

Town of Clifton Park Planning Board
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PLANNING BOARD

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Jeffery Jones
Andrew Neubauer
Eric Ophardt
Greg Szczesny

(alternate) Teresa LaSalle

Planning Board Minutes
March 26th, 2019

Those present at the March 26th, 2019 Planning Board meeting were:

Planning Board: R. Ferraro, Chairman, D. Bagramian, J. Jones, A. Neubauer, E. Ophardt, G. Szczesny

Those absent were: E. Andarawis, T.LaSalle

Those also present were: J. Scavo, Director of Planning
J. Bianchi, M J Engineering and Land Surveying, P.C.
A. Morelli, Counsel
P. Cooper, Secretary

Mr. Ferraro, Chairman, called the meeting to order at 7:00 p.m. All in attendance stood for recitation of the Pledge of Allegiance.

Mr. Ferraro announced that the schedule for public input and meetings related to the proposed park improvements in the Town Center is posted on the town website for those interested in participating and providing input into the design of the park.

Minutes Approval:

None at this time.

Public Hearings:**2016-026 Verizon Wireless Cell Tower**

In the matter of the Cellco Partnership d/b/a Verizon Wireless for Special Use Permit and Site Plan Approval. The matter is being returned to the Planning Board for issuance of Special Use Permit and Site Plan Approval in compliance with the Order of Frederick J. Scullin, Senior Federal District Judge, dated February 6, 2019, which is posted on

www.cliftonpark.org/government/legal-notices.html. Property is located at 329 Moe Road, Clifton Park, NY 12065 (Permit #81091)

SBL: 277.-3-11.11

Consultant: Cellco

Applicant: Cellco

Last Seen on: 6-28-16

Mr. Ferraro explained that there was a lawsuit with the town from Verizon to be able to build the tower. The judge sided with Verizon to allow the tower to be built. Therefore there is no flexibility with the town to change the court's decision and the town is required to take the necessary steps to issue all required approvals as so ordered by Senior Federal District Judge Scullin. On March 19th the Zoning Board of Appeals approved the necessary use variance.

Mr. Ferraro offered a resolution called to issue a Neg. Dec. in pursuant to SEQRA for the special use permit and site plan for the Verizon Wireless tower at the property located at 329 Moe Road. Mr. Ophardt moved and Mr. Szczensy second.

Roll Call:

D. Bagramian - yes
 E. Andarawis - absent
 E. Ophardt - yes
 J. Jones - yes
 A. Neubauer - yes
 G. Szczesny - yes
 R Ferraro - yes
 T. LaSalle - absent

Ayes ___6 (six)___

Noes: _0 (zero)___

The resolution is carried.

Consultant/Applicant Presentation:

Dave Brennan with Young Summer Law firm in Albany representing Verizon Wireless – the setback for the tower is 815 feet; there will be a 12 foot driveway with a fence compound. The fence shows as a chain link but is now a stockade fence surrounding the tower. Verizon is putting in evergreens surrounding the area, and the tower will be 100 feet high with the Verizon's equipment mounted at the 91' position of the tower. The current tree heights in the surrounding area, on 3 sides are currently 85-90 feet high. The need for this site is lack of service available to Verizon Wireless Customers, residents have been complaining via media and analysis have been done to verify the need.

Staff Comments:

The Trails Subcommittee has the following recommendations for the Planning Board to consider in its decision making:

The Trails Subcommittee has no comments regarding this proposal.

The Environmental Conservation Commission held a meeting on 03/19/2019 and issued a memo recommending:

The ECC has no comments at this time.

Sheryl Reed, Chief of the Bureau of Fire Prevention issued a memo dated 03/12/2019 stating:

No comments

Steve Myers, Director of Building and Development issued a memo dated 3/13/2019 stating:

- Due to federal district judge decision dated 2/6/19 this application is on the zoning agenda for 3/19/19 for granting of the variances required as ordered.

Scott Reese, Stormwater Management Technician issued a memo dated 03/26/19 with the following comments:

1. No stormwater comments at this time.

John Scavo, Director of Planning issued a letter dated 3/22/2019 with the following comments:

1. On February 7, 2017, this Zoning Board of Appeals (ZBA) voted, 5-2 to deny the application for all required variances, based on a motion from Mr. Lemire which referenced Section 208-7 of the Town Zoning Code as its basis.
2. Verizon and Cellco challenged that Determination in Federal Court, and Judge Scullin's Ruling and Order is under The Federal Telecommunications Act of 1996. Within that Order, all respondents to the litigation, which includes the Zoning Board of Appeals, have been ordered to "immediately issue all approvals necessary to allow [v2] to construct and operate its proposed communications facility including ... variances."
3. On March 19th the ZBA granted all necessary variances as ordered by the Federal Court.
4. The project is here this evening to receive the site plan approval also ordered to be issued by Judge Scullin's ruling.
5. Based on the above information, it is Town Staff's recommendation that the site plan for a 100' stealth monopole, with Verizon's Equipment located at the 91' level, as well as all of the conditions, commitments, and mitigation measures that version promised through the ZBA review process be approved as so mandated by the Federal Court.

MJ Engineering Comments:

None at this time.

Public Comments:

Anthony LaFleche – 21 Wheeler Drive – Mr. LaFleche asked if other cell phone carriers are able to put their entities onto the tower that Verizon is constructing. Mr. Ferraro and Mr. Scavo both said that others are able to utilize the tower. Mr. LaFleche also questioned the hearings and votes taking place today, Mr. Ferraro stated that formalities need to be followed even with a court order.

Victor Brando – 155 Vischer Ferry Road – Mr. Brando wanted to thank the town and Verizon for the tower. As a customer and a resident he feels it was needed.

Mr. Ferraro suggested to close the public hearings. Mr. Neubauer called to close the public hearing Mr. Ferraro second.

Ayes ___6 (six)___

Noes: _0 (zero)___

The motion is carried.

Planning Board Review:

Mr. Ferraro asked about the treelike design of the pole. Brennan described that the pole is 100 feet high and around the 55 foot level there are branches and leaves coming off the pole. The pole itself will be either painted brown or have a faux bark wrap around it. Mr. Brennan added there will be availability for one additional carrier on this pole and that the height can be increased at a later time if requested but the additional height would have to go through proper town approvals.

Mr. Szczesny offered a resolution, seconded by Mr. Ophardt to waive the preliminary and final hearing for the applications for site plan and special use permit approvals, and to grant preliminary and final site plan and special use permit approvals.

Roll Call:

D. Bagramian - yes

E. Andarawis - absent

E. Ophardt - yes

J. Jones - yes

A. Neubauer - yes

G. Szczesny - yes

R Ferraro - yes

T. LaSalle - absent

Ayes 6 (six)

Noes: 0 (zero)

The resolution is carried.

Condition(s): None.

Public Hearings:

2018-041 Masseria/Santoro 5 Lot Subdivision

Applicant proposes to subdivide 25.31 acres of vacant land into 5 new lots for construction of single family homes. The smallest lot being 1.75 acres and largest is 5.04 acres in size. Each Lot will have on site septic systems designed by NYS Licensed Engineer and wells. There will be a common driveway for access to Hubbs Road with a small amount of wetland disturbance to construct the driveway. Remaining lands (9.06 acres) to be dedicated to the Town of Clifton Park. Hubbs Road, Zoned: CR, Status: PB Preliminary Review

SBL: 258.-1-44.111

To be reviewed by: MJE Consultant: GVG Applicant: Masseria **Last Seen on: 10-23-18**

1. Mr. Ferraro explained the review and approval process to those present, stating that the Board was required to render a determination pursuant to SEQRA (State Environmental Quality Review Act) prior to conducting a public hearing on this application. He explained that the Planning Board would assume Lead Agency status for the project and issue a negative declaration which neither granted nor implied approval of the subdivision application. Should it be determined that additional environmental review is required, SEQRA discussions will be reopened and a decision rendered when deemed appropriate. He expressed specific concerns about the septic and well locations along with the soil conditions/high water table. He noted he would like to keep the public hearing open or the applicant will be mandated to address all outstanding comments within 62 days and the Board will be required to take action. A motion to issue a Neg. Dec. pursuant SEQRA was offered by Mr. Szesny and Mr. Jones seconded the motion.

Ayes: 6 (six) Noes: 0 (zero)

The motion is carried.

Consultant/Applicant Presentation:

Dwayne Rabideau from VanGilder and Associates representing C&J Property Holdings – Mr. Rabideau stated the lots requested have been reduced from 7 lots to 5 lots. Layouts are on one parcel whereas the previous application included a second adjacent parcel that has been removed from the proposal. 9 acres of the western portion of the parcel to be subdivided will be conveyed to the town as parkland. This will allow contiguous town ownership from Hubbs Rd. to Route 146A.

Staff Comments:

The Trails Subcommittee has the following recommendations for the Planning Board to consider in its decision making:

- The western section of the site (9.06 acres) to be conveyed to the Town of Clifton Park may be considered for a location of a future trail head in the northwest corner of the property and a trail system. The western edge of this property may be preferable for trails due to A.C.O.E. and D.E.C. wetlands on the majority of the site to be conveyed to the Town to the east. Other possible trail considerations may include a bridge or boardwalk crossing the wetlands to connect the proposed subdivision to the trail system.
- A 15 ft. Trail Easement/ROW should be provided on the northern boundary line of the property for a future multi-use path and utility realignment.
- A requirement should be considered using pervious concrete for the portion of the proposed subdivision driveway traversing the wetlands to decrease stormwater runoff on impacted wetlands.

Jennifer Viggiani, Open Space Coordinator issued a memo dated 3/22/2019 with the following comments:

For the 2018-041 Masseria-Santoro 5-Lot Subdivision before the planning board on 3/26/19, I am concerned about ensuring that the proposed land transfer takes place in a timely manner, especially since there is no public road to be transferred, which is usually the “hook” for the timing of any land or easement conveyances to public entities. Secondly, I propose to be fully transparent to the future neighborhood, that the Town has a public vision for the future open space use.

Thus, I would kindly ask that a note be placed on the subdivision plan – indicating something to the effect:

“Transfer of the lands to the Town of Clifton Park should occur prior to the issuance of the second building permit. In the future, the Town of Clifton Park may create a public trail and trailhead parking, on the lands to be transferred to the Town.”

That way, the Building Department will have a condition on the project, that will stop further issuance of building permits until the land is conveyed properly to the Town of Clifton Park.

Mr. Scavo stated that the ownership of the town property to be turned over would be filed with the deeds being signed over to the town.

The Environmental Conservation Commission held a meeting on 03/19/2019 and issued a memo recommending:

1. The location of the septic field on Lot 1 should have the required separation from the wetland boundaries.
2. ECC recommends that the applicant supply a Conservation Design Layout as required in the Town Code 208-16E(13).
3. The ECC recommends the applicant investigate alternatives to the septic fields due to the very close proximity to the seasonal high-water table in the area (e.g. as little as 4” from the surface in some areas).

Sheryl Reed, Chief of the Bureau of Fire Prevention issued a memo dated 03/12/2019 stating:

1. Postal verification
2. Driveway is required to be a minimum of 26 feet wide, handle 75,000 lb. emergency vehicle and have turnarounds within 100 feet of each structure per IFC

Steve Myers, Director of Building and Development issued a memo dated 3/13/2019 stating:

- Lot area and tax map number does not match county records. Parcel(s) are zoned CR.
- Apparently property lines have been moved since they do not match county mapping.
- Reconfigured, believe 7 parcels were originally proposed.
- Math for computation of allowable density = 4.49 not 5.
- Proposed density is misleading since constrained land is not removed from overall parcel (0.20).
- Section 511.2.6 of NYS Fire Code still applicable so driveway shall be 26' wide, able to support 75,000 lb. vehicle, and have a turnaround within 100' of each house.
- Lot 1 does not meet the turnaround requirement. "Cul-de-sac" at the driveway end must have a minimum 96' diameter.
- Lots 4 & 5 definitely meet the requirements of a keyhole lot. Lots 1,2 & 3 are close but not believed to be keyholes.
- The wells are generally downgrade of septic system and are required to be 200' apart as a result.
- A minimum of 24" separation is required between the bottom of the absorption field and the water table. Septic tanks will be required to be water tight since it appears they will be below the water table.
- Due to the height of the water table (12" below grade) if basements are expected to be included in these houses approximately 12' of fill will be required to ensure the basement floor is above the water table.
- Septic field on Lot 1 does not meet the 100' separation required to the wetland.
- Wetlands on adjacent parcels need to be located to determine if the absorption fields have the required separation.
- Wetland permits must be in place prior to any work starting
- A more detailed SWPPP should be required. At 3.9 acres of disturbance and the close proximity to wetlands, more vigorous enforcement should occur.
- The septic system details are not part of the planning review and approval. Each septic system shall be submitted individually with each house plan for review.

Scott Reese, Stormwater Management Technician issued a memo dated 03/26/19 with the following comments:

1. The proposed SWPPP Grading Line does not take in affect the area around the toe of slope for construction activity for the mechanical equipment. It does not take in affect useable lawn areas for any of the proposed homes for future site amenities (patios, decks, pools, etc.) Does the developer want to put the limits of disturbance on the site plans for the individual home owner? Does the Town want the responsibility to verify the individual homeowners are keeping under the total five-acre disturbance threshold?

John Scavo, Director of Planning issued a letter dated 3/22/2019 with the following comments:

1. The current configuration with 5 residential lots, has been modified from the prior seven lot subdivision. In addition, the applicant has filed a lot line adjustment application which was reviewed and approved by professional staff to allow the creation of the parcel to be subdivided under this application and transferred to Town of Clifton Park ownership.
2. As previously noted in October of 2018, The Saratoga Co. Planning Board determined that the proposed subdivision has no county-wide or inter-community impact. However, the board was concerned with the large amount of wetlands on the site, there is likely a high-water table. The high-water table may necessitate significant areas to construct the on-site septic systems and therefore additional wetland impacts may be necessary.
3. It is recommended that Parkland Fees be waived for the five residential lots in lieu of the transfer of land that is to be permanently protected open space to the Town of Clifton Park.
4. The test pit data has confirmed the presence of high ground water. The applicant should be aware that special design systems, such as built-up or mound systems must be inspected and certified by the design engineer as well as the Town of Clifton Park.
5. Add a note to the plan that states, "Direct drainage away from the septic system from roof, cellar/footing (sump pump) and surface water run-off."
6. The property owner is required to obtain a Clifton Park Highway Department Curb-Cut Permit and approvals from NYS DOH and NYS DEC for the proposed wells and septic systems, prior to construction.
7. Concerns from adjacent property owners have been expressed to the Planning Department, specifically regarding water quality and quantity of their existing wells with the presence of additional septic systems and well sources in the vicinity of their property

8. Due to the presence of high ground water, it is recommended a note be added to the plan that states, “The Planning Board recommends the septic system for each individual property owners be inspected at least every 3 years and pumped periodically (generally every 3 to 5 years) by a licensed inspector/contractor.”
9. Add a note to the plan that states, “AS-BUILT GRADING Plan - A certified final grading plan shall be required for all septic systems that have been mounded. These plans will show that adequate drainage from the system has been constructed in accordance with the approved plan. All components must have ties and elevations.”
10. Provide the distance separation from the proposed septic fields shown on Sheet LMG-1 to adjacent wetlands.

Professional Comments:

Joel Bianchi, P.E. of MJ Engineering in a letter dated 03/25/2019 had the following comments:

State Environmental Quality Review

1. Based upon a review of the revised proposal, it is considered a realty subdivision under Environmental Conservation Law (ECL) Part 74. In accordance with 10 NYCRR Part 97 in the NYSDOH regulation implementing SEQRA (Article 8 of the ECL), Section 97.14(b)(2)(ii) requires that a realty subdivision be classified as a Type I action.
2. Assuming the Clifton Park Planning Board is to request Lead Agency status under SEQRA, a coordinated review is required for Type I actions. Under a coordinated review, involved / interested agencies to be engaged may include, but is not necessarily limited to the following:
 - a. Saratoga County Planning: parcel is within 500-feet of Consolidated Agriculture District No. 2.
 - b. NYS Department of Health: potential approval for on lot septic systems and water supply wells.
 - c. NYS Dept of Environmental Conservation –NYSDEC Phase II Stormwater Regulations and coverage under stormwater SPDES, identification of threatened and endangered species and impacts to waters of the State.
 - d. NYS Office of Parks, Recreation and Historic Preservation – identification of cultural or historic resources.
 - e. United States Army Corps of Engineers – Joint permit application for impacts to waters of the State.
3. The applicant has submitted Part 1 of the Full Environmental Assessment Form (FEAF). Based upon our review of the submitted Part 1 SEAF, the following comments are offered:
 - a. Part D.1.b.b indicated 3.93 acres will be disturbance as part of the development. Because this application is for a residential subdivision with a land disturbance between 1 and 5 acres, a basic SWPPP addressed construction phase disturbances is required. A Basic SWPPP has been submitted as part of the application. Refer to comments below.
 - b. Part D.2.b indicates impacts to both NYSDEC and ACOE wetlands. As the project proceeds through the regulatory review, the applicant shall furnish the Town all correspondence to the agencies having jurisdiction over wetland impacts. Any mitigation measures required of these agencies shall be included in the plans intended for approval.
 - c. Part D.2.c.v indicates the project will require wells for each lot.

The NYSDOH will likely require test wells as part of the realty subdivision process. d. Part D.2.d.v indicates the project will require on-lot septic systems for each lot. The NYSDOH will likely review and approve each septic system proposed. e. Part E.1.b; The area current and acreage after project construction do not equal one another and need to be corrected. f. Part E.2.o, confirm the response is inclusive of federal species as identified from the USFW Ipac database search. g. Part E.3.f indicates the site in within or adjacent to an area designated as sensitive for archeological resources. The subsequent response indicates an archeological review is underway. A “no effect” letter will be required as part of the SEQRA review as well as to demonstrate eligibility for permit coverage under GP 0-15-002 for stormwater.

4. Based upon the information submitted to date, Part 2 of the FEAF has been reviewed with potential impacts identified for the Town’s review all of which are identified in Comment 2 above. The purpose of Part 2 is to generally identify areas where significant environmental impacts may occur. This allows the Town to request additional information from the applicant to document the extent of the impact. The following items were identified in Part 2 and additional information should be provided responding to the items below.

a. Impact on land: For work that involves construction on land where the depth to water table is less than 3 feet. b. Impact on land: The proposed action may result in increased erosion. This is largely addressed with the preparation of a SWPPP. c. Impacts on surface water: The action will involve construction within or adjoining a freshwater wetland. d. Impacts on groundwater: The action will allow residential uses in areas without water and sewer service. e. Impacts on Plants and Animals: Adverse change to natural resources (e.g. wetlands, waterbodies, groundwater air quality, flora and fauna), refer to Comment 3.f. f. Impacts on Historic and Archeological Resources: The proposed action may occur wholly or partially within, or substantially contiguous to, an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory. Refer to comment 3.g.

Subdivision Plan

2. As noted in Comment 11 of our July 6, 2018 review, the Town’s Chief Zoning Officer has determined that the lots are Keyhole lots. Pursuant to Section 208-86 of the Town’s Zoning, keyhole lots may be permitted by the Planning Board only in Residential Districts R-1 and R-3 and only in rare instances when required due to unusual conditions of the area.

3. As noted in Comment 12 of our July 6, 2018 review, it was noted that the bulk lot table on the plan identifies a front yard setback of 30-feet. This shall be corrected to state a minimum setback of 75-feet pursuant to Section 208-16(E)(8)(b) of the Town’s Zoning.

4. The applicant had provided both a map and narrative description of the conservation analysis as part of the prior application as required by Section 208-16(E) of the Town’s Zoning. It is believed that analysis remains valid for the current application.

5. As noted in Comment 16 of our July 6, 2018 review, identify the date and by whom the wetlands shown on the plat were delineated.

Public Comments:

Anthony LaFleche – 21 Wheeler Drive – Mr. LaFleche was inquiring about impact on wetlands along Hubbs Road and if it would interfere with future trails. Mr. Rabideau confirmed there are wetlands, the trail will have some boardwalks, going further east a future path crossing the wetlands will be more feasible. Mr. LaFleche inquired about a south side trail. Mr. Rabideau said the land is elevated and land would have to be modified to accommodate this so keeping the trail on the east would be best. Mr. LaFleche also asked if the driveways would be asphalt or gravel. Mr. Rabideau said the shared driveway would be crusher run. Mr. LaFleche asked about the individual driveways and Mr. Rabideau stated those driveways would be paved.

Vince Masseria – 60 Hubbs Road – Mr. Masseria asked about driveways being put into either side of the wetlands and how the wetlands will drain. Mr. Rabideau said it would go into equalization culverts under the driveway and the Army Corp of Engineers will look at approval of the culvert design through a required permit.

Darryl Rock – 41 Hubbs Road – Mr. Rock asked about the plans changing, and noted the prior plan indicated a driveway across from his house. What is the future plan for the property that will interfere with his land? Mr. Rabideau stated that the current layout eliminated the second parcel to be subdivided from the original proposal. However, the parcel eliminated from this proposal may be considered for a future subdivision but at this point it is not being considered. Mr. Ferraro stated that if future subdivision of that parcel is considered, it would require subdivision review and approval by the Planning Board.

Planning Board Review:

Ms. Bagramian asked if there would be an HOA for the common driveway to maintain the crusher run, and how it will be kept up year after year. Mr. Rabideau said he would find out for her.

Mr. Ophardt inquired about a comment by Steve Myer and whether 12 feet of fill would be required around each house if they included a basement. Mr. Rabideau said some may have basements but it depends and will be determined at a later date. Mr. Ophardt also has the same concerns with the septic tanks and high water table that requires some septic tanks to be elevated. Mr. Rabideau said the tanks are predesigned. Mr. Ophardt wants to know about the depth of the wells. Mr. Rabideau stated it would be dependent on the gallons per minute yielded by each well source.

Mr. Ferraro thanked the presenter for making changes based on the board's comments and providing the town with land transfer of open space. He is still concerned with the make-up of the proposed shared driveway and its upkeep, and the buyers should be fully informed that they will be responsible to maintain the driveway and supporting infrastructure including the culverts. Mr. Jones agreed with the concern. Mr. Rabideau said there should be minimal upkeep, but it may become the responsibility of an HOA or other mechanism for shared private maintenance and responsibility. Mr. Scavo stated that it is the owners' responsibility and the town will not enforce the maintenance or assume responsibility for the improvements associated with the infrastructure to access each dwelling lot. Mr. Ferraro has concerns about health related issues due to the proximity of the locations of the wells in relation to the septic systems in particular due to their proximity to the wetlands. Mr. Rabideau said the wetlands are Army Corp wetlands and the 100 foot separation does not apply here. The locations of the wells will require the approval from the Dept of Health. Mr. Ferraro also asked if there could be a 15 foot easement for a

future trail on Hubbs Road. Mr. Rabideau said the easement will be provided. . Mr. Rabideau said that if no well can be dug then no house can be built. Mr. Scavo referred to holding tanks having to be deployed in the prior approved Picket Subdivision.

Old Business:

2017-009 Clifton Park Center Road Apartments

Applicant proposes construction of a 3 story residential building with access from Clifton Park Center Road. A total of 39 units to be included on 3.98 +/- acres, with surface parking provided for each unit. Provisions for stormwater management will be made on-site. Connections to municipal water and sewer will be made, Clifton Park Center Rd, Zoned: TC2, Status: Preliminary Review w/possible determination

To be reviewed by: MJE Applicant: CP Holding Co, LLC **Last Seen on: 1-9-2018** SBL: 271.-3-76.1

Consultant/Applicant Presentation:

Peter Murray from the Murray Law Firm on behalf of Clifton Park Holding LLC. - Mr. Murray is requesting an amendment for 39 residential apartments previously approved by the Planning Board. He stated the building has lowered the first level to be at grade and has gone from a 4 level building to three levels. The ground floor structured parking has been eliminated and replaced by surface parking. The building size has been reduced by 40' in length. The applicant thanked the Technical Advisory Committee (TAC) Members for their work.

John Hitchcock with ABD Engineers – Mr. Hitchcock stated that with moving the parking from the basement to ground level, only 5 parking spaces were lost. The building shrunk in length so the pavement area only increased slightly since the majority will occupy an area previously encumbered by a larger building. Shrubs have been added to the site plan. Previously, the site plan proposed road drainage but now the site plan allows runoff into wetlands as they naturally do now.

Staff Comments:

The Trails Subcommittee's recommendations for the Town of Clifton Park Planning Board to consider in its decision making:

- Multi-use path shown on the plan along Clifton Park Center Road (Perimeter Road)
 - The 8 ft. multi-use path shown on the site plan on the property boundary along Clifton Park Center Road is consistent with the Town Center Code, 208:III A-56 - new multi-use paths should be a minimum of 8 feet wide for Perimeter Roads.
 - The site plan also shows medium sized trees spaced 40 feet apart alongside the multi-use path that enhance the project's streetscape – this is consistent with Town Code for Perimeter Roads.
- Multi-use path shown on the plan connecting Clifton Park Center Road to Wall Street
 - As previously recommended by the Trails Subcommittee, the multi-use path connecting Clifton Park Center Road to Wall Street should be a minimum of 8 feet

wide to safely accommodate pedestrian and bicycle traffic due to the likelihood of heavy pedestrian/bicycle traffic in this area. (The site plan only shows a 6 foot path.) An 8 foot wide multi-use path also provides maintenance consistency with other 8 foot paths in the area.

- The pedestrian bridge crossing the stream on this path should also be 8 feet wide and should be designed to ensure it can handle floodplain events along the stream banks.

Note: Future lighting should be considered along this multi-use path for safe and convenient evening path use to the YMCA, plazas and other locations. Path bollard or pole lighting should accomplish this effectively.

The Environmental Conservation Commission held a meeting on 03/19/2019 and issued a memo recommending:

1. Due to the likelihood of heavy pedestrian / bicycle traffic in the area, the ECC strongly recommends that the multi-use path be increased to 8' in paved width and 10' R.O.W. This is consistent with 208-25 architectural standards: designed with pedestrian in mind. Create attractive and safe routes that connect to walk and relax which link to other areas. The minimum accepted standard for multiuse path is 8' wide asphalt, 10' wide easement.

Sheryl Reed, Chief of the Bureau of Fire Prevention issued a memo dated 03/12/2019 stating:

1. Specify the drive lane to be a minimum 26 feet wide per IFC
2. Specify that the fire department connect is within 100 feet of a hydrant.

Steve Myers, Director of Building and Development issued a memo dated 3/13/2019 stating:

- The entire SWPPP shall be submitted for review as one document, not in pieces.
- Issues still present in compliance table.
- 24' drive lane must be 26'.
- Table still references architectural plans, table should be completed.
- Entire building will be required to be sprinklered.
- Minimum curve radius for emergency equipment turnaround is 40', 26' shown.
- Fire department connection not shown. Assuming it will be at the north end of the building near the water service entrance, a hydrant will be required within 100'.
- It is unclear who will be maintaining the stormwater system once completed. If the town is expected to take over maintenance, the drywell shall be removed from the retention area. An oil/water separator shall be installed prior to the infiltration area due to parking runoff being directed to a wetland.

- From previous comments more than two handicapped spaces are required.
- The periodic flow of the existing stream may endanger the stability of the proposed pedestrian bridge crossing.
- Actual soil boring data still not provided. SWPPP will not be approved without the data.

Scott Reese, Stormwater Management Technician issued a memo dated 03/26/19 with the following comments:

1. The distance of cover over the proposed 12” HDPE Pipe at CB#2 should be verified if it does not conflict with the grate or minimum pipe coverage.
2. The runoff shown in the report increases from the pre-development runoff totals. Per the NYS Stormwater Management Design Manual section 4.10, the net change of peak discharge shall increase by less than 5% of the pre-developed condition for the design storm and no downstream structures or buildings are impacted. The runoff peak discharges are at a minimum, but the report should address a downstream analysis.
3. What is the volume behind the stone berm?
4. Comments on Notice of Intent (NOI) a. Question 37a should be addressed.

John Scavo, Director of Planning issued a letter dated 3/22/2019 with the following comments:

1. The site plan received previous approvals granted by the Planning Board on January 9, 2018. The site plan is proposed by the applicant to amend the prior approval and replace the site plan with the current proposal. The applicant submitted a letter dated February 28, 2019, that summarizes the changes from the prior approval to the current proposed layout.
2. As with the prior approved site plan, building elevations shall be attached to the final approval plan and the constructed building shall conform to the building elevations as shown.

The applicant has previously met with both the TAC and Town Staff to consider and refine the proposed amendments to an acceptable design that best meets the intent of the form based code. It is my opinion that the layout before the Board this evening accomplishes that task.

Professional Comments:

Joel Bianchi, P.E. of MJ Engineering in a letter dated 03/22/2019 had the following comments:

State Environmental Quality Review

1. The Planning Board completed a SEQRA evaluation for the approved site plan for this parcel, issuing a negative declaration for an unlisted action. The current proposal includes adjustments in the site plan. It is MJ’s opinion that the proposed changes are not substantive. The Planning Board may choose to reaffirm the prior SEQRA findings as part of this amendment or reinstate a new SEQRA review.

2. The applicant has not submitted an updated environmental assessment form for the proposed site plan amendments for review. As noted above, the application underwent a SEQRA review and proposed various mitigation measures to avoid or minimize adverse impacts. Of note, the applicant proposed to limit tree clearing to occur before April 1 in the year to minimize or avoid impacts to habitat of the Northern Long Eared bat (refer to ABD response dated January 8, 2018). This measure shall remain applicable for the amendment as the Planning Board relied upon this proposed as part of its SEQRA findings, with tree clearing limited to occur between November 1 and April 1 only. Should there be a desire to clear trees beyond this period, further analysis may be warranted.

Site Plans

3. The site proposed 59 parking spaces. Table 1106.1 of the International Building Code (IBC) requires 3 accessible parking spaces when 51 to 75 parking spaces are provided. The prior proposal included accessible spaced beneath the building. However, with the elimination of this type of parking, the current plan is deficient on the required number of accessible spaces.

4. The prior plan shows a concrete path within the right-of-way. The amended plan shows an asphalt multi-use path along the project frontage, but on private property. This arrangement is different than what Section 208-23 of the Form Based Code requires for Clifton Park Center Road, which is defined as a perimeter street. It should be confirmed that the Town's trails committee agrees with this change. If deemed acceptable, an easement for access should be provided. Ownership and maintenance responsibilities of this path should be confirmed considering it would be on private property now.

5. The updated proposed building is subject to the Architectural Standards outlined in Section 208-25 of the Town's Zoning. The submission includes floor plans, elevations, color palette and materials of construction. The Planning Board shall provide feedback regarding these building features.

6. As previously noted, there should be consideration of providing a cross lot easement to the adjacent parcel to the east to provide a greater level of access management. This is also a requirement of Section 208-26(1)(F) of the FBC. The applicant prior response (refer to ABD response dated January 8, 2018) indicated this would be examined. Indicate the status of this easement.

Stormwater Management Report

7. No comments.

Stormwater Pollution Prevention Plan

8. The SWPPP shall include documentation demonstrating permit eligibility with respect to not adversely impacting cultural, historic or archeologically significant properties pursuant to Part I.F.8 of the General Permit. The SWPPP shall include the January 30, 2018 NYSOPRHP 'no effect' letter received.

Public Comments:

Anthony LaFleche – 21 Wheeler Drive – Mr. LaFleche asked how close the building is to the road. Mr. Hitchcock stated it is 29 feet from the road. Mr. LaFleche asked how snow removal will be done. Mr. Hitchcock stated that the snow will be pushed between the trail and the parking area. Mr. LaFleche asked

why the plan changed from the parking under the building. Mr. Murray said the building was too big as previously approved to support the rents needed to make the project viable.

Planning Board Review:

Mr. Neubauer wanted to make sure that the architectural code requirements remain with all the changes made in the building structure. He reminded the applicant and other planning board members that the renderings in the packet are up to date for the proposed changes and he supports the design.

Mr. Ophardt likes the changes to at grade level apartments. He inquired why the applicant had changed their previous design along Clifton Park Center Road from a curb with an enclosed drainage system and concrete sidewalk, to an asphalt shared use pathway, with an open shoulder, with sheet flow runoff. Mr. Murray stated that the properties on both sides are asphalt so to tie into the rest they are going with the same material but will defer to the Town for a final material type determination. Mr. Bianchi stated at the pathway was previously approved as asphalt and other proposals for adjoining properties are asphalt.

Mr. Ferraro stated that prior approval has only a 6 foot pathway, but the new plan has an 8 foot pathway, and he believes the path along Clifton Park Center Road should be concrete. Mr. Neubauer states that the curb turns the corner and is changed from concrete to asphalt. Mr. Jones wants consistency with the walkway throughout. Mr. Jones suggests that Mr. Ferraro consults with Trails Committee and decide what will be put into place.

Mr. Ophardt, seconded by Mr. Jones to waive the final hearing for this application for the site plan review and to reaffirm the prior SEQRA approval as a negative declaration with the site plan amendment approval conditioned upon satisfaction of all comments provided by the Planning Department, and all items listened in the final comment letter issued by the Planning Department.

Condition(s): Fire code being followed to date.

Ayes: 6 (six) Noes: 0 (zero). The motion is carried.

Old Business:

2017-049 Earl Route 146 PDD (aka Park West) – Site Plan

Applicant proposes the construction of a Planned Development Distric that will include 14 single family condominium buildings, 5-2 unit condominium buildings(10 condominium units), 27- 4 unit condominium buildings(108 condominium units), club house and associated parking. The overall PDD size is approximately 23.5 +/- acres and is wooded. Stormwater will be managed on-site in accordance with NYSDEC requirements. The proposed sewer connection is located along Route 146 and the water connection is located along the Route 146A entrance. The PDD encompasses 23.5. In addition, a 4.19 acre parcel is being permanantly deed restriced as a conservation area. The PDD was approved on August 20, 2018 by the Local Law No. 200 of 2018

of the Town of Clifton Park Town Board Rt 146 & 146A, Zoned: PDD, Status: PB Preliminary Review w/ possible determination. SBL: 271.-1-16

To be reviewed by: MJE Consultant: Lansing Applicant: Rt 146 & 146A Properties **Last Seen on: 2/26/19**

Consultant/Applicant Presentation:

Scott Lansing with Lansing Engineering, presented the application. He noted his client is looking for preliminary and final site plan approval for the project being presented. Mr. Lansing noted some comments and revisions were requested; Saratoga County referral was addressed and the applicant has received notice that the project has no county wide or intercommunity impacts. Mr. Lansing stated that a comment was previously called out on the site plan with regards to the 1.9 acres of the conservations area and the easement. He noted that area is now more defined in the plans presented. Mr. Lansing also addressed a comment made about the stormwater and a need for a dam safety permit, however this does not meet criteria. He also stated that the walkways were reviewed to make sure they are proposed in accordance with town wishes and meet ADA standards. Mr. Lansing also stated that some smaller evergreens will be planted around the buildings, and some other lower plantings have also been added to the site plan. Mr. Lansing stated the architectural enhancements have been made to widen porches, enhance the trim, and gables. He also had the condo association contract language verified, and the LC zone was looked into and has been clearly shown on the plan with visually defined boundary lines.

Staff Comments:

The Trails Subcommittee has the following comments and recommendations for the Planning Board to consider in its decision making :

- The revised site plan has done a good job in the following areas:
 - The sidewalk shown in the plans (along the driveway next to Ravenswood) has been extended south all the way to NYS Route 146 connecting pedestrians to Rt. 146 and the commercial area.
 - A sidewalk is included along the project's western driveway from the proposed park to NYS Route 146A – this will give residents pedestrian access west and north. A crosswalk is also shown at this location to connect to the internal sidewalk loop.
 - A direct sidewalk route across the park area has been included in the plans for a pedestrian connection between the project's internal streets.
 - Overall, there is a good internal sidewalk system with crosswalks.
- Recommendations:
 - A public access easement is recommended on all sidewalks – this should be noted in the site plans and contingent upon site plan approval.
 - A crosswalk should be provided across the office building entrance on the Voyage Drive sidewalk that extends to Rt. 146 (approximately 200 ft. north of rt. 146).

- Sidewalks should be provided by some form of funding source along the north side of Rt. 146 from the driveway sidewalk to the sidewalks/crosswalk proposed by the NYS DOT roundabout project.
- Dwaas Kill Natural Area:
 - A property conveyance should be considered for the 13 acre parcel of land on the east side of the ravine that is adjacent to Arnold Drive for public access to the Dwaas Kill Natural Area.

A trail connection should be provided from the PDD maintenance access road to the Dwaas Kill trail system.

The Environmental Conservation Commission held a meeting on 03/19/2019 and issued a memo recommending:

1. The ECC is still concerned with fill placed along the steep Dwaas Kill slopes and the potential of large impacts to the Dwaas Kill from slope failure.
2. The ECC requests that the applicant confirm that the proposed lighting is Dark Sky Certified by the International Dark Sky Association.

Sheryl Reed, Chief of the Bureau of Fire Prevention issued a memo dated 03/12/2019 stating:

1. Postal verification
2. Provide fire hydrants per IFC
3. Specify that roads are posted “No Parking Fire Lanes.”
4. Specify that the road 7A is a minimum of 26 feet wide.

Steve Myers, Director of Building and Development issued a memo dated 3/13/2019 stating:

- Comments for the last submission was centered around road numbers. The roads now have names with no reference to their previous identification.
- Road 7A now believed to be York Street is required to have hydrants installed as outlined previously and the street will be required to be widened to 26’ at those locations. Further discussion appears needed. General note – The hydrants are not spaced according to the fire code.
- It is stated no front setbacks are required. Without some minimum required buildings could be built so close to the road as to not allow cars in the driveways. Parking along the roads will not be allowed since they will be posted as fire lanes.
- How can residences be proposed without rear yards? Will there not be doors out of the rear of the residences?
- It is stated snow will be stored on site, where?

Scott Reese, Stormwater Management Technician issued a memo dated 03/26/19 with the following comments:

1. The applicant shall submit the Construction Report of Stormwater Management Basin 2 to the Town as described in the Embankment Fill Notes #4 on sheet DT-8, prior to any building permits are issued.
2. The outlet of the 4" PVC Underdrain of Basin 2 should have a permanent soil stabilization measure as it will outlet onto fill material.
3. The elevation labels shown in detail #2 Stormwater Management Basin 2 on Sheet DT-8, should be revised to reflect the correct elevations.
4. The project directly discharges into the Dwaas Kill a 303(d) waterbody. A qualified inspector shall conduct at least two site inspects every seven calendar days. Revise SWPPP Section 1.1 item 10, under Owner/Operator/Permittee section

John Scavo, Director of Planning issued a letter dated 3/22/2019 with the following comments:

1. A letter dated March 4, 2019 from Lansing Engineering, appears to adequately address my prior comments.
2. The Final Plat prior to stamping shall clearly display the assigned 911 addresses, once assigned by the Chief of the Fire Bureau.
3. Add a note to the plan that states, "As noted in Resolution No. 200 of 2018, a resolution adopting Local Law No. 5 of 2018 establishing the Park West Planned Development District, the public benefit of a payment in the amount of \$3,800 per unit for each of the up to 132 units authorized by the zoning legislation, shall be payable by the applicant upon the issuance of building permits for each unit."
4. The project was considered by the Saratoga Co. Planning Board at their March 21st meeting, as required by GML §239. I should have the referral back from the County for the Town Planning Board Meeting on March 26th.

Town Planning Staff met with the applicant since their last appearance before the Planning Board and finalized a sidewalk and trail layout that is acceptable to planning staff.

Professional Comments:

Joel Bianchi, P.E. of MJ Engineering in a letter dated 03/22/2019 had the following comments:

State Environmental Quality Review

1. No additional comments.

Site Plans

2. As noted in Comment 22 of our February 22, 2019 review, there were no soil testing provided in the vicinity of the infiltration trench. The applicant has indicated testing would be conducted once weather

permits. Once testing is complete, this information should be provided to the Town to confirm that the design assumptions made are appropriate. Should field testing indicate that the stormwater practice proposed will not work, the plans (and potentially SWPPP) shall be updated.

Stormwater Pollution Prevention Plan

3. As noted in Comment 23 of our February 22, 2019 review, the Conservation of Natural Areas noted in Section 5.3 requires an acceptable conservation easement instrument that ensures perpetual protection of the proposed area pursuant to Section 5.3 of the NYSSMDM. The applicant has indicated the easement will be filed. Indicate on the plans how the easement boundaries will be marked/delineated.

Public Comments:

Anthony LaFleche – 21 Wheeler Drive- Mr. LaFleche is inquiring about any paths that may lead to the Dwaas Kill Stream. The pathway location was clarified by Mr. Lansing. He noted there is one going around the storm water management area to a natural path towards the stream. Mr. LaFleche asked if the road would be public or private and if there would be a sidewalk in the west side, Mr. Lansing stated the road would be private and the walkway in question is privately owned but open for public use..

Planning Board Review:

Mr. Ophardt asked if public access will be granted on the private road, network, and whether there will be a need for an agreement with the HOA. Mr. Lansing stated that the public would have access to the sidewalks even though the intention was to build them for the residents, and as far as the agreement they would have to consult with the attorneys, and there would be no restrictions for parking or walking but easements will not be put into place. Mr. Ophardt asked about the slope of the shared use pathway connecting to the trails along the Dwaskill was 10 percent. Mr. Lansing confirmed the loop and stated the 10% grade was within limits. Mr. Ophardt also asked who would maintain the retention basin for the project, and Mr. Lansing stated that the condo association, not the town would maintain them.

Mr. Ferraro asked if the area would become a part of the park district. Mr. Scavo said it would not be. Mr. Ferraro asked about fire code and additional hydrants potentially needed along an alley. Mr. Lansing said the current configuration is acceptable and meets the international fire code.

Mr. Ophardt seconded by Mr. Neubauer made a motion to grant a negative declaration for the project pursuant to SEQRA.

Ayes: 6 (six) Noes: 0 (zero). The motion is carried.

Mr. Jones seconded by Ms. Bagramian offered a motion to grant preliminary and final site plan approval for the application conditioned upon satisfaction of all comments provided by the Planning Department, and all items listened in the final comment letter issued by the Planning Department.

Condition(s): Satisfaction of all comments today and prior made by the Planning Board and Town Staff.

Ayes: 6 (six) Noes: 0 (zero). The motion is carried.

New Business:

2019-015 752 Pierce Rd Flex Space Bldg Site Plan

Applicant is proposing construction of a 7,700 sf Flex Space building with associated parking (23 parking spaces) and driveways. Sanitary sewer will include a connection to the existing gravity sewer main located on Pierce Road and will require approval from the Clifton Park Sewer Department. Water connection to the water main located along the western side of Pierce Road will need approval from the Clifton Park Water Authority, 752 Pierce Rd, Zoned: L 1, Status: PB Concept Review SBL: 265.-1-9.4

To be reviewed by: MJE Consultant: Lansing Applicant: PDRN, LLC

Consultant/Applicant Presentation:

Scott Lansing with Lansing Engineering, representing Bob Neville presented the conceptual site plan, located on the west side of Pierce Road. He states the site is 3.19 acres and zoned for light industrial. The applicant plans to occupy the building for 20% office space and 80% light industrial with no current tenants in mind. The access will be off Pierce Road and no wetlands will be impacted by this development. Mr. Lansing stated that the water and sewer will be provided by public utilities and there is ample capacity to service the project.

Staff Comments:

The Trails Subcommittee has the following comments and recommendations for the Planning Board to consider in its decision making:

- The applicant should construct an 8 ft. asphalt multi-use path on the property along Pierce Rd. – this is part of the Trails Concept Plan Vision and would provide an important segment in future multi-use path connections to the newly constructed path to the north on Pierce Road, the Dwaas Kill entrance to the south and Ushers Road and Van Patten multi-use paths. Since this section of roadway along Pierce Road is frequently used as a staging area by large trucks before entering neighboring warehouses for loading/unloading, a form of guard rail or bollards would be necessary to prevent trucks from parking on the multi-use path.
- A crosswalk should be provided across the driveway entrance to the proposed building.
- If the applicant does not construct a multi-use path on the property along Pierce Road, a 15 ft. trail easement/ROW should be designated on the site plan for future multi-use path construction and utility realignment.

The Environmental Conservation Commission held a meeting on 03/19/2019 and issued a memo recommending:

1. The Applicant shall comply with the Town's Hazardous Materials Policy, which can be obtained from the Town Stormwater Management Technician.
2. Due to the probability of food and liquid wastes leaking from the on-site dumpster(s) into a storm water catch basin and/or surface water body, the ECC recommends the applicant enclose the area (i.e. roof) on an impervious surface with a berm surrounding the dumpster(s) that accept food and liquid wastes. If necessary, the Applicant will need to periodically pump out the accumulated wastes within the bermed area to avoid any overflow
3. The ECC recommends that the applicant (modify the lighting plan to) incorporate lighting that is directional and limited.
4. The ECC requests a 12' R.O.W. along the full length of property on Pierce Road for a Multi-Use Trail.
5. The ECC requests the applicant provide additional details pertaining to the potential use of the property.

Sheryl Reed, Chief of the Bureau of Fire Prevention issued a memo dated 03/12/2019 stating:

1. Postal verification
2. Specify the access road is a minimum of 26 feet wide.

Steve Myers, Director of Building and Development issued a memo dated 3/13/2019 stating:

- Note: Parking for 750 Pierce has already been expanded to this parcel without approval.
- Parcel is zoned Light Industrial 1. The proposal is an allowed use.
- Access roads are required to be 26' wide.
- Preliminary submittal-all other zoning appears to be compliant.

Scott Reese, Stormwater Management Technician issued a memo dated 03/26/19 with the following comments:

1. Next submittal shall include the delineation of the proposed area of disturbance.
2. Since this project will discharge stormwater runoff directly into the Dwaas Kill Preserve, the applicant shall consider water quality treatment from the impervious runoff from this project site.

John Scavo, Director of Planning issued a letter dated 3/22/2019 with the following comments:

- 1.The Project does not require a referral to the Saratoga Co. Planning Board
- 2.The Project appears to be an unlisted action pursuant to SEQR. The Planning Board should declare itself lead agency for the SEQR process and elect to do a coordinated review.

- 3.The conceptual site plan appears to meet the LI District Zoning, space, and built standard requirements. As plans progress, the applicant will need to show the greenspace calculation under the site statistics
- 4.The applicant should provide information on the site plan to verify if sight distances for the commercial driveway at Pierce Road are designed to meet AASHTO standards.
- 5.The applicant should show if mature trees in the area adjacent to the front property line with Pierce Road will remain or are proposed to be removed.
- 6.Question 15 of the EAF Mapper Summary Report notes the presence of Frosted Elfin and Karner Blue Butterflies on or in the immediate vicinity of the project site. The applicant should provide documentation to determine whether such species or their habitats are located within the project site.
- 7.The proposed disturbance is .90 acres. The applicant will be required to clearly delineate the area of disturbance in the field prior to commencement of any construction activities. Any soil disturbance at or beyond 1 acre cumulative total will require a full SWPPP.
- 8.The applicant will need to obtain a curb-cut permit from the Clifton Park Highway Department. The applicant should evaluate if a culvert pipe under the driveway is required to maintain proper drainage within the Pierce Road ROW.
9. I commend the applicant for considering a “street forward” design that locates the proposed parking to the rear of the building and adds green to the front. The visual cues of a building at the front setback line creates more of an attractive focal point for the site and encourages slower speeds along a busy local road.
- 10.At the time of Preliminary Site Plan consideration, the applicant shall provide documentation to demonstrate conformance with the Development Standards, prescribed by §208-66 of the Town Code.

Professional Comments:

Joel Bianchi, P.E. of MJ Engineering in a letter dated 03/22/2019 had the following comments:

State Environmental Quality Review

1. Based upon our review of Part 617 of NYS Environmental Conservation Law, the project appears to be an “Unlisted” action. Assuming the Planning Board is to request Lead Agency status under SEQRA, the need to undergo a coordinated review is optional. Under a coordinated review, involved / interested agencies to be engaged may include, but is not necessarily limited to the following:
 - a. Saratoga County Sewer District: Additional reserve sewer capacity.
 - b. Clifton Park Water Authority: Taking of additional potable water.
 - c. NYS Dept of Environmental Conservation –Potentially NYSDEC Phase II Stormwater Regulations and coverage under stormwater SPDES and identification of threatened

and endangered species. d. NYS Office of Parks, Recreation and Historic Preservation –potential identification of cultural or historic resources.

Additional involved/interested agencies may be defined as the project proceeds through the Town’s regulatory review.

2. The applicant has submitted Part 1 of the Short Environmental Assessment Form (SEAF). Based upon our review of the submitted Part 1 SEAF, the following comments are offered:

a. Part I.1: Review and include additional agencies having jurisdiction. Specifically, the agencies identified in Comment 1 above if the detailed design yields more than 1 acre of ground disturbance. b. Part I.3.b: The response indicate no more than 0.9 acre of land will be disturbed. Therefore, the project would not be subject to the NYSDEC Phase 2 Stormwater Regulations and General Permit GP-0-15-002. As the project proceeds through the regulatory review process, detailed grading plans will need to be prepared to validate the area of disturbance identified. c. Part I.8.a: The response indicates that the proposed action will not result in a substantial increase in traffic above present levels. It is recommended that at a minimum the number of peak hour vehicle trips be provided.

d. Part I.10: The response indicates the project will connect to an existing public water supply. The applicant will need to prepare the appropriate technical studies to confirm adequate capacity exists to service the project. It is recommended that the Town be furnished with documentation that the CPWA is willing and capable of service this project. e. Part I.11: The response indicates that the project will connect to existing wastewater facilities. The applicant will need to prepare the appropriate technical studies to confirm adequate capacity exists to service the project. It is recommended that the Town be furnished with documentation that the SCSD No 1 is willing and capable of servicing this project. f. Part I.15: The response indicates the presence of the Karner Blue Butterfly. Please also confirm the response provided includes a search of the USFW Ipac database. Should the project require coverage under GP 0-15-002, further analysis may be warranted to demonstrate that the project is eligible for permit coverage. g. Part I.17: The response indicates the project will impound water and discharge to adjacent properties. A site-specific drainage analysis shall be prepared to demonstrate the project upon build-out will not adversely impact adjacent properties or down gradient infrastructure/waterbodies.

3. Based upon the information submitted to date, Part 2 of the SEAF has been reviewed with potential impacts identified for the Town’s review all of which are identified in Comment 2 above. The purpose of Part 2 is to generally identify areas where significant environmental impacts may occur. This allows the Town to request additional information from the applicant to document the extent of the impact. The following items were identified in Part 2 and additional information should be provided responding to the items below.

a. Impact on transportation, refer to comment 2.c. b. Impacts on public water supplies, refer to comment 2.d. c. Impacts on existing public wastewater treatment facilities, refer to comment 2.e. d. Adverse change to natural resources (e.g. wetlands, waterbodies, groundwater air quality, flora and fauna), refer to Comment 2.f. e. Potential for erosion, flooding or drainage problems, refer to Comment 2.g.

Site Plans

4. The project resides within the Town’s L1, Light Industrial District. In our review of Section 208-64 of the Town’s Zoning in its entirety, it appears that the proposal for flex space is generally permitted as of

right. Considering the proposal is for flex space, the final tenants and uses will need to be validated to confirm compliance with Section 208-64 of the Town's Zoning.

5. In our review of the concept plan submitted, in general it appears to meet the bulk lot requirements outlined in Section 208-65 of the Town's Zoning with the following items needing to be clarified:

a. Confirm the amount of greenspace being provided to ensure conformance to Section 208-65(B) of the Town's Zoning. b. Specify the proposed building height. Pursuant to Section 208-64(D) of the Town Zoning, the maximum building height within the district is 50-feet. Further, for any building or structure proposed over 35 feet in height, the Planning Board will conduct a visual assessment and require the applicant to complete Appendix B of the State Environmental Quality Review, Visual EAF Addendum for its consideration

6. Pursuant to Section 208-66 of the Town's Zoning, consideration shall be given to planting along property lines, buffer areas and along the walls of the structure, where possible, without impeding the operations of the facility. This may apply at the common boundary with the parcel to the south.

7. For concept site plan submission, Section 208-114(B) of the Town Zoning requires topographic information at no more than 10-foot contour intervals. The plan, as submitted do not provide the required topographic information

8. The concept shows a cross lot connection to the adjacent parcel to the south which is sound access management. Confirm the adjacent parcel owner is agreeable to this connection.

9. Indicate the expected height of the proposed building so that a review of the fire access to the building may be completed. If the building is greater than 30 feet in height, an aerial fire apparatus access road will be required meeting the requirements of Appendix D, Section D105 of the Fire Code of New York State (FCNYS).

10. There needs to be a determination if the proposed building construction and use will warrant automatic sprinklers as prescribed in the Building Code of New York State. This information is needed to determine whether an on-site hydrant is required to satisfy the requirements of Section 508.8 of the FCNYS.

11. Subsequent submissions shall include information as outlined in Section 208-115 of the Town zoning specific to lighting, site grading, landscaping, erosion control and stormwater management to fully assess the design and its compliance to the applicable standards.

12. Elevations and materials of construction for the proposed building should be submitted to the Planning Board for review pursuant to Section 208-66 of the Town's Zoning.

Public Comments:

Anthony LaFleche – 21 Wheeler Drive – Mr. LaFleche asked how far the setback of the building is from the main road. Mr. Lansing replied 65'. Mr. LaFleche had concerns for the frontage being a staging area for tractor trailers, and will they be putting in an easement or a trail further back for safety. Mr. LaFleche also asked about a possible easement or trail to be pushed back for safety. Mr. Ophardt stated that a law has been passed and trucks are not allowed to park on the roadside any longer. Mr. LaFleche asked how

far away from the railroad would the building be and if an easement could be provided. Mr. Lansing said an easement along the frontage for a future multiuse path or trail may be permitted up to the railroad property but no further as the applicant's property ends there.

Planning Board Review:

Mr. Jones asked if the building would accommodate tractor trailers. Mr. Lansing says it is not being built to accommodate large tractor trailers. Mr. Jones asked if the existing parking area built without approvals would be counted in the new parking area presented, and if that area developed will penalize the owner of the property now. Mr. Lansing stated it is not counted in the existing plan and Mr. Bianchi stated that the parking disturbance was not shown within the current proposal so they can not be penalized for it being present. Mr. Lansing noted, the Applicant does acknowledge that it is there. Mr Jones asked if there was a current trail on Pierce Road. Mr. Scavo stated there is none at this point, it stops at the Northway Church. Mr. Jones is in opposition to a path due to it leading to nowhere but is in favor of an esement. Mr. Jones asked about the look of the building. Mr. Neubauer noted the building appears to be a prefabricated building that was metal. Mr. Jones asked about the façade and views facing the roadway. Mr. Lansing stated the building is set back and that some existing trees will stay in place.

Mr. Ferraro stated he would like to see environmental and topography features at the next meeting. Mr. Scavo also would like to see the proposal overlaid onto the site with the existing parking features. Mr. Ferraro wants to have facade renderings and material types available for review at the next meeting as well.

New Business:

2019-016 & 2019-017 267 Sugar Hill Solar Array Site Plan & SUP

Applicant proposes construction of a 6.9 MW ground mounted solar energy generating facility. The facility will cover approximately 21.5 acres and be surrounded by a 7' fence and an associated road will cover an additional .9 acres, approximately. The property currently contains a closed apple orchard. Project also includes 276.-2-26.12, 267 Sugar Hill Rd, Zoned: CR, Status: PB Concept Review

SBL: 276.-2 22.1 To be reviewed by: MJE Consultant: Borrego Applicant: Lindsey

Consultant/Applicant Presentation:

Greg Gibbons Lead Civil Engineer for Borrego Solar (also present was Dean Smith from Borrego Solar) presented the applications for a 21.5 acre area inside of a chain link fence with 6 inch wildlife clearance. Mr. Gibbons stated each racking table contains 4x6 modules and each table will have 24 modules and the height will be 8.5 feet high. He stated that the array is approximately 500 feet from Sugar Hill Road. The array also has 30 foot setbacks from both the side and rear property lines. The tree clearing will consist of removing 2100 apple trees with no impact to wetlands. Approximately 10 rows of the apple trees and an ACOE Wetland will remain on site. Mr. Gibbons stated there will be access from a stone driveway that will follow the same accesses driveway in place now for the agriculture business. The array will be a screened in on 3 sides to minimize visual impacts. Visual simulation images will be provided at next meeting. The line of trees to remain will divide the solar farm from residences near Grooms Road. The

power will be underground until it reaches the poles on Sugar Hill Road. The lease will be a 25 year term.

Staff Comments:

The Trails Subcommittee has the following comments and recommendations for the Planning Board to consider in its decision making:

The Trails Subcommittee has no comments regarding this proposal.

The Environmental Conservation Commission held a meeting on 03/19/2019 and issued a memo recommending:

1. ECC recommends that the applicant supply a Conservation Design Layout as required in the Town Code 208-16E(13). The applicant should develop “an existing resources and site analysis plan of the natural, cultural, and scenic features.”
2. The project is in the vicinity of the Vischer Ferry Bird Conservation Area. The applicant should consult a wildlife biologist and report to the Planning Board on the potential impact of this solar farm on any migratory birds.

Sheryl Reed, Chief of the Bureau of Fire Prevention issued a memo dated 03/12/2019 stating:

1. Postal verification
2. Provide adequate access to the site for emergency services.

Steve Myers, Director of Building and Development issued a memo dated 3/13/2019 stating:

- This is an allowed use in a CR zone so long as an SUP is approved by planning per Section 208-16(3)(a)[22].
- How is it possible that the facility covers 21.5 acres yet only 0.9 acres of disturbance for tree removal is claimed?
- A road allowing access to all sides of the array will be required besides the road shown.

Scott Reese, Stormwater Management Technician issued a memo dated 03/26/19 with the following comments:

1. The Full EAF section D.1.b.b. list the total physical disturbance to be 2.2 acres. Provide a General “Basic” SWPPP that includes the items outlined in the NYSDEC SPDES General Permit for Stormwater Discharges from Construction Activity Permit No. GP-015-002, Part III A. 1-7.

John Scavo, Director of Planning issued a letter dated 3/22/2019 with the following comments:

1. Since the project is with Saratoga Co. Consolidated Agricultural District #2, the project was referred to the Saratoga Co. Planning Board. The recommendation from the County Planning Board stated, “No County-Wide or Inter-Community Impact.”
2. The Project appears to be an unlisted action pursuant to SEQR. The Planning Board should declare itself lead agency for the SEQR process and elect to do a coordinated review.
3. It appears there is no proposed disturbance to the .8 acres of federally regulated wetlands that are present on the project site.
4. It appears existing apple trees will remain within an area behind agricultural buildings adjacent to Sugar Hill Road. The applicant should confirm if it is the property owner’s intent to keep the remaining apple trees.
5. A decommissioning plan and engineer’s estimate for decommission is required with the future preliminary plan submittal.
6. The applicant should discuss at the meeting the proposed interconnection to the grid via proposed trenching to an overhead powerline, as shown on the plan.

Professional Comments:

Joel Bianchi, P.E. of MJ Engineering in a letter dated 03/22/2019 had the following comments:

State Environmental Quality Review

1. Based upon our review of Part 617 of NYS Environmental Conservation Law, the project appears to be an “Type 1” action pursuant to Part 617.4(b)(6)(i.). Assuming the Clifton Park Planning Board is to request Lead Agency status under SEQRA, a coordinated review is required for Type I actions. Under a coordinated review, involved / interested agencies to be engaged may include, but is not necessarily limited to the following:

a. Saratoga County Planning Board – 239m referral due to the parcel’s proximity to the Consolidated Agriculture District No. 2. b. NYS Dept of Environmental Conservation –permit coverage under stormwater SPDES, identification of threatened and endangered species, impacts within a wetland and/or adjacent area c. United States Army Corps of Engineers – potential joint permit application for disturbances within the NYSDEC wetland and/or adjacent areas as well as regulated waters of the U.S.

Additional agencies may be identified by the Town during its review of the project.

2. The applicant has submitted Part 1 of the Full Environmental Assessment Form (FEAF). Based upon our review of the submitted Part 1 FEAF, the following comments are offered:

a. Part D.1.b.b. notes that the project will physically disturb 2.2 acres of land. As such a Stormwater Pollution Prevention Plan (SWPPP) will be required. See also Comment 10. b. Part D.2.b notes that the project will result in alterations of, increase encroachments into existing wetlands, waterbody. However, the subsequent narrative in item i. indicates there will be no impacts. Clarify the response. c. Part E.1.1 notes that the project site is located over a sole source aquifer. Should the project require certain

stormwater practices that shall account for the special separation required to seasonal high groundwater. d. Part E.1.o.i does not list the Karner Blue Butterfly which has been identified on the USFW Ipac database search. There needs to be indication of there are any suitable habitat for this species and/or if incidental takings will occur as a result of the project.

3. Based upon the information submitted to date, Part 2 of the FEAF has been reviewed with potential impacts identified for the Town's review all of which are identified in Comment 2 above. The purpose of Part 2 is to generally identify areas where significant environmental impacts may occur. This allows the Town to request additional information from the applicant to document the extent of the impact. The following items were identified in Part 2 and additional information should be provided responding to the items below.

a. Impact on land: The proposed action may result in increased erosion, whether physical disturbance or vegetation removal. b. Impacts on plants and animals: The proposed action may cause the reduction in population or loss of individuals of any threatened or endangered species as listed by New York State or the Federal government. c. Impact on agriculture uses: The proposed action may irreversibly convert agriculture lands to a non-agriculture use, either more than 2.5 acres if located in an agriculture district or more than 10 acres not within and agriculture district.

Phase 1 Environmental Site Assessment

4. Section 1.2 of the report notes that the site has operated as an orchard since the 1900s. Has there been any evaluation of the potential historic use of pesticides as part of this former operation and whether it has impacted site soils in any way?

Site Plans

5. The project is located within the Town's Conservation Residential (CR) zoning district. Based upon information provided by Town staff, it is understood that the proposed use and permitted under a special use permit.

6. The Planning Board shall review the proposal following the criteria outlined in Section 208-79(E) of the Town's Zoning as it relates to the special use request.

7. The FEAF notes 2.2 acres of disturbance. As such, subsequent submissions shall include a SWPPP. The construction of solar arrays typically requires the preparation of a "basic" SWPPP that addresses construction phase erosion and sediment control as long as the ground surface is restored to preconstruction conditions and there is no change in the hydrology from pre to post development conditions. The project proposes substantial tree clearing with the anticipating that the ground cover will change from wooded to grass that may become overgrown. This altered ground condition may have a substantial change in the project hydrology. Further, there is an access road, which in itself will need water quality and quantity controls (refer to GP-0-15-002, Appendix B, Table 2, second to last bullet). If the SWPPP submitted is intended to be solely for construction phase erosion and sediment controls, a narrative will be necessary justifying that the conditions above have been addressed or will be met and that water quantity and quality controls are not required.

8. The proposed gravel access and turn around shall be reviewed by the responding emergency services to ensure it is adequate.

9. Considering this plan is conceptual in nature, subsequent comments will be provided with a preliminary plan submission.

Public Comments:

Anthony LaFleche – 21 Wheeler Drive- Mr. LaFleche asked how many panels will be at this location. Mr. Gibbons answered 18,495 panels will be present. Mr. LaFleche also asked if the current owners would be remaining in the residence. Mr. Gibbons stated they would be continuing to live in the residence. Mr. LaFleche asked if the remaining apple trees would remain productive and Mr. Gibbons responded yes. Mr. LaFleche asked how much power would be generated from this project. Mr. Smith stated 6.9mw/dc which is approximately the energy needed to support the use of 500 homes.

Planning Board Review:

Mr. Jones stated the solar array is unattractive and it needs to be kept in mind when evaluating the looks of the landscaping. Mr. Gibbons stated there will be 10 rows of apple trees in the front and the array is forested on 3 other sides. Mr. Jones is also concerned about the proximity of other houses 60 and 100 feet from the site, and if visualization can be provided from the rear of the adjacent house. Mr. Ferraro asked if those residences are aware of this application. Mr. Smith thinks so but they will make sure. Mr. Jones wants to make sure if this is put into place that the residents of Clifton Park directly benefit from the ability to sign up first to buy into the solar farm.. Mr. Jones wanted to know about the flight path glare in relation to the Albany and/or Schenectady airport. Mr. Smith stated there is no glare study required from the FAA unless it is directly on airport property. Mr. Jones inquired about the effect on drainage when the trees will be removed. Mr. Bianchi explained that if the tree is removed above the ground but roots are left the ground is not disturbed. The solar panels does not affect the ground area itself. Mr. Gibbons stated the roots will be removed but backfill will replace the disturbed ground.

Mr. Ferraro noted that Mr. Andarawis has concerns with open space that needs to be kept in mind for this plan and respecting the CR zone space.

Ms. Bagramian questioned soil testing or contamination since it is only a 25 year lease and can the site go back to a farming parcel. She stated she has concerns on potential leakage. Mr. Gibbons said that they do not test for these things as the modules have sealed cells that are self-contained. There was no plan to test but Mr. Smith said he can bring up the potential to the project manager. Mr. Smith says there has never been any know leakage to date. In response to this Mr. Bianchi suggests for the applicant to provide studies that show what the potential of the modules to leak and what the impact would be. Mr. Ophardt asked if there are standards for this testing and where you would test as the area in question is large.

Mr. Ferraro inquired about the 2.2 disturbed acres when 2,100 apple trees are being removed. Mr. Gibbons explained that 5 feet around the tree will be removed, only disturbing that area, not the surrounding area between trees that are being disturbed. Mr. Gibbons noted that the 5' standard is an acceptable industry standard recognized by NYS DEC.

Mr. Ferraro stated that a condition should be added that visual remediation needs to assured and the board needs a guarantee that the apple trees will remain as a buffer and if it is to change it will need to be re-evaluated by the board.

Discussion Items:

None

Mr. Jones moved, seconded by Mr. Ophardt , adjournment of the meeting at 10:25 p.m. The motion was unanimously carried.

The next meeting of the Planning Board will be held as scheduled on April 9th, 2019.

Respectfully submitted,
Paula Cooper, Secretary