

## **Clifton Park Planning Board Meeting Minutes October 6, 2005**

Those present at the October 6, 2005 Planning Board meeting were:

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

Those absent were: None

Those also present were: J. Kemper, Director of Planning; P. Lilholt, 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 Bulger announced that the Rotundi subdivision application had been withdrawn from this evening's agenda at the request of the applicant.

### **Public Hearings**

[2005-046] Hiltbrunner, Arthur P. and Sharon G. – Proposed (2) lot subdivision, 84 Longkill Road – Preliminary public hearing and possible determination.

The Chairman called the public hearing to order at 7:10p.m. The Secretary read the public notice as published in the Daily Gazette on September 28, 2005.

Mr. Robert McFarlane, consultant for the applicant, presented this application that was reviewed by the Board on August 9, 2005. The plan remains generally as presented, though the revised plan now includes clear identification of all easements located on the property and the note that was requested by the Clifton Park Water Authority.

Mr. Kemper reported that this project last appeared before the Board on August 9, 2005 at which time the Board found the proposal generally acceptable. The speaker noted that the application was withdrawn from the September 15, 2005 agenda at the request of the applicant. The Saratoga County Planning Board reviewed the project on August 18, 2005 and determined that the project had no significant county-wide or inter-community impact. Sign-offs must be provided from the Saratoga County Sewer District and the Clifton Park Water Authority. Mr. Kemper reported that the Zoning Board of Appeals issued a setback variance for the existing residence on June 7, 2005: a note referring to this variance must be added to the plans. Mr. Kemper recommended that the proposed house be oriented more to the west to provide a buffer along the property boundary that adjoins the Lands of Graves: a no-cut buffer should be provided along this property line. Mr. Kemper read the following comment provided by Steve Myers, Director of Building and Development dated September 29, 2005: "Easements shown appear to be agreed to previously, therefore no comment." Mr. Kemper reported receipt of an email from Todd

Graves and a letter to the Board. Copies of this correspondence were provided to the Board members.

Mr. Kemper reported that the ECC found the project acceptable. Mr. Peter Lilholt reported that Clough, Harbour, and Associates also found the project acceptable.

Mr. Chris Lemire, 23 Parkside Trail, spoke on behalf of “some of the residents” of Parkside Trail. He read a letter to the Board that had been prepared by Mr. Todd Graves, 12 Parkside Trail, that outlined concerns regarding the construction of a new single-family residence on Parkside Trail. The letter described the development of the “Parkside Trail community,” listed four concerns that the neighbors share, and requests for conditions of approval. The recommendations for approval conditions included a 2,800 square footage minimum for the proposed house, the application of the restrictions and covenants that exist for the Parkside Trail community to the new lot, assurances that the landscaping on town-owned land around the retention basin not be affected, and a requirement that assures that “a reasonable buffer” will be installed.

Mr. Lemire reported that he had visited the area of the proposed access drive prior to this meeting. It was his opinion that a number of substantial trees would need to be removed in order to install the driveway. While the speaker recognized that the Hiltbrunners did have the right to develop their property, he asked that the applicant and the Town consider relocation of the access point. He suggested that a keyhole lot with access to Longkill Road may be reasonable.

Mr. William Lindenbaum, 25 Parkside Trail, reported that he had not received notification of the pending application.

Mr. MacFarlane spoke in response to the public comments, stating that a significant buffer will be preserved between the proposed home and established residences. He explained that the Town of Clifton Park granted the applicant the small parcel of land for use as an access drive and that, with the exception of the requirement that a future residence be at least 1,900 square feet in size, the applicant does not endorse any of the covenants and restrictions applicable to the adjoining subdivision lots.

In response to Mr. Lemire’s request that a 30-foot buffer be established along the driveway, Mr. Kemper expressed concerns regarding impacts to the detention basin as well as the existing water line should the driveway be relocated or additional landscaping be installed. It was agreed that Mr. MacFarlane would flag the area to be cleared for the driveway to determine if its location would negatively impact adjoining properties.

The following residents of Parkside Trail were also in attendance at the meeting: Darrel LaVigne, 18 Parkside Trail; Tom Logan, 14 Parkside Trail; Wendy Michelsen, 26 Parkside Trail; William Lindenbaum, 25 Parkside Trail.

There being no additional public comment, Mr. Bulger moved, seconded by Ms. Pace, to close the public hearing at 7:30p.m. The motion was unanimously carried.

Mr. Larkin's concerns focused on the Town Board conveyance of the approximately 3,400 SF to the Hiltbrunners that provides them access to the back portion of their property and allows an opportunity for subdivision. Recommending that the Board consider "public interest" as well as "private interest," Mr. Larkin believed that approval of this application would set a "bad precedent." Mr. Pelagalli labeled Mr. Larkin's comments "inaccurate and erroneous". He described the encroachment that had occurred on the Hiltbrunner property as a result of installation of the detention basin located on Town land and the resultant 1999 contractual agreement executed by the Town Board and the property owner that provided the owner access to Parkside Trail. He also pointed out that the Planning Board had no authority to act in opposition to the Town Board action.

Mr. Kemper addressed the concerns of the residents, asking that the proposed residence be moved to the west: this would create a more substantial buffer area to the east and the existing homes along Parkside Trail. Mr. MacFarlane agreed to limit clearing of the site to the least amount practicable and to plant additional evergreens along the driveway if necessary. At Mr. Karam's suggestion, it was agreed that the driveway location and accompanying landscaping would be placed after consultation between the applicant, Town officials, and Clifton Park Water Authority representatives. Mr. Bulger recommended that the buffer area to the east be a minimum of 30 feet and a maximum of 50 feet: a note containing this restriction must be included on the plan. Though Mr. Pelagalli usually counsels against the establishment of a no-cut buffer, he supports language that would give the Town the right-of-enforcement in this situation. In light of the unusual circumstances surrounding this subdivision approval, he recommended that language regarding the "no cut" buffer areas be included not only on the subdivision plat but also on the deed.

In response to Mr. Bulger's query concerning the Hiltbrunners' willing adherence to covenants and restrictions applicable to Parkside Trail property owners, the Hiltbrunners agreed to the restriction that states that the proposed home must be 1,900 SF or larger.

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

Mr. Bulger offered Resolution #28, seconded by Mr. Russell, to waive the public hearing for this application and to grant preliminary and final subdivision approval conditioned upon satisfaction of the comments offered by Mr. Kemper and Clough, Harbour, and Associates. Ayes: Kramer, Larkin, Pace, Karam, Russell, Hughes, Bulger. Noes: None.

[2005-033] Tyll, Arthur – Proposed (3) lot subdivision, NYS Route 146A – Preliminary public hearing and possible determination.

The Chairman called the public hearing to order at 8:10p.m. The Secretary read the public notice as published in the Daily Gazette on September 28, 2005.

Mr. Joe Dannible, consultant for the applicant, presented this application that remains generally as presented at the June 14, 2005 meeting. The consultant stated that all existing structures will be demolished and removed from the site. A proposed common utility and ingress/egress easement has been provided to Lots #7 and 9 and the Saratoga County Sewer District #1. An area bordering NYS Route 146A will be deed restricted: no access or clearing and/or grading within 150 feet of the highway will be permitted.

Mr. Kemper reported that this project was last before the Board on June 14, 2005 at which time the Board found the application acceptable. The clearing limit lines and buffer along Route 146 that were requested by the Board have been added to the plans. Sign-offs will be required from Sheryl Reed, Chief of the Bureau of Fire Prevention and the Clifton Park Water Authority. The June 13, 2005 comment letter from the Saratoga County Sewer District must be addressed. A description must be provided for the ingress/egress easement and sewer easement. The Saratoga County Planning Board reviewed the project at its June 16, 2005 and determined the project had no significant county-wide or inter-community impact. The firm that performed the wetland delineation and the date it was performed must be added to the plans. Mr. Kemper reported receipt of a memo from Steve Myers dated September 29, 2005 that contained the following comment: "This and all subdivisions should address the SWPPP in a more vigorous manner, including ensuring the inspections are completed as required (i.e. weekly at most, within 24 hours of a .5" rain event, etc.) The SWPPP inspection and maintenance should not be the responsibility of the job superintendent. Another agency should be conducting the inspections to ensure violations are reported to DEC and that inspections are completed and recorded correctly."

Mr. Kemper read the following comments that had been submitted by the ECC. The proposed building lots may have a high groundwater table; in light of this, the applicant should examine the site to determine the best locations for proposed homes. 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.
- 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.

Mr. Lilholt stated that Clough, Harbour, and Associates found the project plan

acceptable.

There being no public comment, Mr. Bulger moved, seconded by Mr. Hughes, to close the public hearing at 8:16p.m. The motion was unanimously carried.

Board members found the proposal acceptable as presented: no no-cut buffer would be required around the property boundaries.

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

Mr. Karam offered Resolution #29, seconded by Ms. Pace, to waive the public hearing for this application and to grant preliminary and final subdivision approval conditioned upon satisfaction of the comments offered by Mr. Kemper. Ayes: Kramer, Larkin, Pace, Karam, Russell, Hughes, Bulger. Noes: None.

[2005-050] Mohnen, Volker – Proposed (2) lot subdivision, Riverview Road – Preliminary public hearing and possible determination

The Chairman called the public hearing to order at 8:20p.m. The Secretary read the public notice as published in the Daily Gazette on September 28, 2005.

Mr. Dave Flanders, consultant for the applicant, briefly summarized this subdivision application, noting that it remains generally as presented at the September 15, 2005 Planning Board meeting. Mr. Flanders has presented the plan to the Town of Halfmoon since the town boundary line crosses a portion of the property. He reported that Town of Halfmoon officials offered no comment on the proposal because the property has no road frontage within its jurisdiction. Pursuant to Board comments, the following note has been added to the plan: “Due to the limited or non-accessibility to this property during periods of flooding, emergency services provided by the Town of Clifton Park will not be available. The purchaser takes title to this property with this express understanding.”

Mr. Kemper stated that this application was last considered by the Board on September 15, 2005. At that time the Board requested that a note be added to the plans stating that the property may not be able to be serviced by emergency services when flooding occurs. This note has been added to the plans. The standard note regarding aviation activity must be added to the plans. The 100 year flood zone line should be labeled as Town of Clifton Park L-C Zone. Steve Myers, Director of Building and Development, provided a memo dated September 29, 2005 that noted that the property is located within a flood zone. He commented that the L-C Zone does not allow home construction as a permitted use.

Mr. Kemper read the ECC recommendations that were provided by Mr. O’Brien, Environmental Specialist. The Applicant must delineate the LC Zone on the plot plan before any further review by the ECC can occur. At this time, the proposed house appears to be too close to the estimated LC Zone boundary. The following standard statement

should be added to the individual plot plan:

- This parcel is located in close proximity to the Adirondack Northway and its potential impact. Such impact may include, but is not limited to periodic noise, vibration, 24 hour operation and other associated activities.

Mr. Kemper suggested that the proposed residence be “shifted” to the west to satisfy the ECC concern regarding its proximity to the L-C zone.

Mr. Lilholt reported that Clough, Harbour, and Associates determined that all previous comments have been adequately addressed.

There being no public comment, Mr. Bulger moved, seconded by Ms. Pace, to close the public hearing at 8:24p.m. The motion was unanimously carried.

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

Mr. Kramer offered Resolution #30, seconded by Mr. Karam, to waive the public hearing for this application and to grant preliminary and final subdivision approval conditioned upon satisfaction of the comments offered by Mr. Kemper. Ayes: Kramer, Larkin, Pace, Karam, Russell, Hughes, Bulger. Noes: None.

[2004-051] Cillis Builders – Proposed (12) lot subdivision, Bruno Road – Preliminary public hearing and possible determination

The Chairman called the public hearing to order at 8:25p.m. The Secretary read the public notice as published in the Daily Gazette on September 28, 2005.

Mr. Gavin Vuillaume, consultant for the applicant, presented this application that calls for the subdivision of 13.8 acres of land in an R-1 zone into 11 single-family residential lots. One lot will contain an existing residence that has been deemed by John Scherer, Town Historian, to be historically significant. The parcel contains several acres of NYSDEC and ACOE wetlands. Mr. Vuillaume explained that the applicant will work with the Town to address the flooding that occurs in the area following a severe storm event. A traffic study prepared by the Creighton-Manning engineering firm was presented.

Mr. Kemper reported that this project last appeared before the Board on May 24, 2005. At that time, the Board requested that the Town Historian visit the property to determine if the existing residence would be historically significant. Board members also expressed concerns with the large amount of wetland on some parcels and the documented flooding that occurs on Bruno Road. Sign-offs are required from the Clifton Park Water Authority and the Saratoga County Sewer District. The NYSDEC must provide a signoff on the wetland delineation. This is a Type 1 action under SEQRA and coordinated review is required. Coordinated review will be undertaken if the Board finds the lay-out acceptable.

A full EAF must be submitted. A buffer should be provided along the rear of the lots that border Glenbrook Drive. Lots #7, 8, and 10 contain large amounts of wetlands. The applicant should consider eliminating a lot so that the proposed houses have usable yards. Mr. Kemper recommended that the applicant consider shortening the cul-de-sac to provide a larger rear yard for Lots #7 and 8. The following comments were provided by Steve Myers, Director of Building and Development in a memo dated September 29, 2005: "This and all subdivisions should address the SWPPP in a more vigorous manner, including ensuring the inspections are completed as required (i.e. weekly at most, within 24 hours of a .5" rain event, etc.) The SWPPP inspection and maintenance should not be the responsibility of the job superintendent. Another agency should be conducting the inspections to ensure violations are reported to DEC and that inspections are completed and recorded correctly." Copies of a letter submitted by John Scherer, Town Historian, expressing his interest in preserving the historic house were provided to Board members.

Mr. Kemper read the ECC comments. The proposed project is located adjacent to an area that routinely floods Bruno Road during heavy rain events. Any additional stormwater management should not be directed to this stream corridor to avoid aggravating an already compromised situation. The ECC does not support the design of this project in view of the repeated flooding that occurs within close proximity to the only point of ingress/egress of the proposed subdivision.

Mr. Lilholt listed the comments prepared by Clough, Harbour, and Associates. The following comments from the October 11, 2004 and May 19, 2005 review letters remain to be addressed. A Full Environmental Assessment Form should be provided. The sight distance at the proposed roadway location should be verified. An additional ten feet of right-of-way along the project frontage should be conveyed to the Town of Clifton Park for future trail/bikeway improvements. The Planning Board has consistently established a recommended building setback of fifty feet from the limits of the LC (Land Conservation District) and federal wetlands to allow adequate area for typical lot development and usage activities. Such setbacks are not provided for Lots #7, 8 and 10.

The following additional comments should be addressed. The plans and storm water management report fail to identify the known flooding that occurs at the culvert crossing Bruno Road. Impacts of the flooding and mitigation measures, if appropriate, need to be identified. If there are none, this needs to be stated in the application materials. If the front yard setbacks for Lots #5 and 6 are greater than the standard minimum setback in order to provide adequate lot width, the minimum setback distance needs to be shown on the subdivision plan. The impacts to the ACOE wetlands should be quantified on the plan.

Mr. Lilholt added several other comments. The proposed ownership of the land northwest of Bruno Road should be specified on the plan. The existing home should be labeled "To Be Removed" if it is, in fact, to be removed. A catch basin should be installed in the middle of the proposed cul-de-sac to adequately drain this area. In addition, Clough, Harbour, and Associates is concerned with the protection of the rear yard drainage crossing the backs of Lots #2 and 5. Easements and/or catch basins appear required. The utility plan should show the locations of the proposed water services, sanitary sewer

laterals, and foundation drain laterals. The proposed connection to the existing sanitary sewer manhole should be by use of a “Kor-N-Seal” connection. The size of the storm sewer from SMH #1 should be clarified. The plan indicates 18” while the inverts are labeled 12”. Inverts of catch basins #1A and #1B are not readily apparent, and there appears to be less than the required minimum of two feet of cover over some of the storm sewers within the first fifty feet of Nicole Court. An alternative storm sewer layout and structure placement appears required. Profiles are required for all storm lines, except for those storm lines connecting two opposing catch basins not at low points. A street light should be provided at the intersection of Nicole Court and Bruno Road and should be oriented over Nicole Court to aid in definition of the side street. Street signage should also be provided. Radii of the right-of-way need to be identified to verify conformance with the Design and Construction Standards. Bearings and distances need to be provided for all easements. The setbacks for Lot #1 should not extend into the sewer easement. An appropriate saw-cut along Bruno Road and tie-in of the pavement should be called out and detailed.

Mr. Lilholt reported that Clough, Harbour, and Associates reviewed the Preliminary Stormwater Management Report dated September 2005 and offered the following comments:

- The discharge from catch basin #1A should be directed to the forebay of the stormwater management area.
- In order to verify existing soil conditions such as soil type, impermeable layers, high groundwater and percolation rates, test pits and percolation tests should be performed within the limits of the proposed stormwater management area to a depth of two feet below the bottom of the basin.
- A table should include the report comparing pre-development discharge rates to the post development discharge rates.
- The limits of the 10’ wide gravel access road should be shown on the plan.
- A Storm Sewer Sizing Table should be provided documenting the adequacy of the size of the proposed closed drainage system, including drainage areas, peak flows, pipe size, pipe slope, full flow capacity and velocity.
- A Stormwater Pollution Prevention Plan with erosion and sediment control methods and details should be provided.
- The report indicated the use of drywells as a method of treatment although drywells are not depicted on the plan.

Ms. Rainey Littman, Chairperson of the Historic Preservation Commission, reported that early in the planning stages of this project, the applicant contacted the Commission to discuss preservation of the historic home. Following site inspection of the property, the Commission recommended preservation of the home and its addition to the register of historic properties. Such a designation would allow the property owner to apply for an easement that would reduce the property’s assessed value. In response to Ms. Pace’s question regarding the location of the home, Mr. Vuillaume explained that an additional lot fronting on Bruno would be created. Though Mr. Kemper expressed concerns regarding sight distance at the existing driveway, Mr. Vuillaume explained that sight distance would be improved by the removal of some vegetation along the roadway. Mr.



Bulger called the proposal an “outstanding example of cooperation between the applicant, the Historic Preservation Commission, and the Planning Board.”

Mr. Sean Barbera, 710 Bruno Road, explained that this portion of Bruno Road floods regularly during storm events. The problem apparently occurs because the existing culvert under Bruno Road that carries water from a tributary of the Dwaas Kill to another culvert under Kinns Road is undersized and, therefore, unable to handle the water flow. Water backs up resulting in significant flooding and the need to close the road to motorists. The flooding also affects Mr. Barbera’s home and septic system. Mr. Barbera reported that the Town has submitted a Notice of Intent to file an application for FEMA funds to correct this long-standing situation. The firm of John M. McDonald Engineering, P.C. is preparing a detailed engineering proposal to correct the flooding problem.

There being no additional public comment, Mr. Bulger moved, seconded by Mr. Karam, to close the public hearing at 9:50p.m. The motion was unanimously carried.

Mr. Hughes spoke in support of the preservation of the existing historic residence though he was concerned that Lots #7, 8, and 10 have useable back yards of at least a 50-foot depth. Mr. Vuillaume agreed to provide at least a 50-foot distance to the wetland boundary. Mr. Pelagalli will consult with the attorney for the Zoning Board of Appeals to determine if a setback variance will be required for the existing home. In an informal canvas, Board members unanimously agreed to recommend approval of the variance. Mr. Kramer supported preservation of the existing historic home. He echoed Mr. Barbera’s concerns regarding the flooding problems along Bruno Road and supported all efforts to rectify the situation. Mr. Bulger noted that although the proposed subdivision would not intensify the existing drainage problem, all efforts would be made to solve the existing problems. Mr. Russell asked if the Barbera property could connect to the public sewer system. Mr. Barbera explained that easements and funding problems currently prohibit such connection. Mr. Karam voiced his appreciation for the applicant’s willingness to preserve the historic home.

Mr. Bulger asked that the applicant forward a letter to the Board requesting an extension of the time frame required to render a decision on this application due to the complexities of resolving the on-going flooding issues. Authorization for initiating coordinated review was provided. Mr. Bulger asked that Mr. Barbera be kept abreast of project plans.

[2005-014] Earl, Scott – Proposed (4) lot subdivision, Ray Road – Preliminary public hearing and possible determination

The Chairman called the public hearing to order at 9:00p.m. The Secretary read the public notice as published in the Daily Gazette on September 28, 2005.

Mr. Scott Lansing, consultant for the applicant, presented this application for the Board’s consideration. The plan remains generally as presented at the March 22, 2005 meeting, though the driveways for three of the proposed parcels have been combined. The consultant is awaiting affirmation of the wetland delineation from the NYSDEC.

Mr. Kemper reported that this project last appeared before the Board on March 22, 2005 at which time the Board found the project generally acceptable. In a memo dated September 29, 2005, Mr. Myers commented that the “common driveway could have maintenance problems. Driveway lengths will require a minimum of 16’ wide pavement with the ability to support a 50,000 pound vehicle as determined by a licensed engineer.” The sight distance should be illustrated on the plans. The perc test results should be added to the plans. The firm that performed the wetland delineation and the date of the delineation must be added to the plans. Mr. Kemper observed that the shared access drive that was requested by the Board has been shown on the plans.

Mr. Kemper read the comments that were provided by the ECC. The Commission asked that following standard statements should be added to the plot plan:

- The Land Conservation (LC) Zone has been delineated in accordance with Section 208-69 of the Clifton Park Town Code. Federal jurisdictional wetlands have also been identified on this parcel. Uses in these areas are restricted. The Town of Clifton Park Building Department shall be notified before undertaking any land disturbance activities in the LC Zone and /or 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.

The ECC also recommended that that applicant provide a Stormwater Pollution Prevention Plan for review by the ECC and the Town Engineer. The standard note regarding aviation activity must be added to the plans.

Mr. Lilholt explained that Clough, Harbour, and Associates had reviewed the preliminary plans for this proposed project that was presented for conceptual review during the moratorium of the Western Clifton Park GEIS study area. He stated that it appeared that the project is grandfathered and thus not subject to the Statement of Findings adopted for that study area. He explained that the project as proposed would not likely comply with the Statement of Findings do to lack of permanently protected open space. The plan indicates a “50’ Land Conservation District Buffer Area.” This reference is confusing in that it closely resembles the Town’s “LC-Land Conservation Zoning District” which includes certain areas as defined in the zoning regulations and closely resembles “Land Preservation Area/Easement” which are areas with special land use protections that are covered by deed restrictions. If the purpose of the area is to provide permanent protection of environmentally sensitive areas, it is recommended that the reference be changed to Land Preservation Area and included as a deed restriction or an easement which would be

granted to the Town and enforceable by the Town.

Mr. Lilholt offered several additional comments. The air photo depicts an existing house on proposed Lot #4 that is not shown on the subdivision plan. Clarification should be provided as to the intent of the existing structure. The speaker explained that the applicant's consultant provided the results of percolation test pits performed on September 23, 2005. It should be verified that the percolation tests were done in accordance with the procedures outlined in the NYSDOH Individual Residential Wastewater Treatment Systems Design Handbook. The sight distance at all proposed driveway locations should be verified.

In response to Mr. Larkin's question regarding the driveway location that will serve the eastern-most residence, Mr. Lansing explained that the applicant may locate that residence to another portion of the largest lot. If relocated, the residence would require its own access onto Ray Road. Mr. Larkin also questioned the impact of the GEIS study on this application. Mr. Pelagalli explained that since this application was submitted prior to the adoption of the Statement of Findings for the study and the subsequent zoning changes, the Board could act upon the application as submitted. He did note that any future subdivision would be considered in accordance with the recently-adopted zoning legislation.

There being no public comment, Mr. Bulger moved, seconded by Ms. Pace, to close the public hearing at 9:05p.m. The motion was unanimously carried.

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

Mr. Hughes offered Resolution #31, seconded by Mr. Bulger, to waive the public hearing for this application and to grant preliminary and final subdivision approval conditioned upon satisfaction of the comments offered by Mr. Kemper and Clough, Harbour, and Associates. Ayes: Kramer, Larkin, Pace, Karam, Russell, Hughes, Bulger. Noes: None.

[2005-016] Figueroa, Ralph – Proposed (3) lot subdivision, 154 Vischer Ferry Road – Revised conceptual review.

The Chairman called the public hearing to order at 9:18p.m. The Secretary read the public notice as published in the Daily Gazette on September 28, 2005.

Mr. VanGuilder, consultant for the applicant, explained that the applicant has now agreed to provide sufficient lot area for each lot and to configure the lots as requested by the Planning Board. All other items of concern have been previously addressed.

Mr. Kemper stated that this project last appeared before the Board on September 15, 2005 at which time the Board found the lot configuration unacceptable. Mr. VanGuilder was advised to inform Mr. Figueroa of the Board's concerns. Mr. Steve Myers, Director of

Building Development provided the following comment in a memo dated September 29, 2005: "Common driveway could have maintenance problems. Driveway lengths will require a minimum of 16' wide pavement with the ability to support a 50,000 pound vehicle as determined by a licensed engineer."

Mr. Lilholt reported that the applicant has re-configured the boundary lines of proposed Lot No. 3 to address the comment included in Clough, Harbour, and Associate's September 6, 2005 review letter. As pointed out in our previous letters, the applicant is required to a minimum lot size of 100,000 S.F. The current plan indicates that proposed Lot No. 3 has an area of 2.29+/- acres. When multiplied by 43,560 to convert to square feet, the result is 99,752.40 S.F., 247.60 S.F. short of the required 100,000 S.F. The proposed lot area is labeled as being plus or minus. If the true area of the lot meets or exceeds the 100,000 SF requirement, the lot should be labeled as having an area that satisfies the requirement. Following Mr. VanGuilder's presentation, Mr. Lilholt found the project acceptable.

The ECC found the project acceptable.

There being no public comment, Mr. Bulger moved, seconded by Mr. Karam, to close the public hearing at 9:20p.m. The motion was unanimously carried.

There being no public comment, Mr. Russell moved, seconded by Ms. Pace, to establish the Planning Board as Lead Agency for this application, an unlisted action and to issue a negative declaration pursuant to SEQRA. The motion was unanimously carried.

Mr. Karam offered Resolution #32, seconded by Ms. Pace, to waive the final hearing for this application and to grant preliminary and final approval conditioned upon satisfaction of the comments offered by Mr. Kemper. Ayes: Kramer, Larkin, Pace, Karam, Hughes, Russell, Bulger. Noes: None.

Old Business:

There were no items of old business were scheduled for this evening's meeting.

New Business:

[2005-051] Rotundi, Anthony - Proposed (11) lot subdivision, 766 Grooms Road – Conceptual review.

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

[2005-052] Towers, Sandra – Proposed (2) lot subdivision and land transfer, 481 Moe Road – Conceptual review.

Mr. Gavin Vuillaume, consultant for the applicant, presented this application that calls

for the subdivision of 2.95 acres of land in an R-1 zone into lots of 1.02 acres and 1.93 acres, respectively. The smaller lot contains an existing single-family residence and two car detached garage. The property is located adjacent to the recently-approved Clifton Park – Halfmoon Public Library PUD on the east side of Moe Road north of the Moe Road/Clifton Park Center Road intersection. Mr. Vuillaume explained that a 962 SF parcel along Moe Road will be deeded to the Town of Clifton Park to permit relocation of the existing multi-use pathway. The lots will be served by individual wells and septic systems.

Mr. Kemper acknowledged receipt of the following comments from Steve Myers: “[The applicant] needs a 5’ front setback variance. Appears to be 160’ +/- to sewer at library. Do not believe that connection to sewer will be required as a result. Driveway to Lot #2 could be over 350’ long, some consideration for emergency vehicle access should be done. [The project] does not meet 500’ requirement for 16’ wide, etc.” Mr. Vuillaume reported that the applicant has submitted an application to the Zoning Board of Appeals for the required front setback variance. Mr. Kemper asked that the driveway for the existing house be shown on the plans.

Mr. Lilholt reported that Clough, Harbour, and Associates reviewed the subdivision plan for the above referenced project 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 involved agencies include the Clifton Park Planning Board for subdivision approval and possibly the Zoning Board of Appeals for a possible front yard variance. The plan currently indicates an area variance will be required for an insufficient front yard because of the land to be conveyed to the Town of Clifton Park. Because the structure is existing and the land is being conveyed to the Town for public use (multiuse pathway), it is our opinion that a variance should not be required. Multiple curb cuts and driveways across the recently constructed multi-use pathway should be discouraged. Additional information regarding the ability to share a driveway curb cut should be investigated. The proposed well and septic system locations for Lot #2 and the existing well and septic locations for Lot # 1 should be shown on the plan. The subdivision will reduce the area available to replace the septic system on Lot #1. Adequate area should be investigated and provided.

Mr. Pelagalli explained the setback variance is reasonable since it is necessary to provide for the relocation of the multi-use pathway. Realignment of the pathway resulted from the required widening of Moe Road at the entranceway to the new library.

Mr. Bulger thanked Mr. Kemper and all involved in resolving the issues surrounding the necessary conveyance of lands from the Towers property to the Town of Clifton Park. A public hearing will be scheduled as soon as possible.

Minutes Approval:

Mr. Bulger moved, seconded by Mr. Karam, approval of the minutes of September 15, 2005 as written. The motion was unanimously carried.

## Discussion Items:

### Lands of Conpropst

Mr. VanGuilder, consultant for the applicant, requested the Board's approval of a second access to the Conpropst property. The speaker explained that this request was made to insure a sense of privacy for the owners of the proposed home and to allow proper siting of the home on the subdivided parcel. Board members agreed that the second access would be acceptable if approved by the County Department of Public Works.

### Lands of Feigenwinter

Mr. VanGuilder explained that the sight distance along Kinns Road for the lot to be created by subdivision of the Lands of Feigenwinter is unacceptable because of an existing row of evergreens located within the right of way to the front of the Lands of Flaherty. Since Mr. Feigenwinter plans to return to the area in approximately five years to construct a home on the newly-created lot, he has asked that the trees remain. This would allow a second row of trees to become more dense and screen the Flaherty home from Kinns Road. Mr. Ted Serbalik, Director the Saratoga County Public Works Department, has determined that the trees must be removed for traffic safety reasons. Mr. Kemper advised that it would be difficult to enforce the removal of the trees "after the fact." Board members agreed with Mr. Larkin's opinion that immediate removal of the trees was necessary to ensure public safety.

Mr. Bulger moved, seconded by Mr. Russell, adjournment of the meeting at 9:50p.m. The motion was unanimously carried. The next meeting of the Planning Board will be held as scheduled on October 25, 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

Resolution #28

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 October 6, 2005, there were:

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

Absent: None

Mr. Bulger offered Resolution #28, and Mr. Russell seconded, and

Whereas, an application has been made to this Board by Arthur P. Hiltbrunner for approval of a subdivision entitled Subdivision of Lot 8 "Map of Eugster Estate" and of Lands of the Town of Clifton Park for Arthur P. and Sharon G. Hiltbrunner consisting of (2) lots.

Whereas, pursuant to Section 276 of the Town Law, a public hearing was advertised and was held on October 6, 2005 and;

Whereas, the Planning Board was established as Lead Agency for this application, an unlisted action, and a negative declaration was issued pursuant to SEQRA on October 6, 2005, and

Whereas, it appears to be in the best interest of the Town that said application be approved,

Now, therefore, be it resolved that the final hearing for this application is waived and that the final subdivision plat entitled Subdivision of Lot 8 "Map of Eugster Estate" and of Lands of the Town of Clifton Park for Arthur P. and Sharon G. Hiltbrunner consisting of (2) lots is hereby granted preliminary and final approval conditioned upon satisfaction of the comments issued by Mr. Kemper and Clough, Harbour, and Associates.

Resolution #28 passed 10/6/05

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

Noes: None

Steven J. Bulger,  
Chairman

Resolution #29

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 October 6, 2005, there were:

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

Absent: None

Mr. Karam offered Resolution #29, and Ms. Pace seconded, and

Whereas, an application has been made to this Board by Arthur J. Tyll for approval of a subdivision entitled Subdivision For the Lands of Arthur J. Tyll and Colleen White Tyll consisting of (3) lots.

Whereas, pursuant to Section 276 of the Town Law, a public hearing was advertised and was held on October 6, 2005 and;

Whereas, the Planning Board was established as Lead Agency for this application, an unlisted action, and a negative declaration was issued pursuant to SEQRA on October 6, 2005, and

Whereas, it appears to be in the best interest of the Town that said application be approved,

Now, therefore, be it resolved that the final hearing for this application is waived and that the final subdivision plat entitled Subdivision For the Lands of Arthur J. Tyll and Colleen White Tyll consisting of (3) lots is hereby granted preliminary and final approval conditioned upon satisfaction of the comments issued by Mr. Kemper.

Resolution #29 passed 10/6/05

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

Noes: None

Steven J. Bulger,  
Chairman

Resolution #30

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 October 6, 2005, there were:

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

Absent: None

Mr. Kramer offered Resolution #30, and Mr. Karam seconded, and

Whereas, an application has been made to this Board by Volker Mohnen for approval of a subdivision entitled Subdivision Plan – Portion of Lands of Volker A. and Heiner J. Mohnen consisting of (2) lots.



Whereas, pursuant to Section 276 of the Town Law, a public hearing was advertised and was held on October 6, 2005 and;

Whereas, the Planning Board was established as Lead Agency for this application, an unlisted action, and a negative declaration was issued pursuant to SEQRA on October 6, 2005, and

Whereas, it appears to be in the best interest of the Town that said application be approved,

Now, therefore, be it resolved that the final hearing for this application is waived and that the final subdivision plat entitled Subdivision Plan – Portion of Lands of Volker A. and Heiner J. Mohnen consisting of (2) lots is hereby granted preliminary and final approval conditioned upon satisfaction of the comments issued by Mr. Kemper.

Resolution #30 passed 10/6/05

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

Noes: None

Steven J. Bulger,  
Chairman

Resolution #31

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 October 6, 2005, there were:

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

Absent: None

Mr. Hughes offered Resolution #31, and Mr. Bulger seconded, and

Whereas, an application has been made to this Board by Scott Earl for approval of a subdivision entitled Subdivision Plan – Earl – Ray Road consisting of (4) lots.

Whereas, pursuant to Section 276 of the Town Law, a public hearing was advertised and was held on October 6, 2005 and;

Whereas, the Planning Board was established as Lead Agency for this application, an unlisted action, and a negative declaration was issued pursuant to SEQRA on October 6, 2005, and

Whereas, it appears to be in the best interest of the Town that said application be approved,

Now, therefore, be it resolved that the final hearing for this application is waived and that the final subdivision plat entitled Subdivision Plan – Earl – Ray Road consisting of (4) lots is hereby granted preliminary and final approval conditioned upon satisfaction of the comments issued by Mr. Kemper and Clough, Harbour, and Associates.

Resolution #31 passed 10/6/05

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

Noes: None

Steven J. Bulger,  
Chairman

Resolution #32

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 October 6, 2005, there were:

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

Absent: None

Mr. Karam offered Resolution #32, and Ms. Pace seconded, and

Whereas, an application has been made to this Board by Ralph Figueroa for approval of a subdivision entitled Revised Subdivision of Lands of Ralph A. Figueroa consisting of (3) lots.

Whereas, pursuant to Section 276 of the Town Law, a public hearing was advertised and was held on October 6, 2005 and;

Whereas, the Planning Board was established as Lead Agency for this application, an unlisted action, and a negative declaration was issued pursuant to SEQRA on October 6, 2005, and

Whereas, it appears to be in the best interest of the Town that said application be approved,

Now, therefore, be it resolved that the final hearing for this application is waived and that the final subdivision plat entitled Revised Subdivision of Lands of Ralph A. Figueroa

consisting of (3) lots is hereby granted preliminary and final approval conditioned upon satisfaction of the comments issued by Mr. Kemper.

Resolution #32 passed 10/6/05

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

Noes: None

Steven J. Bulger,  
Chairman