

Clifton Park Planning Board Meeting Minutes November 22, 2005

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

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

Those absent were: S. Bulger, J. Russell

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

Mr. Karam, Vice-Chairman, called the meeting to order at 7:10p.m. All in attendance
stood for recitation of the Pledge of Allegiance.

Public Hearings

No public hearings were scheduled for this evening's meeting.

Old Business

[2003-004] DCG Development, Co. – Proposed 148,000 SF light industrial flex space,
Wood Road – Revised conceptual site plan review.

This application was withdrawn from the evening's agenda at the request of the applicant.

New Business

[2005-057] Angelillo, Charles – Proposed (2) lot subdivision, Bruno Road – Conceptual
review.

Mr. Gil VanGuilder, consultant for the applicant, presented this application that calls for
the subdivision of 1.93 acres of land in an R-1 zone on the easterly side of Bruno Road
approximately 650 feet north of NYS Route 146. The lots will be 41,857 SF and 42,080
SF, respectively. An existing house and garage located at 613 Bruno Road will be razed.
Two new single-family residences will be constructed on the lots. The homes will be
served by the Clifton Park Water Authority and individual septic systems. Mr.
VanGuilder reported that percolation tests performed on the site indicate excellent
conditions for installation of the sanitary systems. Sight distances are adequate at the
proposed driveway locations. Addressing Mr. Grasso's comments, Mr. VanGuilder
agreed to add the appropriate labeling to the plan. He also agreed to discuss the
recommended combined driveways and 10' land conveyance along Bruno Road with the
applicant.

Mr. Kemper recommended that the applicant consider a shared access driveway for the two lots. A sign-off will be required from the Clifton Park Water Authority.

Mr. Grasso offered the comments prepared by Clough, Harbour, and Associates following review of the subdivision plan. He reported that 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 for subdivision approval. It should be confirmed that wetlands are not present on the site. The existing right-of-way along Bruno Road is 50’ wide. It is recommended that an additional 10’ be provided across the project frontage to allow for future road widening and drainage improvements. The lot width at the front building line should be labeled on the plan. The applicant should investigate the use of a combined driveway at the existing drive location. The location and size of driveway culvert should be shown on the plan.

Mr. O’Brien, Environmental Specialist, reported that the ECC offered the following comments. Members asked that the applicant investigate any possibility of a public sewer connection. The following standard statements should be added to the plot plan:

- The borders of all land that is to remain undisturbed shall be clearly marked on the site before site preparation begins. These on-site boundary markers shall remain until construction is completed and soils are stabilized.
- All erosion and water quality controls shall be put 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.

Board members found the proposal generally acceptable.

[2005-058] Dunseath, Hugh – Proposed (2) lot subdivision, Moe Road – Conceptual review.

Mr. Gavin Vuillaume, consultant for the applicant, presented this application for the Board’s consideration. The proposal calls for the subdivision of 7.84 acres of land in an R-1 zone on the east side of Moe Road directly across from Woodside Drive. A lot of 6.83 acres will contain an existing single-family residence and detached garage. A single family residence will be constructed on the proposed one-acre lot. Water will be supplied by the Clifton Park Water Authority: an individual septic system is proposed to serve the new home. The speaker reported that the tree line along the front of the property will be retained to the greatest extent practicable.

Mr. Kemper asked that the exact location of the well on the neighboring property be shown on the plan. A sign-off will be required from the Clifton Park Water Authority. Steve Myers provided the following comment in a memo dated October 24, 2005: “The proposed driveway will be required to meet fire department access requirements.” Mr. Kemper recommended that the applicant consider the installation of a shared access drive. A wetland delineation must be performed.

Mr. Grasso reported that Clough, Harbour, and Associates reviewed the plan and offered the following comments. 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 for subdivision approval. The plan should depict either the proposed well location or the proposed water service location. It is recommended that a connection to the municipal system be made. In addition, the plan states the existing well location should be confirmed before installation. Since this may impact the proposed configuration of the lot, it should be confirmed prior to subdivision approval. The location and size of driveway culvert should be shown on the plan. There is a concern with the proposed configuration of Lot #2. A property be created with a narrow strip of land to the rear of the adjacent landowners is not typically recommended. The plan should indicate if the pine tree row along the project frontage is to remain.

Mr. O’Brien, Environmental Specialist, reported that the ECC offered the following comments regarding this application. It was recommended that the applicant explore the feasibility of extending public water and sewer connections to both residences. Due to the potential for federal wetlands on this parcel, the applicant will determine the location and extent of disturbance of these wetlands before a building permit is issued. The following standard statements should be added to the plot plan:

- The borders of all land that is to remain undisturbed shall be clearly marked on the site before site preparation begins. These on-site boundary markers shall remain until construction is completed and soils are stabilized.
- All erosion and water quality controls shall be put 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.
- 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).
- This parcel (subdivision) is located in an area where aviation activity occurs. Such activity may include, but is not limited to periodic noise, vibration, hours of operation and other associated activities. A study describing this impact in detail is available for inspection in the office of the Albany International Airport.

Board members found the proposed subdivision plan acceptable.

[2005-061] Pecoraro, Paula – Proposed two-family residence in an R-1 zone, 12 Cranberry Lane – Special Use Permit and conceptual site plan review.

Ms. Pecoraro, applicant, explained that the Special Use Permit application that she is presenting to the Board requests approval to construct a 400 SF addition to her existing single-family residence located within the Clifton Gardens subdivision. The addition is necessary to accommodate her elderly mother who now resides with the family. The home is currently served by the Clifton Park Water Authority and the Saratoga County

Sewer District.

Mr. Kemper confirmed that the application is proposing to construct a 400 SF addition to an existing house. Building plans and a façade rendering have been provided.

Mr. Grasso reported that Clough, Harbour, and Associates offered no comment on the application. The ECC offered no comment on the project plan.

Board members found the project acceptable.

[2005-059] Belmonte Builders – Proposed (33) lot subdivision (Lands of Boel), Crescent Road – Conceptual review.

Mr. Gordon Nicholson, consultant for the applicant, presented this project plan that calls for the subdivision of approximately 77 acres of land on the south side of Crescent Road, west of its intersection with VanVranken Road. The parcel is located within the Conservation Residential (CR) zone. Approximately 11 acres of constrained lands have been identified on the site. These lands are composed of wetlands, adjacent buffer areas, and areas containing slopes greater than 20%. Mr. Nicholson explained that, per current zoning, the total area of unconstrained land (66 acres) may be development at a density of .33 lots per acre: this would permit the development of (22) lots. The applicant, however, proposes the development of (33) lots. Required open space would be 38.33 acres: the developer proposes that 38.37 acres will remain as open space that will be conveyed to the Town of Clifton Park. Open space contained within the proposed lots will be deed restricted to limit disturbance of natural resources. The minimum required lot area is 30,000 SF. The sight distance at the proposed access points meets or exceeds acceptable standards.

Mr. Nicholson explained that the property is bisected by a Niagara Mohawk Utility Easement. Crossing this property will require approval and permitting from the power corporation. The applicant proposes to connect the residences to the Clifton Park Water Authority system and to utilize individual septic systems. The use of septic systems will require approval from NYSDEC. The stormwater management area located near the center of the parcel will eventually discharge to an existing wetland. Mr. McGoolagan, representative for Belmonte Builders, Inc., described the project as “upscale,” noting that a 5.32 acre parcel along Crescent Road may include a “water feature” that would blend with the country-style roadways and horse farm type fencing to create a pastoral type setting. Mr. Nicholson described the project plan as a “new look” for the Town.

Mr. Kemper explained that the applicant is proposing to purchase 11 units as part of the Town’s amenity zoning process. This process will require Town Board approval. The applicant should consider integrating the stormwater management into the cul-de-sac design. A sign-off must be provided from NYSDEC and the ACOE on the wetland delineation. A Saratoga County Department of Public Works work permit will be required. Sight distance information must be provided on the plans. A multi-use pathway connection must be shown to the Southwick Meadows subdivision. A sign-off will be

required from Niagara Mohawk or National Grid on the power line crossing. Eric Hamilton, Trails Committee Chairman, submitted a memo dated November 21, 2005 that reads as follows: "This project is well west of where the proposed Crescent Trail will terminate. Pedestrian and bike connections, however, should be provided to neighborhoods (both existing and planned) to the east and the existing Applewood neighborhood to the west. Neat features that could be creatively explored include the ravine to the south east and the power transmission line right-of-way that bisects the project."

Mr. Grasso explained that Clough, Harbour, and Associates reviewed this concept subdivision plan and offered several comments regarding this application. The proposed project is located within the Western Clifton Park GEIS study area and the CR (Conservation Residential) zoning district. The project site is not identified on the Land Conservation Plan as an Agricultural or Open Space Resource parcel worthy of special protection. As such, development of the project site may be considered appropriate by the Planning Board. Development within this zoning district is subject to a maximum density of one lot per three developable (unconstrained) acres provided 50 percent of the area of the development site is designated as open space. The computations provided by the applicant indicate that 22 lots are allowed by zoning. The proposed density is 33 lots. Mr. Grasso explained that if the Board finds that an increase of the development potential of the property is appropriate, options available to the applicant to achieve the increase in density include the following: a transfer of development rights from another parcel within the study area; a purchase of development rights. The value of a development right as stipulated in the new zoning is \$30,000. Mr. Grasso did note that any transfer or purchase of development rights would require Town Board approval.

Several additional engineering issues were identified. The wetland delineation map should be submitted to both the United States Army Corps of Engineers and NYS Department of Environmental Conservation for a jurisdictional determination. Only after both agencies have reviewed, field verified, and approved the wetland delineation can the exact limits of onsite wetlands and LC (Land Conservation) zone limits be known. All correspondence from these agencies should be copied to the Town for their records. It is recommended that the open space be provided on a parcel to be dedicated to the Town and not as a portion of the proposed residential lots. 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 on-site systems. A proposed septic system location for Lot #20 should be provided. The need for stub street connections to the adjacent undeveloped properties should be evaluated and discussed with the Planning Board. The limits of the existing vegetation should be provided. The adequacy of the sight distance at the proposed accesses to Crescent Road should be verified. The names of all adjacent land owners should be shown on the plan. The location of the existing farm house should be shown on the plan and the plan should indicate if the house is to remain.

Mr. Grasso concluded his comments by stating that he found the applicant's attempt to preserve open space and the property's rural characteristics commendable. He believed

that the proposal meets the intent of the new zoning laws and recommended that uses of adjoining properties be reviewed to determine the most feasible location for the multi-use pathway.

Mr. Nicholson suggested that a trail connection along the south side of Crescent Road from the proposed project to VanVranken Road would be the most reasonable, though Mr. Boel, who spoke from the floor, stated that he would like to be assured that the trail would not encroach on his property. Mr. Larkin addressed Mr. Boel's concerns, noting that since Mr. Boel was substantially benefiting from this development that required construction on lands that were formerly undisturbed, he should positively consider conveyance of a 10' strip that would provide land for the pathway.

Mr. O'Brien, Environmental Specialist, reported that the ECC offered the following comments. To be consistent with the Town's established greenspace policy, Stormwater Management should not be considered as open space by the applicant. The applicant should make reference on the plot plan about the use of development rights to allow for a higher density as provided under the CR (Conservation Residential) Zoning. The ECC recommended that the applicant submit a Long Environmental Assessment Form to more fully evaluate the impacts of this project on the existing area. A project of this scale should utilize public sewer to be located to the east of VanVranken Road. Due to the potential for federal wetlands on this parcel, the applicant will determine the location and extent of disturbance of federal wetlands before a building permit is issued. The project will need to be redrawn to eliminate lot intrusion into the LC zone. The following standard statements should be added to the plot plan:

- 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 into place at the initial phase of site preparation and shall be maintained until all construction ends and soils are stabilized.
- This parcel (subdivision) is located in an area where aviation activity occurs. Such activity may include, but is not limited to periodic noise, vibration, hours of operation and other associated activities. A study describing this impact in detail is available for inspection in the office of the Albany International Airport.
- 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.

Mr. Hughes was most impressed with the design plan, noting that it had a "wonderful feel." He described Mr. Boel's adamant refusal to convey enough property to permit the construction of the multi-use pathway as "radical" and asked that the property owner reconsider his position. Though Board members discussed various locations for the bike

path, the connection along Crescent Road appeared to be the most feasible. Mr. Kemper pointed out that all newer subdivisions have received approval conditioned upon either installation of a pathway or contribution toward such development. Mr. Larkin supported Mr. Kemper's comments, noting that the request for additional lands for future roadway improvements and/or pathway connections has been made of all recent applicants. Mr. Kramer suggested that it may be possible to reduce the negative impacts to the Boel's property by using stone dust in place of paving materials and/or the installation of a berm to screen the path from the existing residence. Mr. Pelagalli addressed Mr. Boel's concern with liability issues that would result should someone traveling on the bike path be injured on his property, stating that such liability would rest with the Town. Mr. Kramer applauded the applicant for the innovative project design: he views the installation of a trail connection as a significant and necessary component of the project. Mr. Hughes voiced his hope that the applicant and the Town could agree on a reasonable trail location.

Mr. Karam called the Board's attention to the issue of density. Members found the project plan desirable and supported the applicant's request for approval of 11 additional lots. Mr. Hughes particularly liked the open space along Crescent Road and the spacing of the lots: Mr. Kramer stated that he would support approval of either the transfer of development rights or a per lot payment for the number of lots that exceeded zoning requirements. This was echoed by all the members in attendance.

Mr. McGoolagan reported that the applicant would be amenable to planting 15-20 evergreens on the property to screen the homes from those traveling along Crescent Road.

[2005-060] Belmonte Builders – Proposed (37) lots (Waite Meadows Subdivision), 626 Waite Road – Conceptual review.

Mr. Dominick Arico, consultant for the applicant, presented this application that calls for the subdivision of a 125.47 acre parcel located on the east side of Tanner Road north of its intersection with NYS Route 146. The property, located within the CR (Conservation Residential) zone, will be served by municipal water and sewer services that will be extended from the NYS Route 146 intersection. The project plan calls for the creation of (37) single-family residential lots with accompanying infrastructure improvements, including public access roads and provisions for stormwater management. The following conservation subdivision computations were provided: the total project area contains 125.43 acres; the constrained area totals 24.18 acres; the unconstrained area amounts to 101.25 acres. The total lots permitted per zoning would be 33. Since the required unconstrained area is 50% of the total acreage, it would total 62.72 acres. The required open space area is 31.36 acres. 32 acres of open space have been provided as portions of Lots #36 and 37 as well as various areas throughout the site. Zoning law requires that each lot be a minimum of 10,000 SF: the developer proposes lots in excess of 60,000 SF. The two lots adjacent to Waite Road would be "estate-type" lots suitable for equestrian activities or owners interested in having pastures or small farms. All lot width and setback requirements have been met or exceeded.

Mr. Arico then presented a proposal that contained (62) lots that was similar in design to the original proposal, explaining that the applicant was interested in developing a project with more residences.

Mr. Kemper reported that this project was previously presented to the Board as the Kasey Meadow Subdivision. A sign-off will be required from McDonald Engineering on the capacity of the sewer system. The following comments were received from Jim DiPasquale, Director of the Saratoga County Sewer District in a memo dated November 14, 2005: "Information will be needed for gaining access to sewer service. Evaluation of downstream capacity impacts will be required. Ownership of the proposed sanitary sewer service will need to be determined. All reviews, commitments to serve and acceptance of flows will be contingent on compliance with SCSD's Rules and Regulations." Eric Hamilton, Chairman of The Trails Committee, submitted the following comments: "I believe the committee has commented on this previously. Concerns here are for the keyhole lot type access. However, a concerted effort should be made to provide the infrastructure to provide bike and pedestrian access eastward to the Sherwood Dawson Trail and the communities that the trail is envisioned to serve. Granted this may result in a trail segment that may appear to lead to nowhere, but the first segment in the area will lay the groundwork for future connections as this area grows. Here again the power line right-of-way may provide an opportunity."

A sign-off must be provided on the wetland delineations. Mr. Kemper explained that, as proposed, the project does not meet the criteria for the amenity zoning density increase. In order to accomplish this, the protected open space must encompass 50% of the unconstrained land. Since the property immediately north of the project is enrolled in the conservation easement program, the applicant should contact that landowner to determine if there may be interest in a transfer of development rights. Sight distance should be illustrated on the plans.

Mr. Grasso reported that Clough, Harbour, and Associates reviewed the proposed subdivision plan for this application and offered the following comments. The proposed project is located within the Western Clifton Park GEIS study area and the CR (Conservation Residential) zoning district. The project site is not identified on the Land Conservation Plan as an Agricultural or Open Space Resource parcel worthy of special protection. As such, development of the project site may be considered appropriate by the Planning Board. Development within this zoning district is subject to a maximum density of one lot per three developable (unconstrained) acres provided 50 percent of the area of the development site is designated as open space. The computations provided by the applicant indicate that 33 lots are allowed by zoning. The proposed density is 35 lots assuming Lots #36 and #37 are strictly for open space and not considered buildable lots. The plan does not, however, provide 50% open space. The allowed density, therefore, is one unit per ten acres. If the Board finds that an increase of the development potential of the property is appropriate, options available to the applicant to achieve the increase in density include the following: a transfer of development rights from another parcel within the study area or the purchase of development rights. The value of a development right as stipulated in the new zoning is \$30,000. The speaker noted that any transfer or purchase

of development rights requires Town Board approval.

Several additional comments resulted from engineering review of the plans. The wetland delineation map should be submitted to both the United States Army Corps of Engineers and NYS Department of Environmental Conservation for a jurisdictional determination. Only after both agencies have reviewed, field verified, and approved the wetland delineation can the exact limits of onsite wetlands and LC-Land Conservation zone limits be known. All correspondence from these agencies should be copied to the Town for their records. The need for stub street connections to the adjacent undeveloped properties should be evaluated and discussed with the Planning Board. It is Clough, Harbour, and Associates' understanding that the Sammler parcel to the north has been added to the Town's conservation easement program. Although the Sammler property may not ultimately be developed into residential housing, provisions for a stub street for rights of public access may still be important. It is the understanding of the engineering firm that the sewer main installed along Route 146 to serve the Corporate Commerce Zone is a 3" diameter low pressure force main. The ability of such a small main to serve full build-out of the 21st Century Park and 35 homes should be verified. It is recommended that a narrative description of the plans for extension of water and sewer services that will serve the project be provided. The subdivision plan should address maintaining the existing drainage course that runs through the center of the project site. The adequacy of the site distance at the proposed access to Waite Road should be verified. Construction of a boulevard entrance is not recommended.

Mr. O'Brien, Environmental Specialist, reported that the ECC reviewed this application and offered the following comments. Due to the potential for federal wetlands on this parcel, the applicant will determine the location and extent of disturbance of such wetlands before a building permit is issued. The applicant should submit a long Environmental Assessment Form to more fully evaluate the impact of this project on the existing area. It was recommended that Future submissions must clearly identify the location of open space and possible trail connections. The applicant should work with the Trails Committee to coordinate use of the proposed open space parcels. The applicant should explore the possibility of creating an open space corridor along the grey shaded area designated on the site plan and evaluate the site plan proposal in context of the open space plan and the GEIS that was prepared for the western part of Town to determine conformance to those two documents.

Board members discussed several issues regarding the proposal. Although Mr. Kramer suggested the installation of a pathway around the stream corridor, Mr. Arico explained that such a plan would not be feasible because it would require significant wetland disturbance. He noted that the marshy soil conditions were not favorable for walkways. Mr. Karam asked if a boulevard design for the entranceway had been considered and asked the applicant to consult with the Highway Department to determine if such an entrance design would be feasible. Mr. Kemper explained that a ruling from the ESAB (Emergency Services Advisory Board) would be required. Mr. Karam addressed the issue of open space, noting that the calculations would be dependent upon the formal wetland delineation.

In response to Mr. Karam's concerns regarding the maintenance of open space and the "possible water feature" at the entranceway, Mr. Belmonte, applicant, explained that the establishment of a homeowners' association would be necessary to ensure proper mowing and maintenance in perpetuity.

Mr. Grasso explained that in order to establish an accurate density for the proposed development, the wetland areas must be clearly delineated. He cautioned the Board to consider all elements of the project proposal, noting that increasing the number of lots for this development may provide for the preservation of desirable scenic vistas and valuable resources in other areas. The zoning code permits the purchase of development rights for other parcels and flexibility for the planning process. In an informal poll of Board members, Mr. Larkin expressed his opposition to the second plan presented that nearly "doubled" the permissible base density. Mr. Hughes preferred a plan that would be a compromise between the 37 lots originally presented and the 64 lots proposed in the alternative plan. Ms. Pace believed that the two lots along Waite Road were appealing since they would add to the open space feel of the project.

Discussion Items

Everitt Subdivision

Mr. Kemper explained that the applicant for this project has requested approval of an amendment to the subdivision plan that would permit the relocation of the proposed driveway approximately 150' to the east. This relocation is necessary to achieve adequate sight distances in both directions at the access location. Board members found the revision acceptable.

Minutes Approval

Mr. Karam moved, seconded by Mr. Kramer, approval of the minutes of the November 9, 2005 meeting as written. Ayes: Kramer, Pace, Hughes, Karam. Noes: None. Abstained: Larkin.

Mr. Karam moved, seconded by Mr. Hughes, adjournment of the meeting at 8:55p.m. The motion was unanimously carried. The next meeting of the Planning Board will be held as scheduled on December 13, 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