

**Clifton Park Planning Board Meeting Minutes  
March 22, 2005**

Those present at the March 22, 2005 Planning Board meeting were:

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

Those absent were: J. Russell

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

Mr. Bulger, Chairman, called the meeting to order at 7:10p.m. He reported that the application regarding the Daigle subdivision was withdrawn from the evening's discussion at the request of the applicant. All in attendance stood for recitation of the Pledge of Allegiance.

Public Hearings:

There were no public hearings scheduled for this evening's meeting.

Old Business:

[2004-062] Hornfeck, John – Proposed (4) lot subdivision, Blue Barns Road – Determination from public hearing held on January 11, 2005.

Mr. Dave Flanders, consultant for the applicant, presented this application that was last before the Board at its February 23, 2005 meeting. He explained that the plan remains generally as presented at that meeting, although a sediment and erosion control plan prepared by Lansing Engineering has been submitted with revised subdivision plans. Mr. Flanders referenced a letter from Harold Berger, Consulting Engineer, which presented information regarding water pressure for the proposed homes. Citing applicable sections of the NYSDOH Sanitary Code, Mr. Berger explained that "it is the legal obligation of the purveyor to assure a minimum working pressure of 20 pounds per square inch at the entry point (ground level) of the home at all times." He noted that it would be the responsibility of individual homeowner to make provision for increasing the pressure within the residence. Mr. Berger's letter identifies two means of accomplishing this result. One solution would be to install a booster pump in the line. The other, more desirable way to achieve the increased pressure would be to install a booster pump with a pressure tank similar to those used in homes serviced by wells. In his opinion, the sizing of the water pipes to the rear lots does not have to exceed 1½".

Mr. Kemper reported that this project last appeared before the Board on February 23, 2005 at which time the only major issue that remained to be addressed was the low water

pressure in the area. The Board requested comment from the Clifton Park Water Authority, on future water connections in the area. Don Austin, Director of the Water Authority reports that when CPWA system is linked to the Rexford system, the pressure will not likely increase because of the condition of the lines in the Rexford system. The Board also requested that the driveway culvert be changed. The Board closed the public hearing on January 11, 2005. Mr. Kemper reported that copies of the letter from Harold Berger, P.E. dated March 1, 2005 that outlines a corrective measure for the low water pressure in the vicinity of these homes were provided to all Board members. Mr. Kemper advised the applicant to ensure that the clearing limit lines shown on the plans be placed in the correct locations because these clearing limit lines will be strictly enforced by the Town. The sediment and erosion control plan will need to be provided with the set of plans that are submitted for stamping. The correct lot numbers must be illustrated in the standard ingress/egress note. A written sign-off will be required from the Rexford Water District. The NYSDOT curb cut permit must be provided prior to the stamping of the plans: this curb cut permit must include the utility connections as well. The Trails Committee provided the following comments dated March 20, 2005: "The Trails Committee recommends a 15 to 20 ft. right of way for trail development. There is an issue of rail road tracks on Blue Barns Road, but access over the tracks will come from both the Canadian Pacific and Gilford Railroad."

Mr. Kemper read the comments that were prepared by the ECC. The ECC recommends that the following standard statements be added to the 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 ends 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. Grasso reported that Clough, Harbour, and Associates reviewed the subdivision plan for the above referenced project prepared by David A. Flanders Associates and have found all previous comments to have been adequately addressed. The previous concerns regarding the adequacy of water supply have been addressed by a letter from Harold Berger, P.E. dated March 1, 2004 that recommends that the subdivision plan require 1 ¼" and 1 ½" water services for the two front lots and two rear lots, respectively; and by the disclosure note that has been added to the plan that states "Due to the potential for periods of low water pressure in this area of the Rexford Water District a centrifugal booster pump and water pressure tank shall be installed at the time of construction of the houses if water pressure readings taken at the point of entry of each individual residence is at or below 30 psi."

Mr. Pelagalli advised that the note on the approved plan regarding the necessity for the installation of pumps to increase water pressure within the residences must also be added to each individual deed.

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

Mr. Karam offered Resolution #6, seconded by Mr. Bulger, to waive the final hearing for this application and to grant preliminary and final approval conditioned upon satisfaction of the comments offered by Mr. Kemper and Mr. Grasso and the addition of the note regarding the installation of equipment designed to increase water pressure in the residences in individual property deeds. Ayes: Kramer, Larkin, Pace, Karam, Hughes, Bulger. Noes: None.

[2005-013] Edelman, Matt – Proposed 3,984 SF horse barn, 974 Grooms Road – Preliminary site plan review and possible determination.

Mr. Gil VanGuilder, consultant for the applicant, presented this application that calls for the construction of a 3,984 SF horse barn at an existing riding stable. There are currently two barns and a home on the 10-acre parcel that is located on the south side of Grooms Road in an R-3 zone. The barn will contain eight (8) horse stalls, storage, utility, and tack rooms. Mr. VanGuilder explained that the facility is currently operating under a Special Use Permit that restricts the number of people taking riding lessons to 5 at any one time and the hours of operation from 9a.m. to 9p.m. The applicant agrees that these restrictions will not be violated with the addition of the new facility. The parcel is now served by a well and septic system. Mr. VanGuilder addressed the concerns raised by Clough, Harbour, and Associates, noting that handicapped spaces would be provided. Animal waste is placed in a transport trailer and removed from the site on a regular basis. Ten days would be the longest time the trailer remained on site before it is emptied. Lighting will be limited to entryways and down lighting will be utilized.

Mr. Edelman explained that the septic system failed during the winter. He has the system pumped on a regular basis and had added fill to help thaw the frozen lines. Mr. VanGuilder reported that the filling that occurred to the front of the site did not appear to encroach on the wetland areas. Mr. Edelman reported that the previous owner apparently filled the rear portion of the site: he will attempt to correct any drainage the problems created by this action. Mr. Edelman also stated that he has been trying to resolve the problems inherited from the previous owner.

Mr. Kemper explained that this project received final site plan approval on April 22, 2003. This approval has expired. A letter from adjoining property owners David Karasz and Mina Sun regarding the filling that has occurred on this property was copied for Board members. Mr. Kemper reported that a site visit determined that fill has been added to the site. He will verify that the applicant was instructed to place fill by the Building Department. The project has already received a special use permit. Mr. Kemper asked that erosion control measures be shown on the plan.

Mr. Kemper reported that the ECC offered the following comments. The applicant should indicate how horse waste would be handled on site and should submit a plan to manage

the waste anticipated from all the horses on site. All waste must be stored in a manner that will not create a nuisance or contaminate the NYSDEC wetlands through air disbursement, run-off, or leaching.

Mr. Grasso stated that Clough, Harbour, and Associates reviewed the site plan for this project and offered several comments. A copy of the special use permit should be provided to determine if the proposed action is in conformance with the formal approval. The Town has had problems with horse farms adding exterior lighting to their properties that caused significant glare to off-site areas. Clough, Harbour, and Associates, therefore, recommends that any proposed exterior lighting be submitted for review and approval. If none is proposed, it should be made a condition of the special use permit. The proposed number of horses to be stabled on-site should be stated on the plan. The provisions for the handling and storage of the manure should be discussed. If the operation will be a commercial use, handicapped accessibility and handicapped parking provisions will be required. The proposed project appears to be an unlisted action pursuant to SEQRA, and as such, coordinated review is optional. The only involved agency is expected to be the Clifton Park Planning Board with site plan approval being required.

Mr. Roger Wright, 12 Maria Court, requested information regarding the land uses that would be permitted on the Edelmann parcel. Since he has observed a significant amount of “off-road” traffic such as the driving of unlicensed vehicles, snowmobiles, ATVs, and tow trucks, he was concerned that the property owner was operating a school for heavy equipment operators. He asked if there was a relationship between the Edelmann property and the adjoining property to the west owned by Simone. Mr. Wright also stated that there were “piles of rubble” located to the rear of the site. Mr. Edelmann stated that he was not running any business at the site other than the stabling of horses and the riding operation. He intends to grade the piles of dirt that are currently located to the rear of the property: these areas will be leveled, topsoiled, and seeded. He was not certain what vehicles were using the property. Mr. Simone, owner of the adjoining property, reported that his son uses the Edelmann property for snowmobiling and other activities. He explained that a tow truck was used to remove a vehicle that had been mired in the mud.

Mr. Simone told the Board that Mr. Edelmann has made substantial improvements to the horse farm. He finds Mr. Edelmann to “be a good neighbor” and favors the growth of his business.

Mr. David Karasz, 972 Grooms Road, described impacts to his property that, in his opinion, have resulted from Mr. Edelmann’s actions. He stated that substantial filling and grading of the Blue River Farm site has resulted in increased drainage of water and effluent from a malfunctioning septic system to his property. He reported that he and his family are no longer able to enjoy their property because of the ponding that now occurs. He is concerned that the drainage from the Edelmann site poses a health threat. Mr. Karasz asked the Board to delay any approvals until the drainage issues have been addressed.

Mr. Edelmann asked the Board to move forward with its review of his application since

the proposed horse barn will require no excavation, no fill, or water flow on the site or to adjoining properties.

Mr. Pat Ragozzino, 942 Grooms Road, told Board members that he has resided on Grooms Road for nearly 30 years. He believes that Mr. Edelmann has done a commendable job cleaning up the farm that had that had fallen into disrepair.

Mr. Karam expressed his concerns regarding the faulty septic system. Mr. Edelmann explained that the septic problems have resulted from faulty design and installation of the system, although that system is fairly new. Mr. Edelmann plans to repair the system as soon as weather conditions permit. Mr. VanGuilder explained that the applicant will contact NYSDEC for recommendations for repairing the system while limiting disturbance to designated wetlands. Fill brought in to solve the septic problem will be removed and the area near the driveway will be restored to its natural state. It is believed that restoring vegetation to the area will help percolation rates and drainage patterns. Mr. Karam would like to see site issues remedied before the Board renders a determination regarding the proposed barn. Mr. Hughes asked that the applicant and his consultant clarify the "fill issue" since a NYSDEC permit may be required to complete work on the site. In response to Ms. Pace's question regarding the number of horses on site, Mr. Edelmann reported that there are currently five horses stabled on site; he anticipates that the additional barn will allow the boarding of thirteen horses.

Mr. Edelmann asked that the Board grant approval for construction of the horse barn to keep his business in operation; however, Mr. Larkin and other members agreed that site issues regarding the filling of wetlands, septic problems, and site drainage must be positively addressed before additional approvals are granted. Mr. Larkin recommended a thorough review of the situation by the Building and Planning Departments.

Mr. Bulger summarized the Board's concerns. The applicant must address the septic system and NYSDEC wetland disturbance and complete required remediation. Sign-offs regarding the adequacy of the septic system will be required from the Building and Planning Departments as well as the Town Engineer. He also recommended that all the conditions of approval from the Special Use Permit granted fourteen years ago be reviewed.

[2004-061] Daigle, Howard – Proposed (5) lot subdivision, Vischer Ferry Road – Determination from preliminary public hearing held on January 11, 2005.

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

New Business:

[2005-014] Earl, Scott – Proposed (4) lot subdivision, Ray Road – Conceptual review.

Mr. Gil VanGuilder, consultant for the applicant, presented this application that calls for the subdivision of 64.34 acres of land on the north side of Ray Road in an R-3 zone into

(4) lots. The parcel is located approximately 2,000 feet east of the intersection of Sugar Hill Road and Ray Road and approximately 1,000 feet west of the intersection of Vischer Ferry Road and Ray Road. The proposed residences will be serviced by individual wells and individual sub-surface wastewater disposal systems. Access to the (4) lots will be by individual driveways onto Ray Road. The proposed development conforms to the R-3 zoning requirements.

Mr. VanGuilder addressed some of the concerns raised by Clough, Harbour, and Associates. He explained that wetlands would be delineated when the weather improves. Test pit information and percolation test results will be provided with future submissions. It is possible that raised bed septic systems will be required. The adequacy of sight distances at the driveway locations will be verified.

Mr. Kemper offered several comments on this application. He asked that the driveways be shown on the plans and he asked that the applicant consider utilizing a shared driveway access. He asked that the federally jurisdictional and NYSDEC wetlands be field delineated and mapped. Percolation test results must be submitted. The sight distance should be illustrated on the plans. Any existing structures and/or wells on the property should be illustrated on the plans.

Mr. Kemper read the list of recommendations prepared by the ECC. The applicant must delineate any federal jurisdictional wetlands on the parcel to determine if there will be impacts to such wetlands. The proposed waste handling systems should be kept as far away from the L-C zone and associated wetlands as possible. The ECC would like the applicant to clarify the purpose of the 50-foot land conservation district buffer area as shown on the plot plan. The applicant is asked to provide information regarding the future status of the existing buildings on Lot #4.

Mr. Grasso explained that Clough, Harbour, and Associates reviewed this subdivision plan and offered the following comments. The proposed project appears to be an "Unlisted" action pursuant to SEQR, and as such, coordinated review is optional. The only involved agency is expected to be the Clifton Park Planning Board with Subdivision Plan approval being required. The project site lies within the Western Clifton Park GEIS study area. Since the project only involves the subdivision of four lots, the project is not subject to the existing moratorium. The aerial photo depicts an existing house on proposed Lot #4 that is not shown on the subdivision plan. Clarification should be provided as to the intent of the existing structure. A project currently before the Planning Board is proposing the extension of municipal water to the corner of Vischer Ferry Road and Ray Road. Municipal water should be extended to serve the proposed project. Soil investigations including deep test pits and percolation tests should be conducted in the area of the proposed wastewater disposal systems to verify the adequacy of the soils to accept an on-site wastewater disposal system. Any raised septic system designs require design by a licensed professional engineer and review and approval by the Town Engineer prior to subdivision approval.

Mr. Grasso also noted that the proposed driveway locations should be shown on the plan.

It is recommended that a common access drive be provided. The sight distance at all proposed driveway locations should be verified. Consideration should be given to reconfiguring Lot #3 to be consistent with the existing field, thereby preserving the integrity of the remaining agricultural field to the north. The location of the NYSDEC wetlands and any federally jurisdictional wetlands should be field verified.

Mr. Grasso also recommended that the Planning Board consider conditioning approval on the conveyance of an additional 12'-15' right-of-way along Ray Road to permit the installation of a multi-use pathway.

Mr. Karam stated that he supported the extension of the Clifton Park Water Authority system to serve this site. Mr. Larkin observed that, although the applicant was requesting approval for four lots, it appears that the applicant will request approval for additional lots in the future. He noted that future lots would be required to meet the density requirements established at the conclusion of the GEIS process. Board members found the proposal generally acceptable: they agreed that extension of the water system would be reasonable.

[2005-015] Hoffman, Charles – Proposed 11,000 SF addition to existing professional office building, Chelsea Place – Conceptual site plan review.

Mr. Gordon Nicholson, consultant for the applicant, presented this application that calls for the construction of an 11,000 SF addition to an existing office building east of the intersection of NYS Route 9 and Chelsea Place in a B-4A zone. The resulting building will total 17,000 SF. The building is currently served by an on-site well and the Saratoga County Sewer District #1. Stormwater will be managed on site. 114 parking spaces will be provided. The greenspace totals 35%. Mr. Nicholson explained that, as currently designed, an 80' front yard setback may be required. A 20' side yard setback may be required to permit parking along the southern property boundary. Mr. Nicholson reported the presence of some small stormwater management areas on the site, though the applicant proposes to provide for a first flush on site with stormwater directed to an existing larger basin across Chelsea Place.

Mr. Kemper questioned the proposed use for the building addition. Mr. Nicholson reported that the addition would provide additional professional office space. Sign-offs will be required from the Clifton Park Water Authority and the Saratoga County Sewer District. He recommended that additional plantings be placed along Route 9. The greenspace should be clearly delineated on the plans. It does not appear that the required 35% greenspace will be met. The code enforcement officer must verify what variances will be necessary. It appears that the applicant is requesting 2 area variances at this point in time.

Mr. Kemper reported that the ECC provided the following comment. Since the project appears to disturb greater than an acre, The applicant will need to follow the new Phase II regulations for stormwater permits and pollution prevention.

Mr. Grasso explained that the site plan for this project has been reviewed by Clough, Harbour, and Associates. The following comments have been prepared. The Building Inspector should make a determination as to the front yard setback on Chelsea Place and the southern side yard setback since it appears that area variances will be required. The proposed stormwater management areas appear to be undersized. The appropriateness of the eastern basin based upon the topography shown is questionable. Per the zoning regulations, the storm water management areas are not to be counted towards the required greenspace unless aesthetically integrated into the site plan: this does not appear to be the case. Underground stormwater management for the whole site should be considered. Pursuant to the zoning regulations, plantings should be installed along the property margins at the sides from the front of the building for a width of not less than fifteen feet. The applicant should verify that the existing utilities are adequate to serve the proposed addition. Adjacent land uses and building locations should be shown on the plan to determine potential impacts. The site plan does not appear to provide the required minimum greenspace of 35%. The proposed project appears to be an unlisted action pursuant to SEQRA, and as such, coordinated review is optional. The involved agencies are expected to include: Clifton Park Planning Board –Site Plan Approval; Clifton Park Zoning Board of Appeals – Area Variances; Saratoga County Planning Board – Section 239 Referral.

In response to Mr. Larkin's question regarding the maximum building area permitted in the B-4A zone, Mr. Kemper stated that the code states that the code limits retail businesses to less than 30,000 SF. Mr. Larkin reminded the Board that there is a maintenance and ownership issue regarding Chelsea Place. Mr. Nicholson explained that although it was intended that Chelsea Place become a Town road, it has not been constructed to acceptable standards and remains in private ownership. Mr. Bulger commented that although the road issue is of concern, he does not believe that this applicant should be responsible for the total upgrade. Mr. Hoffman explained that the owners of the properties within Chelsea Place have joined together to maintain the roads. Apparently title issues have prevented the transfer of ownership. Mr. Nicholson noted that ownership of the sewer force mains may also be a problem. Board members found the project plan generally acceptable.

#### Minutes Approval

Mr. Bulger moved, seconded by Mr. Karam, approval of the minutes of March 8, 2005 as written. The motion was unanimously carried.

#### Discussion Items

Mr. Bulger distributed documents regarding proposals to be incorporated in the GEIS for the western portion of the Town. The information provided included a description of the open space incentive zoning, the conservation residential district, new zoning definitions, and zoning information related to proposed hamlet districts.

He suggested that Board members gather before the next Planning Board meeting or plan

a meeting with members of the Zoning Board of Appeals to discuss the proposals under consideration and the implications for implementation by the respective Boards.

Mr. Bulger moved, seconded by Ms. Pace, adjournment of the meeting at 8:50p.m. The motion was unanimously carried. The next meeting of the Planning Board is scheduled for April 12, 2005.

Respectfully submitted,

Janis L. Dean, Secretary cc: Planning Board Members, Planning Department, Clough, Harbour, and Associates, Supervisor, Town Administrator, Assessor, Zoning Board, Department of Building and Development, Town Clerk, Town Board Members, Highway Superintendent, Joel Peller, Town Attorney, Lou Renzi, Town Attorney, Jim Trainor, Town Attorney, Paul Pelagalli, Town Attorney, Department of Parks and Recreation, ECC, Saratoga County Planning Board, Shenendehowa Central School, Clifton Park Water Authority, Fire Districts.

Resolution #6  
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 22, 2005, there were:

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

Absent: None

Mr. Karam offered Resolution #6, and Mr. Bulger seconded, and

Whereas, an application has been made to this Board by David Triller for approval of a subdivision entitled Subdivision of the Lands of a Portion of the Lands of John O. Hornfeck consisting of (4) lots;

Whereas, pursuant to Section 276 of the Town Law, a public hearing was advertised and was held on January 11, 2005 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 22, 2005, 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 that the final subdivision plat entitled Subdivision of the Lands of a Portion of the Lands of

John O. Hornfeck consisting of (4) lots is hereby granted preliminary and final approval conditioned upon satisfaction of the comments offered by Mr. Kemper.

Resolution #6 passed 3/22/05

Ayes: Kramer, Larkin, Pace, Karam, Hughes, Russell, Bulger

Noes: None

Steven J. Bulger, Chairman