

**Clifton Park Planning Board Meeting Minutes
November 28, 2006**

Those present at the November 28, 2006 Planning Board meeting were:

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

Those absent were: S. Pace

Those also present were: K. Maynard, Director of Planning;
J. Grasso, Clough, Harbour and Associates;
M. O'Brien, Environmental Specialist;
P. Pelagalli, Counsel;
J. Dean, Secretary

Mr. Bulger, 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 meeting.

Old Business

[2002-002] **Rolling Meadows** - Proposed (44) lot subdivision, 675 MacElroy Road – Final determination.

Mr. Larkin recused himself from any discussion or vote on this application and left the meeting room.

Mr. Scott Lansing, consultant for the applicant, presented this application for the Board's consideration, noting that the issues of concern identified during the last review involved the location of a trail connection and the screening of stormwater management area #2. The speaker explained that the plans now show a trail link into the proposed open space to the west. A 30' wide strip to the north of the site adjoining the lands of Heckman will also be conveyed to the Town for a future trail link. The stormwater management area has been relocated further west and additional plantings will be provided around the basin. Mr. Lansing explained that the applicant will install split-rail fencing with wire mesh around the stormwater management area if the Board deems it

necessary. Mr. Lansing addressed the issue raised recently by the Saratoga County Sewer District regarding construction of a pump station to serve the homes within the proposed subdivision. It is Saratoga County Sewer District's position that the number of residences proposed for development is insufficient to warrant construction and on-going maintenance of an additional pump station. Mr. Lansing pointed out that although construction of a pump station would be preferable, the proposed residences could be adequately served by grinder pumps. Such a change would no require changes to the project design.

Ms. Maynard reported that this project was reviewed by the Planning Board on October 24, 2006 at which time the Board issued preliminary approval with the condition that the Board approve the location and design of stormwater management area #2 and the location of the trail connection. Ms. Maynard explained that a meeting with applicant and Lou Masullo, developer of the Fairway Woods project, focused on trail development from these projects to Veteran's Park. Trail connections to Veteran's park are viewed as especially important. It is possible that a boardwalk style wetland crossing will be required as part of trail development. It is recommended that the trail be constructed at the same time as the road to alleviate any future property owner concerns. The developer would be responsible for maintenance until the development is turned over to the town. The Building Department should be the monitoring agent as the property is not part of the Town until the last building is built.

Ms. Maynard noted that it has not been typical to surround Town-owned stormwater management areas with fencing: fencing is not recommended in the DEC Storm Water Design Manual. The Town Attorney has advised that noted there could be a need for fencing due to liability concerns. Proximity to surrounding homes may make this an exception worthy of requiring fencing or the planting of native vegetation to discourage access to the area. Sign-offs are required from the Clifton Park Water Authority, NYSDEC, and NYSDOH. Copies of correspondence requesting review of the Rolling Meadows project to the NYSDEC, NYSDOH, and the Saratoga County Sewer District have been submitted to the Planning Department. The speaker indicated that Jim DiPasquale, Director of the Saratoga County Sewer District, expressed concerns regarding the proposed project lift station and future maintenance by the sewer district. The applicant has scheduled meeting with the district determine what development designs would be most appropriate for the development.

Ms. Maynard reported that Mr. Myers, Director of Building and Development provided the following comments on this application. Additional catch basins should be shown on the project plans. The Town Attorney has been asked to give an opinion regarding the liability involved in not fencing the stormwater retention areas. The use of directionally vaned catch basin grates is being discussed with Clough, Harbour, and Associates.

Mr. Grasso reported that, upon review of the revised Rolling Meadows plans, Clough, Harbour, and Associates issued the following comments. A multi-use pathway has been added from the extension of Winkel Way to the adjacent property to the north

which is currently being planned for development. The final location of this pathway may need to be adjusted as plans for the adjacent property are progressed. In addition, a separate pathway has been proposed into open space to the west. A detail of the proposed path should be included in the plan set. The applicant has also offered to assist in the facilitation of the multi-use path proposed along MacElroy Road as part of the Fairway Woods project which is currently under construction. This pathway has been hampered by right-of-way acquisition issues. The proposed storm water management area along the extension of Winkel Way has been shifted to the west away from the existing residences by approximately fifty feet and the existing hedgerow is proposed to be preserved. In addition, additional vegetative screening is proposed. It is the firm's position that the concerns expressed by the adjacent property owner and Planning Board have been addressed. Due to the basin's proximity to existing and proposed home sites, the Board should consider requiring a split rail fence with wire mesh and signing around the basin to guard against trespass.

Mr. O'Brien, Environmental Specialist, reported that the ECC found that all previous comments and recommendations have been adequately addressed.

Mr. Bulger explained that the most significant item of concern was approval from the Saratoga County Sewer District. If grinder pumps are to be utilized for the project, he asked that the Planning Board be notified of the change. He supported the installation of split-rail fencing with wire mesh around the stormwater management area. Mr. Grasso suggested that the Town may wish to consider developing consistent language for signage to be installed around stormwater containment areas throughout the Town. Mr. Bulger expressed his thanks to the applicant for his perseverance and willingness to work cooperatively with the Board to develop a "model" project.

Mr. Russell expressed concerns regarding bicycle and pedestrian travel along the proposed access road from MacElroy Road. Mr. Lansing agreed that it may be possible to widen the road approximately two feet to address safety issues. Wetland impacts would limit any additional widening of the roadway.

Mr. Russell offered Resolution #29, seconded by Mr. Kramer, to grant final approval to this application conditioned upon satisfaction of the comments provided by the Planning Department, Clough, Harbour, and Associates, and a sign-off from the Saratoga County Sewer District. Ayes: Kramer, Karam, Russell, Hughes, Bulger. Noes: None.

[2005-018] DCG Development Co. – Proposed 31,400 SF mixed use commercial, Sitterly Road and Crossing Boulevard – Revised conceptual site plan review.

This item was withdrawn from the agenda at the request of the applicant.

New Business

[2006-042] **Duell, Richard & Joan** – Proposed (3) lot subdivision, Schauber Road – Conceptual review.

Mr. Duane Rabideau, consultant for the applicant, presented this application that calls for combining of two existing parcels and the subsequent re-subdivision of 26.53 acres of land on the east side of Schauber Road just north of the intersection of its intersection with Ashdown Road into lots of 3 acres, 3.29 acres, and 20.24 acres, respectively. The parcel is located within the CR (Conservation Residential) zoning district: all lots meet zoning requirements. The 3.29 acre parcel contains an existing residence; the 3 acre parcel contains an existing wood frame barn; the remaining lands are vacant. Individual wells and septic systems will serve the vacant parcels.

Ms. Maynard offered the comments prepared by the Planning Department, explaining that since the proposed subdivision is located within C-R district, the applicant must illustrate any constrained lands identified on site. It was recommended that the application follow process as specified within 208-16 E of the Town Code. The wetland delineation should be shown on the plan. Ms. Maynard reported that 459 Schauber Road currently has a 15 year term conservation easement with the Town: this easement will expire in 2022. The applicant should clarify whether or not the easement will be continued. The adequacy of sight distance at driveway locations must be verified.

Mr. Grasso reported that Clough, Harbour, and Associates provided the following comments regarding this application. 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 project site is located within the CR (Conservation Residential) zoning district which limits development to one lot per three developable (unconstrained) acres. In order to allow the subdivision as proposed, the plan must demonstrate that either three acres of unconstrained land is contained within each lot, or measures must be taken to ensure that this will be achieved after potential future development or re-subdivision of the parcels. Because all lots are over three acres, a calculation or notation that each lot has over three acres of unconstrained area may suffice. The project site was also identified as a “land conservation parcel” in the Western Clifton Park GEIS study because it includes a significant amount of environmentally sensitive wetlands and lies adjacent to currently proposed open space. As such, the conveyance of a portion of Lot “C” to the Town as open space should be requested. Soil investigations must be conducted in the areas of the proposed wastewater disposal systems. The adequacy of sight distance should be verified at any proposed driveway locations. In order to provide access management along Schauber Road, it is recommended that a common drive be considered. If this is not feasible, the elimination of the multiple curb cuts serving the existing house is recommended.

Mr. O’Brien, Environmental Specialist, reported that the ECC provided the following comments. The LC Zone should be indicated on the plot plan for Lot “C”. 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.

Mr. Larkin addressed the issue of cancellation of the Conservation Easement that had been granted for the property. Noting that the applicant proposes a use for the property that is not in accordance with the Conservation Easement statute, he recommended that the Town Board terminate the easement as soon as possible.

Board members found the project plan generally acceptable. Mr. Bulger asked the applicant to consider conveyance of the wetland area to the rear of the site to the Town because it adjoins lands to be conveyed to the Town by Garry Heflin. Board members recommended the number of curb cuts along Schaubert Road be limited: a combined driveway along the northern property boundary was recommended.

[2006-043] **Kneeland Construction Co., Inc.** – Proposed 2,328 SF storage building, Trade Winds Farm, 394 Riverview Road – Conceptual review.

Duane Rabideau, consultant for the applicant, presented this application that calls for the construction of a 2,328 SF “garage-type” building on a 23.88 acre parcel in a CR (Conservation Residential) zone. The parcel currently contains a metal-sided building containing horse stalls and a crushed stone paddock area. The proposed building, to be used for storage of materials and maintenance equipment, will be located approximately 10 feet from the steep slope to the east of the site.

Ms. Maynard recommended that the plans indicate that the proposed storage building will not be served by water, sewer, or electric services. A colored façade rendering and samples of exterior building materials must be provided for Board review.

Mr. Grasso offered the following comments prepared by Clough, Harbour, and Associates. 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 site plan approval. The project site is located within the CR (Conservation Residential) zoning district which allows the keeping of horses on parcels over five acres as a permitted use. Although the parcel’s size satisfies this requirement, if the use of the property is commercial in nature, a special use permit may be required. The site plan fails to show the limits of the NYSDEC wetlands and 100 foot wetland adjacent area and corresponding limits of LC (Land Conservation) zoning district. A field delineation and jurisdictional determination from NYSDEC and the Army Corps of Engineers will be required. From the information provided, it is assumed that no water, sewer, or outdoor lighting is proposed for the building. This should be confirmed and noted on the site plan. Consideration should be given to shifting the proposed building away from the steep slope to reduce grading impacts.

In response to prepared comments, Mr. Rabideau explained that he had walked the site with a NYSDEC representative. At that time, it was determined that the L-C zone would be removed. Mr. Rabideau described the stream along Riverview Road as “intermittent”: there will be no disturbance to the stream area. Per Mr. Grasso’s request, he agreed to provide copies of all correspondence from NYSDEC to the Planning

Department. He also agreed to relocate the building a further distance from the steep slope. Mr. Grasso requested that all proposed lighting be included on the plan.

Mr. O'Brien, Environmental Specialist, reported that the ECC offered the following comment on this application. The applicant must identify all wetlands and adjacent areas on the plot plan. As proposed, the shed may be too close to a regulated wetland.

Mr. Karam commented on the issue of impacts wetlands and the identified stream. Though Mr. Rabideau assured the Board that no wetland impacts would result from the proposed construction, he will submit all correspondence from the ACOE and NYSDEC to the Planning Department. Board members found the project plan generally acceptable, though they requested additional information regarding wetland protection.

Eagle Crest Golf Club, Inc. – Conservation Easement Application – Referral from Town Board.

Mr. Bill Paulsen, applicant, explained that, as owners of the Eagle Crest Golf Club, Inc., he and his father submitted an Application for Conservation Easement Designation to the Town Board. Approval of a 15-year easement for a 50.3 acre parcel on the east side of Waite Road south of its intersection with NYS Route 146A has been requested. Mr. Paulsen explained that the parcel contains significant wetland areas that limit profitable development. He also explained that property and school taxes have continued to increase making it more and more difficult to retain ownership of the property. The requested designation would help reduce this tax burden.

Ms. Maynard explained that this application had been referred to the Planning Board for consideration by the Town Board at that Board's November 6, 2006 meeting. She reported that the application involved a 50 acre parcel that was not utilized as part of the Eagle Crest golf course, though it was included in the Eagle Crest Plantation Planned Development District. She reported that calculations provided by Walter Smead, Tax Assessor, showed that an 80% reduction in the assessed value of the property would result from acceptance of the site into the term easement program. He calculated that to be a reduction of \$134,000, resulting in an assessed value of \$33,500 for tax purposes. Ms. Maynard reported that the Open Space Committee noted that the granting of a term easement for the property would "align well with overall conservation goals expressed by the open space committee."

Mr. Bulger explained that as taxes continue to rise, the Planning Board may be asked to review an increasing number of such applications. He noted that §125-6 of the Town Code states that the Town Board shall "refer such application to the Historic Preservation Commission or to the Environmental Specialist, as appropriate, and the Planning Board for review and comments within 45 days if deemed necessary and/or appropriate." The Board is charged with determining whether or not the application meets the intent of the conservation easement legislation. The Town Board seeks to determine the potential for development.

Mr. Larkin observed that the “risk of development” of the parcel was relatively limited due to the proximity of the parcel to the railroad track and the amount of delineated wetlands. Mr. Kramer asked that additional information regarding development possibilities be provided. He explained that because the conservation easement program provides a mechanism for maintaining active open space areas within the Town while helping owners maintain property rights by reducing the amount of taxes due, he would likely support acceptance of the easement by the Town Board.

Mr. Kevin Bowman explained that it was the intent of the conservation easement legislation to provide public benefit by preserving open space while offering a mechanism for tax relief to property owners. He explained that permanent preservation of open space was not the intent of the legislation.

Mr. Grasso noted that the Board should consider the PUD legislation that governs development of the Eagle Crest Golf Club. Mr. Pelagalli advised the Board to consider the percentage of developable acreage of the parcel and the possible number of residential lots that may be built. He also recommended that the Board consider the benefit to the landowner since the easement would result in a reduction of taxes – a help to the property owner in maintaining the golf course business.

Board members decided that more information regarding the amount of developable land on the site would be required before a recommendation could be rendered. Mr. Bulger asked that Town officials visit the site to determine if wetland areas would significantly limit development.

[2001-019] **Clifton Storage Associates** – Extension for site plan approval pursuant to §208-120 of the Town Code.

Mr. Bulger explained that the Planning Board was in receipt of correspondence from Mr. Kevin Dailey, attorney for the applicant for the Clifton Storage Associates’ application, requesting an extension of the site plan approval that was granted to this project on September 15, 2005. Mr. Dailey explained that although the subject property has been listed for sale for some time, no one has purchased the parcel. He expects that demand for the property will increase as a result of the announcement by SEDC regarding hi-tech development in Malta.

Mr. Bulger moved, seconded by Mr. Hughes, approval of a year-long extension of the approved site plan for this project pursuant to §208-120 of the Town Code. The motion was unanimously carried.

Minutes Approval

Mr. Karam moved, seconded by Mr. Hughes, approval of the minutes of November 14, 2006 as written. The motion was unanimously carried.

Discussion Items:

Vischer Ferry Fire District Proposal

Mr. Kevin Bowman, Fire District Commissioner, and Mr. George Donohue, Chief of the Board of Commissioners for the Vischer Ferry Fire District, presented proposed plans for the construction of a new firehouse for the Vischer Ferry Fire District. The proposed facility will be located on a three-acre parcel located on Grooms Road approximately 2500 feet west of its intersection with Vischer Ferry Road. The facility will replace an existing building constructed in 1964 located north of the Vischer Ferry Road-Grooms Road intersection. Since the Vischer Ferry Fire District serves nearly a third of the Town and because of anticipated residential growth in the western part of town, this building is now inadequate for the district's needs. Connection will be made via a grinder pump to the sewer line within the Wishing Well subdivision. Hydrants will be provided for future water connection.

Mr. Donohue presented a conceptual site plan for the Board's consideration. The building will reflect the Greek revival architecture of the area and three drive-through bays will provide garage space for fire trucks. Parking areas will be installed at both the front and rear of the building. Traffic will flow in a one-way direction from west to east through the site.

Mr. Grasso offered a number of comments on the conceptual plan. He asked that details relating to the installation of the traffic light be provided on all plans, that the plan indicate that no recreational uses are proposed for the site, that stormwater management plans be provided, and that accommodation be made for the multi-use trail that will likely be installed along Grooms Road. Though Mr. Grasso favored the one-way traffic design, he recommended that the lanes be increased in width to 18 feet. All lighting should be shown on the plans and should be designed to limit glare. Mr. Pelagalli explained that although fire districts have formerly been exempt from Planning Board review, recent judicial decisions require that the Board consider whether or not the proposed facility would provide public benefits that would outweigh negative impacts.

Mr. Bulger moved, seconded by Mr. Karam, to accept the conceptual design plans for the proposed Vischer Ferry Firehouse as presented since the building was to be used for upgrading of existing facilities for the benefit of Town residents. No format site plan review by the Planning Board would be required, though the fire district was asked to comply with the recommendations offered by Mr. Grasso. The motion was unanimously carried.

Mr. Sal Falco, 94 Sitterly Road, asked to address the Board regarding the proposed DCG mixed use development at the intersection of Sitterly Road and Crossing Boulevard. Explaining that he lives directly across Sitterly Road from the proposed development, he asked that the Board consider traffic congestion in the area, the impact of lighting from the proposed retail development on his home, and the negative impact on property values. Mr. Bulger explained that the DCG project has been scheduled for

review at the December 12, 2006 meeting. He also explained that turning lanes at the intersection of Sitterly Road and Crossing Boulevard have been recommended by consultants and are being considered as part of the application. He also explained that the devaluation of property values is difficult to substantiate since property values throughout the area continue to rise.

Clifton Park – Halfmoon Library Shed

Mr. Bulger explained that the Clifton Park – Halfmoon Library has requested approval to place a shed adjacent to the new facility on Moe Road. The shed will be used for storage of maintenance equipment and materials. The consultant for the applicant provided a portion of a site plan indicating that the shed would be placed along to the eastern side of the parcel, north of the proposed multi-use pathway. Board members found the proposal acceptable and agreed that no formal site plan review would be required.

Mr. Bulger moved, seconded by Mr. Karam, adjournment of the meeting at 9:00p.m. The motion was unanimously carried. The next meeting of the Planning Board will be held as scheduled on December 12, 2006.

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.

NOTICE OF DECISION

Resolution #29

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 November 28, 2006, there were:

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

Absent: J. Larkin, S. Pace

Mr. Russell offered Resolution #29, and Mr. Kramer seconded, and

Whereas, an application has been made to this Board by Garry R. Heflin for approval of a subdivision plat entitled Rolling Meadows consisting of (38) lots, and

Whereas, pursuant to Section 276 of the Town Law, a public hearing was advertised and was held on September 13, 2006;

Whereas, the Town Board established itself as Lead Agency for this application, a Type I action, and a negative declaration was issued pursuant to SEQRA on May 8, 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 subdivision plat entitled Rolling Meadows consisting of (38) lots is granted final subdivision approval conditioned upon satisfaction of the comments offered provided by the Planning Department, the Department of Building and Development, and Clough, Harbour, and Associates.

Resolution #29 passed 11/28/06

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

Noes: None

Steven J. Bulger,

Chairman

