

Clifton Park Planning Board Meeting Minutes April 25, 2006

Those present at the April 25, 2006 Planning Board meeting were:

Planning Board: S. Bulger, Chairman, S. Hughes, T. Karam, J. Larkin,
S. Pace, J. Russell
A. Kramer arrived at 8:30p.m.

Those absent were: None

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. All in attendance stood for recitation of the Pledge of Allegiance. Mr. Bulger reported that the application submitted by NYCON Construction Corporation had been removed from the agenda at the request of the applicant.

Public Hearings

[2006-004] Lill, Daniel – Proposed (2) lot subdivision, Southbury Road – Preliminary public hearing and possible determination.

Mr. Bulger explained that the applicant has requested permission to present a revised application for conceptual review: the public hearing will be held at a later date.

Mr. Flanders, consultant for the applicant, explained that this application remains generally as presented at the February 14, 2006 meeting. At that time it was determined that a number of variances would be required: approval of those variances was granted by the Zoning Board of Appeals on April 4, 2006. The variances are described as follows: an area variance from the required 50 foot setback on all sides for a keyhole lot – new Lot #1 – actual front yard setback 30 feet – variance granted 20 feet; actual left side yard setback; actual left side yard setback = 20 feet – variance granted = 30 feet; new Lot #2 – actual right side yard setback = 38.4 feet – variance granted = 11.6 feet for 79A Southbury Road. The dates of approval and information regarding the variances have been included on the revised plan. Mr. Flanders explained that the owners of Lot 79 have agreed to convey 315 SF to the Lands of Lill. A 2,968 SF parcel will be transferred from the Lands of Lill to the Lands of Patterson to create a more useable back yard.

Mr. Kemper explained that the required 500' notices have not been sent out for this project. He listed the variances that were granted by the Zoning Board of Appeals on April 4, 2006. Mr. Steve Myers, Director of Building and Development provided a memo dated April 13, 2006 that also stated that zoning variances have been granted for all setbacks. He did note that drainage and buffer issues still may be a concern to the

neighbors. Sign-offs must be provided from the Clifton Park Water Authority, the Crescent Estates Sewer Company, and the Saratoga County Sewer District. The typo under the variances for Lot No. 1 must be corrected. The Saratoga County Planning Board determined on February 16, 2006 that there would be no significant county wide or inter-community impact that would result from approval of this project. Any wetlands on the parcel should be delineated and depicted on the subdivision plan.

Mr. Grasso, reported that all previously issued comments by Clough, Harbour, and Associates have been addressed.

Mr. Kemper, in the absence of Mr. O'Brien, Environmental Specialist, reported that the comments issued by the ECC regarding the addition of standard notes to the plan have been satisfied. The ECC also asks that the following the following statement be added to the plot plan:

- 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.

Though Mr. Karam recommended that the proposed residence on Lot #1 be moved to the rear of the lot to create more space between it and the existing residence, Mr. Flanders explained that the required setbacks and topography of the area would prevent such relocation of the proposed house. Mr. Flanders also explained the proposed drainage plan for the lot. Board members found the proposed subdivision and associated land transfers acceptable.

[2006-012] Benes, Oldrich and Lois Monroe – Proposed land transfer of 2,520 S.F. from Benes to Monroe – Preliminary public hearing and possible determination.

The Chairman called the public hearing to order at 7:25p.m. The Secretary read the public notice as published in the Daily Gazette on April 17, 2006.

Mr. Benes explained that the proposal remains as presented at the March 28, 2006 meeting. The proposal generally provides for the transfer of 3,756 SF of land from the Lands of Royal and Lois Monroe to the adjoining Lands of Oldrich Benes and the transfer of 2,520 SF from the Lands of Benes to the Lands of Monroe.

Mr. Kemper reported that this project last appeared before the Board on March 28, 2006, at which time the Board found the project generally acceptable. Mr. Steve Myers, Director of Building and Development provided a memo dated April 13, 2006 that stated the following: "It is my understanding that Town of Clifton Park Highway Department will be installing new drainage near the front of this residence that the foundation drain can be tied into. A final grading plan should be required due to the topography of the lot. Significant erosion control measures should be required until permanent vegetation is established." Consolidation deeds must be provided for review. A grading plan must be provided.

Mr. Grasso reported that Clough, Harbour, and Associates found the project acceptable.

Mr. Kemper reported that the ECC offered no comment on this application.

In response to Mr. Bulger's question regarding the drainage issue referred to in Mr. Myers' memo, Mr. Benes explained that the Highway Department is currently installing new drainage along Plank Road and Mountain Way. It is his intention to work with that department to ensure that all grading is completed to blend with the on-going work and that foundation drains are properly installed. Other Board members found this application acceptable.

There being no public comment concerning this application, Mr. Bulger moved, seconded by Ms. Pace, to close the public hearing at 7:27p.m. The motion was unanimously carried.

Mr. Karam moved, seconded by Mr. Hughes, 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. Russell offered Resolution #11, seconded by Mr. Hughes, to waive the final hearing for this application and to grant preliminary and final subdivision approval to this application conditioned upon the satisfaction of the comments offered by Mr. Kemper. Ayes: Kramer, Larkin, Pace, Karam, Russell, Hughes, Bulger. Noes: None

[2003-004] DCG Development Co. – Proposed 142,000 SF light industrial flex space, Wood Road – Preliminary public hearing and possible determination.

Mr. Bulger called the public hearing to order at 7:30p.m. The Secretary read the public notice as published in the Daily Gazette on April 17, 2006.

Mr. Gordon Nicholson, consultant for the applicant, presented a brief overview of this application, identifying revisions that had been made to the site plan. Though the site statistics remain as presented at the March 28, 2006 meeting, minor changes have been made to the proposal. A gravel access drive has been provided along the southeastern site boundary to provide the required emergency access. The proposed pump station to be owned and maintained by Saratoga County has also been shown on the plans. Mr. Nicholson read excerpts from the updated traffic report that concludes that, based upon trip generation information that was provided in a March 28, 2006 letter from Creighton Manning Engineering, levels of service on roadways surrounding the site will not be impacted: no improvements to Wood Road/Route 9 intersection will be required. The report noted that since the GEIS was completed in 1991, many traffic improvements have been completed.

Mr. Nicholson addressed the Karner Blue butterfly issue, explaining that DCG Development Company has employed experts to monitor butterfly populations and

habitat. Though no Karner Blue butterflies have been observed on the site since 1999, several lupine plants have been identified. He presented a plan that indicated the location of all lupine plants in or near the Wood Road cemetery site. The applicant is committed to the continued monitoring of the habitat area and DCG Development will be preserving, in perpetuity, a substantial buffer area around the cemetery by filing a declaration of restrictive covenants with the Saratoga County Register of Deeds. Mr. Nicholson explained that there are protected habitats on the south side of Wood Road, though these areas are not associated with this application. A Phase I Environmental Audit of the property is currently being conducted. A photometric plan is being prepared and will be submitted for review by the Town and Clough, Harbour, and Associates. The consultant stated that the plan will be designed in accordance with all zoning, building, and fire codes.

Mr. Kemper reported that this project last appeared before the Board on March 28, 2006. He told Board members that two letters had been copied for their review: one was from the Friends of Clifton Park Open Space and the other was from Kathy O'Brien, NYSDEC, Endangered Species Unit. He also received comments from Sheryl Reed, Chief of the Bureau of Fire Prevention dated April 25, 2006 that asked that a note be placed on the plans regarding maintenance of the gated access road: plowing during inclement weather, brush, weeds and general overall maintenance of the gate. She also advised that applicant that the access road must be designed to withstand a 50,000 lb loading for emergency services. The applicant must also provide information regarding specifications for type of gate, locking devices, and signs which state "Emergency Access Only". Estimated fire flows for hydrants must also be submitted for review. Colored façade renderings with building materials must be provided. Mr. Kemper explained that there are no longer any Empire Zone designations on this property. The applicant was asked to provide clarification regarding the current status of the archeological study and the traffic report.

Mr. Kemper read the comments that had been provided by the ECC. 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.
- The applicant will control fugitive dust and debris during the construction/demolition phase of the project.

The ECC also requested that reference be made on the site plan to the planned Wood Road Multi-Use Trail. It was recommended that the applicant should confer with the Open Space, Trails, and Riverfront Committee regarding the trail location. The applicant should submit a Stormwater Pollution Prevention Plan for review by the Town Engineer.

Mr. Grasso reported that Clough, Harbour, and Associates reviewed the revised project plans and prepared the following comments and recommendations. His initial comments regarded SEQRA. The proposed project is located within the limits of the Wood Road Corridor GEIS Study Area. As such, if the proposed project is deemed consistent with the findings of the GEIS, no additional SEQRA action may be required. Involved agencies are anticipated to include the following: Clifton Park Planning Board - Site Plan Approval; Saratoga County Planning Board - Section 239 Referral; NYSDOH - Water Supply Extension Approval; NYSDEC Wastewater Disposal System Approval and SPDES Permit. Pursuant to the Findings Statement for the FGEIS for the Wood Road Corridor, the following issues should be addressed:

- Per Finding No. 73, a Phase I Environmental Audit shall be conducted and submitted at the initiation of site plan review.
- Per Finding No. 79, the Light Industrial zoning district was amended to allow only uses such as warehousing, fabrication and similar low intensity land uses. Additional information regarding the proposed uses is required to determine if the uses are consistent with those outlined in the GEIS and the zoning regulations.

Mr. Grasso then addressed issues regarding the site plan. The applicant's consultant should discuss the presence of Karner Blue butterflies and their habitat within and in close proximity to the site. If significant time has passed since the site's last investigation, additional investigations may be warranted. In addition, the determination of the "Butterfly Habitat Buffer" should be discussed. It appears a portion of this buffer will be impacted. Mr. Grasso offered the following additional comments. A photometric plan should be provided depicting the proposed lighting levels. A more detailed off-site utility connection plan should be provided that depicts the limits of work and all existing features that will be impacted. Significant erosion potential exists in the areas where the pavement sheet flows directly onto lawn areas. Additional erosion control measures should be provided. The proposed plantings for the stormwater management area should be included in the landscape plan. Clough, Harbour, and Associates reviewed the Preliminary Stormwater Management Report dated March, 2006. In general the stormwater management concept appears acceptable. A detailed technical review will be provided during subsequent reviews.

Ms. Lynne Jackson, 223 South Swan Street, Albany, spoke as a representative and Volunteer Secretary to the Board of Save the Pine Bush, Inc. She asked that the Board declare the application a Type I action pursuant to SEQRA, conduct coordinated review, complete Part II of the Full EAF before issuing a determination, and prepare a Supplemental EIS that would identify site-specific project impacts. The speaker read from a lengthy prepared statement that is attached to these minutes. The speaker concluded her remarks by again encouraging the Board to require the preparation of a Supplemental EIS because no management plan for protection of the Karner Blue and its associated habitat has been proposed and there has been no attempt to restore the species to the site. She identified another action that the Town may wish to consider: the purchase of both parcels of land on the north (east) side and south (west) side of Wood Road for the creation of a Preserve for the Karner Blue butterfly and other endangered

and threatened species.

A resident of Saratoga Springs reported that she visited the Wood Road site earlier in the day. She described her sadness and stated that she found the Town's willingness to permit the destruction of streams, forests, wildlife and wetlands difficult to understand. She believes that "wildness" is important to every Town, since open space provides for rejuvenation of the spirit and protection for endangered species. She appealed to Board members to "change their hearts" and to work to protect natural resources and endangered species.

Dr. James Ruhl, 168 Wooddale Drive, speaking as a representative of the Trails Subcommittee of the Open Space, Trails, and Riverfront Committee, pointed out the importance of the Wood Road corridor for the construction of a trail link to the Zim-Smith trail that has been installed to the north. Explaining that there is currently construction to improve the Exit 10 bridge over the Northway, he called upon the Board to recognize the importance of an off-road trail connector. Though he did not recommend a specific location for the trail, he emphasized that an off-road multi-use trail should be considered an extremely important part of project development within the Wood Road Corridor.

Mr. Bill Koebbeman, 861 Riverview Road, first thanked Ms. Jackson for her comments and supported her request for the completion of a Supplemental EIS. He stated that his review of the Full EAF that had been submitted by the applicant indicated that Parts II and III have not been completed. Mr. Bulger explained that Parts II and III would be completed when all information regarding the project has been submitted and assessed. In response to Mr. Koebbeman's question regarding the possibility of federal, state, or local funding of the project, Mr. Nicholson stated that the applicant has no intent at this time of seeking funding from governmental agencies. Mr. MacElroy, DCG representative, did acknowledge that it was possible that the applicant would seek IDA funding in the future. Mr. Koebbeman questioned whether the development parcel was located over known aquifer or recharge areas. The speaker referenced two NYSDEC requests for meetings with Town officials to evaluate endangered species habitat and populations and to formulate protection and preservation plans. He assumed that such meetings had not occurred. Though Mr. Koebbeman asked that the Board consider the implications of tax breaks that may be afforded the developer for Town residents, Mr. Bulger explained that such considerations were beyond the Board's purview.

Ms. Barbara Murphy, a 40-year resident of the Town, observed that Town officials seemed to "keep changing the character of the Town". She asked that the "profit motive not be the only motive" considered by the Board as it discusses applications presented for review. Ms. Murphy asked the Board to consider how clear cutting in Malaysia had led to mudslides, destruction of property and many deaths and how the filling of wetlands in Florida resulted in the significant loss of wetlands and many animal species. She asked the Board to consider the effects of the actions it takes, stating that "money and profit are not the only things that provide for quality of life."

Ms. Nancy Bellamy, 147 Eastside Drive, expressed concerns over the density of the proposed DCG project and the tractor-trailer traffic that it would generate. She was concerned that such traffic would be directed from the Wood Road site through the small village of Ballston Lake producing traffic congestion and safety hazards.

Mr. David Gibson, 107 Longkill Road, speaking as a representative of the Audubon Society of the Capital Region, Inc. described Planning Board review of the DCG Wood Road project as “long and contentious process.” He thanked the Board for holding a public hearing on this site plan application and also Ms. Lynne Jackson for her helpful review of the project. The speaker provided a brief history of the project, noting that in 2004 the Planning Board approved a soil disturbance plan for the site. He referred to the items in the 1991 Statement of Findings for the Wood Road Corridor specifically related to preservation of the Karner Blue and of a management plan designed to protect and restore its habitat. Mr. Gibson accused the applicant of renegeing on species management agreements and of “not taking its stewardship role seriously,” stating that NYSDEC has been denied access to DCG’s properties since 1997. He believes that the preservation area has suffered from lack of responsible management. Believing that the proposed one-acre set-aside for Karner Blues is insufficient for their protection and possible restoration, he asked that the Board require the completion of a Supplemental EIS to identify site-specific environmental impacts. He concluded his remarks by encouraging the Board and other members of the community to take pride in the Karner Blue habitat and to work for its protection and restoration.

Mr. Dave Massaroni explained that he owned property near the proposed project site and expressed his concern with the location of the proposed water line extension and his ability to tie into it. Mr. Grasso agreed to consider Mr. Massaroni’s concerns as project review continues.

A resident of 1813 Hyland Avenue, Troy, spoke as a member of Save the Pine Bush, Inc. He stated that although the pine bush area originally encompassed much of the Capital District area, it has been “fragmented” over time, severely threatening the Karner Blue and other species. He asked that the Board carefully consider the proposed development of the site since the owner of the property has not been a “good steward” of the property and endangered species have not been protected. The speaker asked the Board to declare the project a Type I action, conduct coordinated review, and require the completion of a Supplemental EIS. He also asked that the Board carefully consider the cumulative impacts of development along the Wood Road corridor.

Ms. Pam Marshall, 5 Fairlawn Court, explained that she has been a resident of the Town since 1971. Through the years, Ms. Marshall has witnessed a decline in the Karner Blue population. She asked that the Town create a nature preserve on the Wood Road property similar to the one that has been developed in Wilton. Such a preserve would provide the space necessary for the lupines to disperse and, possibly, for regeneration of the Karner Blue.

Mr. Bill Engleman, 6 Partridge Plateau, thanked the Board for requiring a public hearing

for this application. Mr. Engleman stated that his father owns property that adjoins the parcel slated for development by DCG Development Company and has specific concerns about the proposed project. Mr. Engleman's father, who was unable to attend this meeting, will forward written comments to the Board. Mr. Engleman, referencing a recent article in the Daily Gazette, pointed out that several towns surrounding Clifton Park are actively working to preserve Karner Blue butterflies and their associated habitats. In his opinion, Clifton Park has allowed the butterfly populations to dwindle and its habitat to diminish: a situation that has been caused generally by neglect. The speaker provided copies of a number of documents that concerned an agreement executed in 1994 that provided for management of butterflies and associated habitat areas on properties owned by DCG Development. In addition, he supplied Board members with correspondence regarding that agreement from various agencies and individuals including Kathy O'Brien, Endangered Species Unit of the Department of Environmental Conservation, a legal representative for DCG Development, and Attorney Joseph Berger.

Mr. Engleman commented on the information included in several Environmental Assessment Forms that had been provided by the applicant as well as the soil disturbance application, focusing on the information related to the Karner Blue habitat. He explained to the Board that "active management" is important for the preservation and protection of the species. The speaker was also concerned with impacts to the Round Lake aquifer.

Mr. Engleman expressed concern that the Soil Disturbance plan approved for the site has not been completed in accordance with approved plans since visual inspections of the site indicate that clearing has extended beyond approved limits and an 8'-10' berm has been created. The speaker also addressed the multi-use trail issue, stating that trails need destinations or places of interest along them to encourage their use. Producing a letter written in 2004 by Rosemary Nichols, General Counsel for DCG Development to Mr. Massaroni, adjoining property owner, Mr. Engleman questioned impacts to ACOE wetlands on the development site since the letter requests that Mr. Massaroni to remove fill material that he had placed on the development site in order for DCG to "resolve issues with the Army Corps Engineers."

Mr. Engleman presented an article entitled "Judge Upholds State's Champion Land Purchase" which concerned the purchase of forested lands in the Adirondack Park – the largest land conservation acquisition in the state's history and a press release entitled "Governor Pataki and Donald Trump Announce Land Gift" that concerned a land donation of two parcels totaling 436 acres in Westchester and Putnam counties that will be preserved as New York's 174th State Park. Asking members to "do the right thing," he asked that the Planning Board consider the issue of "legacy" and call for the protection of land in the Wood Road corridor that could provide for preservation of the Karner Blue butterfly as well as protection and possible restoration of its habitat.

Mr. Donald MacElroy, representative of DCG Development, addressed the issue of the 1994 Karner Blue management plan agreement, explaining that NYSDEC failed to fulfill their stated responsibilities. He also stated that the Saratoga Land Conservancy rejected the easements that DCG Development was willing to provide. The speaker noted that the

agreement and all follow-up correspondence is available for review at the Planning Department.

There being no further public comment, Mr. Bulger moved, seconded by Ms. Pace, to close the public hearing at 9:10p.m. The motion was unanimously carried.

Mr. Larkin's comments focused upon the issue of Karner Blue preservation and habitat. He questioned the intent of the executed management agreement that would have provided long-term protection for the Karner Blue that had apparently been deemed "null and void" by DCG Development. Mr. Kemper explained that although the agreement had been entered into by a number of parties and three and one-half acres of land near Bobrick Manufacturing Company had been designated as a butterfly management area to be overseen by the Land Conservancy, other aspects of the agreement were not fulfilled by responsible parties. Eventually, the agreement was considered to be invalid. Mr. Larkin suggested that it may be necessary for local municipalities to assume responsibility for protection of the endangered species and oversight of the habitat areas. In response to Mr. Larkin's question regarding DCG's unwillingness to allow NYSDEC access to its property after 1997, Mr. MacElroy explained that because NYSDEC proposed a significant expansion of the preservation areas and the parties were unable to reach agreement on the number of acres to be protected, access to the property was denied and DCG continued to monitor the areas. Board members discussed issue at length, noting that the 200-meter parameter mentioned by Ms. Jackson as a reasonable distance for protection and preservation would require a larger deed restricted area near the cemetery. Mr. Nicholson explained that DCG Development followed US Fish and Wildlife Protocol in locating the butterflies and habitat areas, and establishing protective measures. Board members also discussed the means of monitoring and protecting the area. Suggestions included Town oversight and management by Saratoga PLAN. Mr. Pelagalli pointed out that the deed restrictions proposed would only be enforceable by DCG Development. Given the sensitivity of the site and the import of management requirements, Mr. Hughes was reluctant to support Town management of the site. Mr. Bulger recommended that Board members review all of the information presented to determine the most reasonable course of action.

Old Business

[2005-035] Massaroni, David – Proposed (6) lot subdivision, Tanner Road - Public workshop for amenity zoning request pursuant to Section 208-43.16 of the Town of Clifton Park Zoning Code.

Mr. Lansing, consultant for the applicant, "reintroduced" this project proposal that calls for a six-lot subdivision of a total parcel of 29.35 acres in the CR (Conservation Residential) zone located on the east side of Tanner Road approximately 2,375 feet north of NYS Route 146. Pursuant to CR zoning, one residence is allowed for every three (3) developable acres. The base density of the parcel would permit the construction of five (5) residences. The applicant is requesting one (1) additional unit through the optional provision of applying for Open Space Incentive Zoning (Amenity Zoning) in exchange

for providing the public benefit of purchasing one development right in the amount of \$30,000 for the Town's dedicated open space fund. The speaker explained that it is the approval of this one unit/one development right under the amenity provision that is the subject of this stage of review. He also noted that the application was referred to the Planning Board by the Town Board on April 3, 2006.

Mr. Lansing briefly explained the project plan, noting that it called for the development of six (6) single-family residential lots that would range in size from 1.64 acres to 5.9 acres. Four (4) of the lots would be accessed by a new road: the remaining lots would be accessed directly from Tanner Road. All lots would be served by existing municipal water and sewer services that are located along Tanner Road. Mr. Lansing addressed the comment regarding the required 25% unconstrained open space, stating that the project plan can be redesigned in order to meet that requirement.

Mr. Kemper reported that this project last appeared before the Board on September 15, 2005. Pursuant to Section 208-43.16 of the Town Code, the Town Board referred the application to the Planning Board on April 3, 2006. Mr. Steve Myers, Director of Building and Development authored a memo dated April 13, 2006 that states that "the narrative incorrectly states that 5 lots are allowed." By his calculation, 13.95 acres of unconstrained land would permit the development of 4 lots. 15 acres would be required for 5 lots. He concluded that "two development rights would need to be purchased." Mr. Kemper explained that the September 13, 2005 comment letter from the Clifton Park Water Authority must be addressed: the Authority requires that water be extended from the terminus of the line on Tanner Road. A sign-off must be provided from the Saratoga County Sewer District. A jurisdictional determination letter must be provided from the ACOE and a signoff must be provided from DEC on the wetland delineation. The applicant should clarify whether a public or private road is proposed for access from Tanner Road.

Mr. Kemper read the comments prepared by the ECC. Given the extent of wetlands on this parcel and the high water table that is in some locations is less than twelve (12) inches below the surface, this property seems unsuitable for residential home development. The ECC believes that the extensive review and analysis of the aforementioned concerns should be conducted before this project moves forward. Due to high water table on the parcel, the ECC recommends that the applicant place a comment to that effect on each plot plan.

Mr. Grasso stated that Clough, Harbour, and Associates provided the following comments regarding the amenity zoning request and supporting documentation provided for this application. Mr. Grasso commended the applicant's consultant for preparing a very thorough and descriptive amenity zoning request. The allowable density calculation of five lots and request for one additional lot through the amenity zoning provision (payment of \$30,000 to Town dedicated open space fund) appears accurately calculated. The application proposes 8.17 acres of open space to be dedicated to the Town. Out of a 29.35 acre site, this represents 28% of the project site. As such, it does not meet the minimum 50% open space as required in the zoning regulations. Furthermore, the CR-

Conservation Residential zoning requires 25% of the unconstrained lands to be included in the proposed open space. This requirement is not met. Because the extent of jurisdictional wetlands heavily impact the allowable density of a project site, jurisdictional wetland determinations are required. Correspondence to the NYSDEC and ACOE requesting jurisdictional determinations should be copied to the Town for future reference and its files. The design of the proposed project does a poor job of keeping jurisdictional wetlands within the proposed open space area. The extent of wetlands and buffers within the lots will undoubtedly lead to incremental wetland and buffer impacts. The plan should clarify if the proposed road is intended to be a Town Road. Given the low number of lots and lack of future extension or provisions for stub streets to adjoining vacant properties, the development of a new Town road is not recommended. If a private road is proposed, all lots shall be provided a minimum of forty feet of road frontage. The plan should conceptually identify proposed storm water management areas. The private sewer service for Lot #1 should not run in a location on an adjoining lot that would preclude typical lot development activities. A pedestrian connection from Falcon Ridge and along the project's road frontage should be considered and is identified in the Western Clifton Park GEIS as a required component of development proposals where deemed appropriate.

Board members discussed a reconfiguration of the lot lay-outs to accommodate a private drive and keyhole lots rather than the installation of a Town road, the status of the ACOE jurisdictional delineation, and the location of a multi-use pathway connection. Recommendations for the most feasible trail location will be sought from the Trails Subcommittee of the Open Space, Trails, and Riverfront Committee. Ms. Pace observed that the location of the proposed house on Lot #1 appeared to be quite close to the property lines. She asked that the proposed location be moved to the east to provide additional privacy for the potential homeowners. In response to Mr. Russell's question regarding installation of a trail link along the frontage of the existing residence currently owned by Habura, Mr. Lansing explained that the applicant does not control that portion of frontage along Tanner Road.

Mr. Bulger invited public comment. Mr. Frank Berlin, 980 Main Street, told the Board that Saratoga PLAN already controls property on Tanner Road and he was very enthusiastic about the Town's new zoning regulations that encouraged the preservation of large tracts of natural areas and open space. He noted that it was gratifying the see residents, developers, and Boards work cooperatively to achieve preservation goals. He stated that the Open Space, Trails, and Riverfront Committee was working diligently to plan for future development, open space preservation, and viable trail networks. Mr. Hughes supported Mr. Berlin's observations, stating that he sees the Town's open space committees, policies, and supporting zoning legislation as a "great success story" that residences should endorse.

Mr. Lucas Cammarata, 16 Carpenter Way, asked if the applicant will be required to insure that capacities within the sewer system are adequate to handle the increased flows from this project. Mr. Grasso explained that the applicant must demonstrate the adequacy of the system to the Saratoga County Sewer District prior to a sign-off from that agency.

Mr. Cammarata also asked that the Board encourage the development of a multi-use pathway along Tanner Road since he is concerned about the safety of pedestrians, bicyclists, and those who travel the road.

Mr. Bulger summarized the evening's discussion, stating that the Board was unable to forward a recommendation to the Town Board at this time. The applicant was asked to revise the plans to illustrate the use of common driveways for access from Tanner Road rather than a Town road, multi-use pathway connections, the inclusion of 25% of the site's unconstrained land as part of the protected open space, and the protection of delineated wetland areas. Board members were concerned that revisions to delineated ACOE wetland boundaries may influence the design of the project.

[2006-015] Earl, Scott – Proposed (12) lot subdivision, Ray Road – Public workshop for amenity zoning request pursuant to Section 208-43.16 of the Town of Clifton Park Zoning Code.

Mr. Lansing, consultant for the applicant, presented this project proposal that calls for the subdivision of a 65.39 acre parcel of land in the CR (Conservation Residential) zone on the north side of Ray Road approximately 1,900 feet east of its intersection with Sugar Hill Road. 24.97 acres of the project site are designated wetlands, resulting in 40.42 acres of unconstrained or developable land. At the southwest corner, approximately 10.74 acre portion of the site has been recently subdivided and four (4) single family homes are currently under construction. An additional 12 lots, to occupy approximately 11.96 acres are proposed on this remaining portion. The overall project, including the four (4) lots already approved, will consist of sixteen (16) single family lots. Pursuant to zoning regulations, that permits one home per three developable acres, the parcel may be developed into thirteen (13) lots. Town zoning regulations, however, allow for an increase in development potential in exchange for the purchase of development rights on a designated open space parcel. He also noted that the application was referred to the Planning Board by the Town Board on April 3, 2006.

Mr. Lansing explained that the project proposal calls for the use of clustering as a design technique to develop a 16 lot conservation subdivision which promotes open space and preservation of natural resources. The minimum proposed lot size is approximately 30,000 SF. The minimum proposed frontage is 90 feet at the building line and the proposed setbacks are 25 feet front yard, 10 feet side yard, and 25 feet rear yard. The remainder of the parcel – 42.69 acres – will be designated as permanent open space. The primary infrastructure for the development will consist of approximately 1,375 linear feet of paved roadway. The proposed roadway will result in one (1) curb cut on Ray Road for resident ingress and egress. The speaker commented that it is anticipated that the subdivision will have no significant impact on traffic in the area. Individual, private wells and septic systems are planned, and stormwater will be managed on-site. The subdivision will be designed to follow the natural topography as closely as possible, using existing site relief and drainage features to convey stormwater runoff and minimize cuts and fills. Mr. Lansing reported that the applicant proposes the conveyance of 43 acres of permanent open space which is compatible with the surrounding land and which will

provide contiguous open space and habitat corridors. The applicant proposes to contribute \$90,000.00 to the Town's open space fund.

Mr. Kemper offered a number of comments on this application. Jurisdictional determination letters must be provided by both the ACOE and NYSDEC. Mr. Steve Myers, Director of Building and Development, submitted a memo dated April 13, 2006 that contained the following comment: "Original parcel is 65.39 acres. Constrained land equals 24.97 acres leaving 40.42 acres. Lands developed and previously subdivided should also be removed from developable acreage, thereby leaving 29.58 acres which results in 9 lots available. This appears to work out equal to the applicant's request of 3 additional lots." Mr. Kemper requested that the plan reflect the required 40,000 SF minimum lot size for parcels not served by municipal water and sewer systems.

Mr. Kemper read the comments prepared by ECC. The applicant has applied amenity zoning which results in lots approximately two-thirds (2/3) of an acre in size. This reduced lot size restricts the placement option of individual wells when trying to maintain a minimum of 100 feet from the individual septic system/leach field. As drawn, the well heads of adjacent properties are in very close proximity to each other giving rise to a concern over impacts on each well's water production potential. Although clustering is a planning technique usually endorsed by the ECC, it may be ill-suited in this instance because of the need for wells and septic on each lot. Therefore, the ECC recommend that cluster type designs not be considered as an option for this project.

Mr. Grasso explained that Clough, Harbour, and Associates reviewed the project plan and commended the applicant's consultant for preparing a very thorough and descriptive amenity zoning request. The allowable density calculation of 13 lots and request for three additional lots through the amenity zoning provision appears accurately calculated. The application includes 42.69 acres of open space to be dedicated to the Town. Out of a 65.39 acre site, this represents 65% of the project site. As such, it meets the minimum 50% open space as required in the zoning regulations. The new CR (Conservation Residential) zoning requires 25% of the unconstrained lands to be included in the proposed open space. Although it appears that this requirement may be met, it should be confirmed and the calculations included on the plan. Because the extent of jurisdictional wetlands heavily impact the allowable density of a project site, jurisdictional wetland determinations are required. Correspondence to the NYSDEC and ACOE requesting jurisdictional determinations should be copied to the Town for future reference and its files. Although the design of the proposed project does a commendable job of keeping jurisdictional wetlands within the proposed open space area, it fails to minimize visibility of the home sites from Ray Road. This feature would capitalize on the rural qualities of the development site. The lack of this design component is exacerbated by the subdivision of the first four lots from the parent parcel during the preparation of the Western Clifton Park GEIS. The plan should conceptually identify proposed storm water management areas. As previously recommended when the first four lots were subdivided, the extension of public water to serve the project site would be preferred. If this is not done, three test wells will be required with draw down test results at the time of preliminary review in accordance with NYSDOH requirements. If municipal water is not

extended, a fire protection pond may be required. The proposed well locations do not appear to meet the minimum lot line setback of fifteen feet.

In addition to prepared comments, Mr. Grasso recommended that the applicant provide a visual depiction of the lay-out to help Board members see how the proposed homes will fit on the property.

Mr. Kramer asked if the Board should require additional right-of-way property along Ray Road. Though there are apparently no plans for trail development along Ray Road at this time, Board members seemed to agree that such a request would be reasonable.

Ms. Diane Betzwieser, 55 Ray Road, produced a wetlands map that illustrated the wetland area that crosses contiguous properties. She is concerned that contamination produced on the Earl property will be directed to adjoining properties to the west. Board members discussed Ms. Betzwieser's concerns. Mr. Grasso explained that all septic systems will be designed in accordance with NYSDEC and NYSDOH standards and specifications.

Ms. Joyce Whalen, 51 Ray Road, expressed fears that her shallow well will be negatively impacted by this development that lies directly east of her home. She was also concerned that the septic systems would contaminate her well. Though Mr. Lansing predicted that there would be no or minimal impact to Ms. Whalen's well, Board members discussed the issue at length. It was the Board's recommendation that the applicant pursue connection to the Clifton Park Water Authority system.

Mr. and Mrs. Nagy explained that they reside directly south of the project site. They are concerned that the installation of twelve (12) wells to the north of their property will severely impact their water supply which is now limited. The speakers were also concerned that drainage from the site will create problems since the existing drainage corridor is inadequate to handle existing run off. Mr. Bulger explained that Clough, Harbour, and Associates and Town officials will review the stormwater management plan to ensure that site drainage and run-off will not impact adjoining properties. In response to their concerns that the proposed project seems "contradictory" to zoning, Mr. Bulger explained that CR (Conservation Residential) zoning allows for applicants' requests for increased density.

An unidentified speaker from the audience asked the Board to consider the significant role the Earl property plays as a habitat for wildlife and as a corridor for wildlife movement.

Ms. Pat Lawrence, 237 Sugar Hill Road, expressed several concerns she has with the proposed project. Issues of concern included disturbance of the wetlands, destruction of significant wildlife habitat, and impacts to existing properties. She was opposed the densities of the project, stating that residents of the western portion of the Town did not approve of projects designed like those along Miller Road. The speaker asked that the Board encourage the developer to extend water lines to the project site. Ms. Lawrence

submitted a written copy of her comments for the project file.

Mr. Karam's recommendation that the developer extend existing water lines to serve the site was supported by Mr. Kramer. Other Board members seemed to agree with this suggestion. Board members asked that the applicant investigate the feasibility of extending the existing water system to serve the project, provide a visual depiction of the proposed lots on the parcel, and increase the lot sizes in accordance with zoning legislation. No recommendation to the Town Board will be made at this time.

[2006-009] NYCON Construction Corp. – Proposed 9,600 SF Office (2) Buildings, 3 and 4 Rosell Drive – Preliminary site plan review and possible determination.

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

New Business

[2006-014] Rucinski, John and Robin R. – Proposed (2) lot subdivision, 526 Grooms Road – Conceptual review.

Mr. Duane Rabideau, consultant for the applicant, presented this application for the Board's consideration. The plan calls for the subdivision of a 2.4 acre parcel in an R-1 zone on the southern side of Grooms Road approximately 850' east of Moe Road into lots of 1.47 acres and 40,664 SF, respectively. The larger lot contains an existing single-family residence: a proposed new single-family residence is proposed for the new lot. Both lots will be served by the Saratoga County Sewer District and the Clifton Park Water Authority.

Mr. Kemper reported that Steve Myers, Director of Building and Development provided comments related to this application in an April 13, 2006 memo. He noted that the proposed "subdivision forms keyhole lot requiring 50' setbacks on all sides. Buffer requirements for ACOE wetlands need to be shown on the plan to determine if any conflict with the house location exists." A sign-off must be provided on the ACOE for the wetland delineation. The distance between the wetland and the proposed building should be indicated on the plan. Utility connections must also be shown on the plans. Clearing and grading limit lines should be included on the plans.

Mr. Grasso reported that Clough, Harbour, and Associates' review of the subdivision proposal resulted in 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 the proposed water and sanitary sewer service locations. The proposed method of crossing Grooms Road should be shown on the plan. A proposed limit of clearing and grading should be shown on the plan. The location and size of the driveway culvert should be shown on the plan.

Mr. O'Brien, Environmental Specialist, explained that, after reviewing the project plan, the ECC offers the following comments. The following standard statements should be added to the plot plan:

- Federal jurisdictional wetlands have been identified on this site. The Town of Clifton Park Building Department shall be notified before undertaking any land disturbance activities in Federal wetlands.
- No salts, fertilizers, pesticides, or other materials may be used on this property where they will contaminate any wetland areas or surface water through runoff, leaching, or in any other manner which violates the New York State Environmental Conservation Law (ECL).
- The borders of all land that is to remain undisturbed shall be clearly marked on the site before site preparation begins. These on-site boundary markers shall remain until construction is completed and soils are stabilized.
- All erosion and water quality controls shall be put 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 this application acceptable as presented.

Discussion Items

There were no discussion items submitted for consideration at this evening's meeting.

Minutes Approval

Mr. Bulger moved, seconded by Mr. Kramer, approval of the minutes of the meeting on April 11, 2006 as written. The motion was unanimously carried.

Mr. Bulger moved, seconded by Mr. Hughes, adjournment of the meeting at 11:25p.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, 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 #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 April 25, 2006, there were:

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

Absent: None

Mr. Russell offered Resolution #11, and Mr. Hughes seconded, and

Whereas, an application has been made to this Board by Oldrich Benes for approval of a subdivision entitled Land Transfer between the Lands of Oldrich Benes and the Lands of Royal and Lois consisting of the transfer of 3,756 SF of land from the Lands of Royal and Lois Monroe to the adjoining Lands of Oldrich Benes and the transfer of 2,520 SF from the Lands of Benes to the Lands of Monroe.

Whereas, pursuant to Section 276 of the Town Law, a public hearing was advertised and was held on April 25, 2006 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 14, 2006

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 Land Transfer between the Lands of Oldrich Benes and the Lands of Royal and Lois consisting of the transfer of 3,756 SF of land from the Lands of Royal and Lois Monroe to the adjoining Lands of Oldrich Benes and the transfer of 2,520 SF from the Lands of Benes to the Lands of Monroe is hereby granted preliminary and final approval conditioned upon satisfaction of the comments offered by Mr. Kemper.

Resolution #11 passed 4/25/06

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

Noes: None

Steven J. Bulger,
Chairman