location map is required.

There being no public comment, Mr. Marzola moved, seconded by Ms. Czub, to close the public hearing at 7:20p.m. The motion was unanimously carried.

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

Ms. Czub offered Resolution #11, seconded by Mr. d’Amico, to grant preliminary and final subdivision approval, waiving the final hearing, to this application that calls for the transfer of 1.39 acres of land from the Lands of Daniel Drescher to the Lands of the Estate of Elmer Droms conditioned upon the satisfaction of Mr. Kemper’s comments and the comments of Clough, Harbour, and Associates. Ayes: Marzola, Russell, Larkin, Czub, d’Amico, Bulger. Noes: None.

Old Business

[2002-009] Spectrasite Network Services, Inc. – Proposed co-location at the telecommunications tower on the Lands of Hicks, Sugar Hill Road – Preliminary site plan review and possible determination.

Due to the inclement weather, no representative was in attendance to present this proposal. Mr. Kemper explained that this project calls for the co-location of an antennae on the existing telecommunications tower located on the Lands of Hicks on Sugar Hill Road. He reported that on March 5, 2002, the Zoning Board of Appeals approved a setback variance to permit this installation since recent legislation requires that all telecommunication structures be located at least 500 feet from a residential structure. As required by Town Law, an independent engineering firm reviewed the application. A report from C.T. Male Associates dated February 14, 2002, stated that “the design of all these facilities is in accordance with standard engineering practices and meets Town code requirements.”

The ECC offered no comments on the proposal.

Mr. Pelagalli, Counsel, advised the Board to consider issues that have proved relevant in telecommunication litigation, including the capability of the tower to support additional tower load, levels of radio emissions, site aesthetics, and the impacts on neighboring property values. Board members discussed all aspects of the proposal and agreed that the co-location would be acceptable.

Mr. Larkin 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 carried.

Ms. Czub moved, seconded by Mr. d'Amico, to grant preliminary and final site plan approval to this application since C.T. Male Associates has determined that the proposed antennae installation is within the tower weight limit load, the amount of emissions are within the acceptable range, and site aesthetics are acceptable. Since property values have not deteriorated since the installation of the original monopole, this co-location would have little impact on adjoining property values. The motion was unanimously carried.

[2002-050] Waite, Stephen (Czar Properties, LLC) – Proposed 11,030 SF restaurant, Vischer Ferry Road – Preliminary site plan review and possible determination.

Mr. Dale Conklin, consultant for the applicant, outlined this proposal that calls for the construction of an 11,030 SF restaurant and recreation facility in a B-3 zone. Though the plan remains generally as presented during conceptual review, he provided elevations of the proposed one-story restaurant that included a colored rendering of the façade and samples of construction materials. In response to the letter from Clough, Harbour, and Associates, Mr. Conklin reported that additional handicapped spaces have been shown on the plan, trip generation information has been supplied, and a drainage plan has been submitted. He stated that development would occur in phases. Phase one will include the construction of the restaurant and parking areas; phase two will be the development of the miniature golf course and waterway.

Mr. Kemper offered several comments regarding this application. Colored façade renderings must be included in the final plans submitted for stamping. The project will require a signoff from the SCSD, the CPWA, and the Saratoga County D.P.W. The “proposed screening wall” for the dumpster enclosure should be surrounded with landscaping to provide a greater visual buffer. In the “zoning analysis table” on the site plan sheet, the applicant indicated that 104 parking spaces are proposed. A note under the table indicates that the applicant is also proposing 22 future spaces. Given the large expanse of parking lot, the applicant should consider eliminating some of the proposed parking and adding parking spaces to the future expansion area. “No Parking” signs must be placed in front of the handicap spaces. The style of lighting to be used throughout the site and samples of fixtures should be presented to the Board and lighting specifications should be included on the site plan. The variances granted by the ZBA and any conditions of those variances should be placed on the plot plan. A note should be added to the plans stating that the contractor will remove all erosion control measures when directed to do

so by the Town Engineer. The proposed evergreen plantings should be increased from 6' to 7'; deciduous trees should be increased to a minimum of 3" caliper; ornamental plantings should have a 24" spread or greater. Proposed hours of operation must be established and included on the site plan.

Mr. Grasso listed the concerns and recommendations provided by Clough, Harbour and Associates. As identified in the November 8, 2001 comment letter, additional detailed information should be provided regarding wastewater flows, water usage, and trip generation in order to determine accurate mitigation fees. Construction details should be provided for all proposed site work improvements. The plan lacks any proposed exterior lighting. Any exterior lighting, including building mounted lighting, should be shown on the plans and appropriately detailed. The plans appear to indicate two handicapped parking spaces. In accordance with A.D.A. requirements, for parking areas having 104 spaces, five handicapped parking spaces are required. In addition, "No Parking" signs are now required in front of the handicapped access aisles. The plans should indicate limits of asphalt pavement removal necessary for the proposed utility connections and should indicate pavement restoration. If the proposed water main will be a public main, an easement should be provided and shown on the plans and a water supply extension will be required by NYSDEC. We recommend that the water main route continue parallel to the access road to the proposed hydrant and that the service be attached to the main at a 90-degree angle. This will keep the 8" main out of the parking area and will shorten the hydrant lead length. A note should be provided on the plans specifying a minimum of 18" vertical separation between the water main and the storm and sanitary sewers. The plans indicate the use of fifteen drainage structures for the proposed parking areas. This appears excessive and may pose difficulties for grading and construction. Alternative pavement grading schemes should be considered. The grading plan lacks sufficient existing grade information along the rear of the KinderCare site and along the Littlefield property to determine if drainage may be coming onto the site in these areas. Underground roof drain connections that connect to the proposed storm sewer system should be provided. Although inlets to detention basins should generally be designed to be opposite the discharge pipe, Clough, Harbour, and Associates recommends that the run of storm sewer from catch basin #1 to the basin should enter the basin perpendicular and parallel to the outlet pipe. The proposed finished floor elevation of the building should be provided. The proposed grease trap should have access covers to grade. The applicant should submit the plans to the Saratoga County Sewer District for review and comment. Consideration should be given to the use of 1 on 3 sideslopes of the detention basin to facilitate mowing. If steeper than 1 on 3 slopes are used, erosion control blankets should be provided. In addition, the clearing for the basin should be limited to that necessary for the proposed grading. The proposed method of stormwater management including use of an open detention basin that discharges to the drainage system along Vischer Ferry Road is acceptable.

Mr. Kemper read the comments provided by the ECC. The comments of January 15, 2002 were reiterated. In addition, the following standard statements should be added to 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 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 water 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 and 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. Bulger reminded Mr. Conklin that the Special Use Permit requires substantial natural vegetative buffering around the perimeter of the site, particularly along the slope to the west and that the site noise is limited to specific decibel levels. He stated that he found the elevations and proposed building colors and construction materials acceptable. He questioned the type of site indication sign to be placed along Vischer Ferry Road. Mr. Conklin stated that the sign would be a double-sided, internally illuminated sign that complies with the town sign law.

Mr. Russell requested details regarding the location and screening of the dumpster that is to be located on the south side of the restaurant. He also asked about the total square footage of the family dining area. Mr. Conklin confirmed that the dining area had a total capacity of approximately 300 people. Mr. d'Amico requested information concerning the hours of operation and lighting levels. Mr. Conklin reported that the hours of operation have not been established. The lighting plan was described as having three levels: most intense for the miniature golf facility; softer illumination to enhance landscaping features; and security lighting to ensure safety along walkways and in the parking area.

Ms. Petronis, an interested resident, requested a detailed description of proposed plantings. A plan will be provided for her review.

Mr. Bulger moved, seconded by Mr. Marzola, to establish the Planning Board as Lead Agency and to issue a negative declaration pursuant to SEQRA. The motion was unanimously carried.

Ms. Czub moved, seconded by Mr. d'Amico, to grant preliminary site plan approval to this application conditioned upon satisfaction of the comments offered by Mr. Kemper, Clough, Harbour, and Associates, and the ECC. The motion was unanimously carried.

[2001-052] New York Development Group, LLC – Proposed (20) lot cluster subdivision, Tanner Road – Determination from preliminary public hearing held on February 26, 2002.

Mr. VanGuilder, consultant for the applicant, briefly reviewed this proposal that calls for a (20) lot subdivision in an R-1 zone. The plan, as presented at the March 12, 2002

meeting, calls for residential lots ranging in size from 21,000 square feet to 13 acres that will be served by the Clifton Park Water Authority and connected via a force main to the Saratoga County Sewer District. Water lines will be installed from Route 146A west of Emerson Lane to Tanner Road at Carpenter Lane. Mr. VanGuilder explained that the applicant has reached agreement with Mr. Bushman whose property lies directly opposite the proposed Carpenter Lane access on Tanner Road. Additional fencing, driveway improvements, substantial plantings and cost sharing for connection to the CPWA system are components of the negotiated agreement. Mr. VanGuilder also explained that concerns raised by other Tanner Road residents have been addressed by the addition of plantings on New York Development property along the east side of Tanner Road. Such plantings are provided in an attempt to mitigate the visual impact of the new development.

Mr. Kemper asked that a note be added to the plans stating that the proposed subdivision will be included in the Sherwood Forest Park District. He further explained that he had received a letter from Linda Shartzler, Chairwoman of the Sherwood Forest Park District, asking that a waterbib and electrical outlet be provided near the subdivision sign. Mr. Kemper pointed out that per Resolution #333 of 2001, a note should be added to the plan that states that all entrance signs and associated maintenance will be the responsibility of the developer or homeowners' association.

When the project was last considered by the Board, members asked that CHA evaluate traffic impacts, realignment of the proposed road, and possible impacts to drinking water in the area. Lou Gerard, Highway Superintendent, has stated his opposition to the proposed 3-way stop on Tanner Road, indicating that such traffic control would be dangerous and unwarranted at this time. The Building Department has requested that a note should be added to the plans stating that all accessory structures must conform with the setback requirements established for the cluster subdivision. A note should be added to the plans stating that all erosion control measures must be removed by the contractor prior to dedication of roadways or parkland. The ingress/egress easement note should be revised to include the correct lot numbers. Mr. Kemper also reported that the Planning Department has received a copy of the executed agreement between the applicant and landowners impacted by the development that outlines mitigation measures. Limits for the hours of construction must be shown on the plans.

Mr. Grasso reported that a review of the final subdivision plans revised on March 7, 2002, including the Sewer Report, Stormwater Management Report, Stormwater Pollution Prevention Plan and Water Report, resulted in several comments. He explained that staff from Clough, Harbour, and Associates visited the site on March 5 to investigate potential impacts of this project. With regard to the impact of roadway alignment on properties on the west side of Tanner Road, options to mitigate impacts include relocating Carpenter's Lane to the south or reconstructing the affected property owner's driveway to allow additional landscaping in this area. Since relocating the road would reduce the available sight distance and shift the roadway closer to the protected wetlands and buffer area, reconstruction of the driveway at 686 Tanner Road and increased landscaping as agreed to appears most practicable. Documentation to this effect should be added to the

construction plans or made part of the record of approval of the project.

The amount of impact on drainage and water supplies to properties on the west side of Tanner Road was also a question. Due to the existing drainage patterns of the site, there no impact is expected on drainage conditions or water supply systems, including dug wells, for the properties adjacent to the site or situated on the west side of Tanner Road. All potential drainage impacts have been appropriately mitigated and this issue has been adequately addressed.

Several minor issues must be addressed prior to the release of stamped plans. A foundation drain lateral should be provided for lot #17. The multi-use pathway section should be revised to include 3” of Type 6 top course rather than 2 ½” of Type 7 top course and should include minimum 12” seeded shoulders at a maximum slope of 1”/ft. Outside of the shoulders, the maximum cut or fill slope shall be 1 on 3 with all slopes seeded and mulched. Silt fence should be provided along both sides of the route of the multi-use pathway and should be installed prior to installation of the water main and force main. The proposed multi-use pathway is located on the property line of lot #16 Dawson Lane in the Emerson Subdivision. The pathway should be a minimum of five feet from the property line.

Board members expressed their appreciation to the applicant for working with Tanner Road residents to achieve an acceptable compromise for mitigating impacts of the subdivision on existing properties. Members found that most of the outstanding issues had been resolved and revised plans are acceptable.

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

Mr. Larkin offered Resolution #12, seconded by Mr. Russell, to grant preliminary and final approval, waiving the final hearing, for this (20) lot cluster subdivision conditioned upon satisfaction of the comments offered by Mr. Kemper, Clough, Harbour, and Associates, and the ECC. Ayes: Marzola, Russell, Larkin, Czub, d’Amico, Bulger. Noes: None.

New Business

[2002-016] Lindsey, Duane – Proposed (2) lot subdivision, Grooms Road – Conceptual review.

Mr. Tom Andress, consultant for the applicant, presented this application that calls for the subdivision of approximately 129 acres of land into lots of 2.3 acres and 127 acres, respectively, in an R-1 zone. The property is located on the north side of Grooms Road, west of Wishing Well Lane and east of Herold Drive. The applicant proposes the construction of a single-family residence served by an individual well and septic system on the smaller parcel.

Mr. Kemper provided copies of Resolution #308 of 1993 for the Board's review. This resolution states that the Vischer Ferry Road C.I.P. Fees will not apply if a subdivision is proposed to create a lot for a family member's residence. The approximate location of the N.Y.S.D.E.C. wetlands should be depicted on the plot plan. Lot #1 should be checked for ACOE wetlands. The standard note for lots with wells and the farm note should be added to the plans. A Saratoga County DPW curb cut permit will be required for a curb cut on Grooms Rd.

Mr. Grasso stated that the proposed project appears to be an "Unlisted" action pursuant to SEQR, and as such, coordinated review is optional. Involved agencies are expected to include the following: Planning Board – Subdivision Approval; Saratoga County Planning Board – Subdivision approval recommendation; Saratoga County Department of Public Works – Curb Cut Permit. The Town of Clifton Park's Trails Master Plan indicates that this parcel is slated for a possible future multi-use pathway between the Oaks Subdivision and Wishing Well Subdivision on the east and Miller Road to the west. The possible route of such a connection should be investigated at this time. If it is determined that the trail should be located along Grooms Road, additional right of way should be included in the subdivision proposal. Due to the location of the pond within the parcel, potential for wetland areas and 100' required separation from these features, we recommend any jurisdictional wetlands within 100 feet of Lot 1 be identified and soil investigations conducted to verify of the adequacy soils to accommodate on site waste water disposal system. Existing features such as buildings, wells and septic systems should be shown on the plan. The following standard notes should be added to the plan: standard note for lots with wells; standard note for lots where sanitary design is required.

Board members found this proposal generally acceptable. A discussion regarding the proposed trail route resulted in the agreement between Board and applicant that the owner of the 2.3 acre parcel would convey a 10' strip of land along Grooms Road at no cost to the Town when and if it was required for trail construction. Trail segments from Wishing Well subdivision to Grooms and/or Miller Roads would be considered when the remaining 127 acre parcel is presented for subdivision approval.

[2002-017] Belmonte Builders, Inc. – Proposed (2) lot subdivision, Judith Drive – Conceptual review.

This application was withdrawn from this evening's meeting at the request of the applicant.

Minutes Approval

Mr. Larkin moved, seconded by Mr. d'Amico, approval of the minutes of March 12, 2002 as written. The motion was unanimously carried.

Discussion Items

Clifton Country Road Improvements

Board members discussed the traffic problems that exist on Clifton Country Road Extension. Comments concerned the increase in traffic through the area as a result of the construction of the Hampton Inn and renovation of the former Exxon station on Plank Road. Members spoke of the difficulty negotiating left turns from the east on Old Route 146 to Clifton Country Road and the “stacking” north of Route 146 at Clifton Country Road Extension.

Ms. Czub moved, seconded by Mr. d’Amico, to authorize the Chairman to forward a recommendation to the Town Board requesting that Clough, Harbour, and Associates evaluate traffic flows in the area and offer recommendations for remediation of existing problems. The motion was unanimously carried.

Renaissance II Subdivision

Mr. Kemper presented a plot plan for Lot #5 Leonardo Drive that is located in the Renaissance II subdivision. The builder has proposed revisions to the approved house location and clearing limit lines for the parcel that would better conform to site conditions. Board members agreed that the revisions to the plot plan were acceptable.

Mr. d’Amico moved, seconded by Mr. Larkin, adjournment of the meeting at 8:25p.m. The motion was unanimously carried.

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, 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 # 11

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 March 26, 2002, at 7:30 P.M. there were:

Present: S. Bulger, Vice-Chairman, B. Czub, R. d’Amico, J. Larkin, J. Marzola, J.

Russell

Ms. Czub offered Resolution #11 and Mr. Marzola seconded, and

Whereas, an application has been made to this Board by Daniel Drescher for approval of subdivision consisting of a land transfer of 1.39 acres from the Lands of Drescher to the adjoining Lands of Elmer Droms,

Whereas, pursuant to Section 276 of the Town Law a public hearing was advertised and was held on March 26, 2002 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 March 26, 2002, 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 plat entitled Land Transfer Between the Lands of Drescher and the Lands of the Estate of Elmer L. Droms consisting of a land transfer of 1.39 acres from the Lands of Drescher to the adjoining Lands of Elmer Droms, is hereby granted preliminary and final approval, conditioned upon satisfaction of the comments of Mr. Kemper and the ECC.

RESOLUTION #11 passed 3/26/02

Ayes: Czub, d'Amico, Russell, Larkin, Marzola, Bulger
Noes: None

Steve Bulger,
Vice-Chairman

Resolution #12

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 March 26, 2002, at 7:30 P.M. there were:

Present: S. Bulger, Vice-Chairman, B. Czub, R. d'Amico, J. Larkin, J. Marzola, J. Russell

Mr. Larkin offered Resolution #12 and Mr. Mr. Russell seconded, and

Whereas, an application has been made to this Board by New York Development Group,

LLC for approval of subdivision entitled Falcon Ridge consisting of (20) lots

Whereas, pursuant to Section 276 of the Town Law a public hearing was advertised and was held on February 26, 2002 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 March 26, 2002, 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 plat entitled Falcon Ridge Subdivision consisting of (20) lots, is hereby granted preliminary and final approval, conditioned upon satisfaction of the comments of Mr. Kemper, Clough, Harbour, and Associates, and the ECC.

RESOLUTION #12 passed 3/26/02

Ayes: Czub, d'Amico, Russell, Larkin, Marzola, Bulger

Noes: None

Steve Bulger,
Vice-Chairman