

**Town of Clifton Park Planning Board**  
**One Town Hall Plaza**  
**Clifton Park, New York 12065**  
**(518) 371-6054 FAX (518)371-1136**

PLANNING BOARD

DENISE BAGRAMIAN  
Chairwoman

ROBERT WILCOX  
Attorney

PAULA COOPER  
Secretary



MEMBERS

Emad Andarawis  
Eric Ophardt  
Heather Fariello  
Mario Fantini  
Jennyfer Gleason  
Keith Martin  
(alternate) Lisa Westrick

**Planning Board Minutes**  
**June 28<sup>th</sup>, 2023**

Those present at the June 28<sup>th</sup>, 2023 Planning Board meeting were:

Planning Board: D. Bagramian, Chairwoman, E. Andarawis, E. Ophardt, J. Gleason, L. Westrick

Those absent were: H. Fariello, K Martin, M. Fantini

Those also present were: J. Scavo, Director of Planning  
W. Lippmann, M J Engineering and Land Surveying, P.C.  
N. Weiner Esq., Counsel  
P. Cooper, Secretary

Ms. Bagramian, Chairwoman called the meeting to order at 7:00 p.m. All in attendance stood for the recitation of the Pledge of Allegiance.

Ms. Bagramian stated that in the absence of Mr. Fantini, Ms. Westrick would be a voting member tonight.

**Minutes Approval:**

Mr. Ophardt moved, seconded by Ms. Gleason, approval of the minutes of the June 13, 2023 Planning Board meeting as written. The motion was unanimously carried.

**Public Hearings:****18 Sandalwood Drive In Law Apartment SUP (already existing)**

SBL: 265.19-4-11

Permit to approve an existing in-law suite, 18 Sandalwood Drive

Zoned: R1 - Residential, Status: Preliminary.

Citizenserve File Number: 23-001542, Application Number: SUP23-000006

Applicant: Michael Student      Consultant: N/A

Ms. Bagramian 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) before conducting a public hearing on this application. She explained that the Planning Board would assume Lead Agency status for the project and issue a negative declaration as a "formality," 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 will be rendered when deemed appropriate.

Mr. Ophardt moved, second by Ms. Gleason, to establish the Planning Board as Lead Agency for this application, an Unlisted action, and to issue a negative declaration pursuant to SEQRA.

Ms. Bagramian called the public hearing to order at 7:05 p.m. The Secretary read the public notice as published in the Daily Gazette on June 18, 2023.

**Consultant/Applicant Presentation:**

Michael Student - Mr. Student stated that he is trying to downsize and utilize an in-law apartment for 4-5 months and then go south. He stated that he purchased the home with his daughter. He stated that there is no separate exterior entrance to the in-law unit which is accessed from the front door or garage. He stated that the Town told him he needed a Special Use Permit for the in-law apartment, and with help from the Planning Department's Senior Typist, he filled out the proper paperwork.

**Staff Comments:****Wade Schoenborn, Building and Zoning issued a memo stating:**

- NYS Code compliance will be addressed during the permit process

**Scott Reese, Zoning Administrator issued a memo stating:**

- Town Code 208-10 B. (10)(a)[7][a] identifies an in-law apartment as a special use pursuant to chapter 208-79. Before approving any special use, the Planning Board shall determine whether the proposed special use will, among other things, satisfy the considerations listed under 208-79 E. (1) (a-k).
- The size of the in-law apartment appears to be 22% of the gross floor area of the principal unit, which is less than the 30% maximum area.

**John Scavo, Director of Planning issued a memo stating:**

- Since the proposal will bring a stove/oven venting unit within an in-law suite into compliance with applicable state building and local zoning regulations, I have no issues with the new homeowner's request to bring the improvements from a prior owner into compliance.
- No exterior modifications are proposed and all exterior conditions are to remain as is.
- The action appears to be an unlisted action pursuant to SEQR. The Clifton Park Planning Board is the only involved agency and I recommend it consider a Negative Declaration to complete the SEQR review process.

**Professional Comments:**

No professional comments.

**Public Comments:**

No public comment.

There being no additional public comment, Ms. Gleason moved, second by Mr. Andarawis, to close the public hearing at 7:12 p.m. The motion was unanimously carried.

**Planning Board Review:**

Ms. Bagramian asked if the stove was in the kitchen peninsula. Mr. Student stated that there is one and that there is a stove and an oven with a vent under the home that would need to be replaced.

Mr. Andarawis stated that having no exterior changes makes sense here and asked how the Town finds out about situations like this. Mr. Scavo stated that neighbors report it, the new homeowner or even a realtor or home inspector. Mr. Andarawis stated that this makes him feel like other homes may have this too.

Mr. Ophardt offered Resolution No. 10 of 2023, seconded by Ms. Westrick, to waive the final hearing for this application for the 18 Sandalwood Drive In-Law Apartment SUP approval, and to grant preliminary and final subdivision approval condition upon satisfaction of all comments, provided by the Planning Department, Town Designated Engineer, and all items listed in the final comment letter issued by the Planning Department.

**Roll Call:**

D. Bagramian - Yes  
 E. Andarawis - Yes  
 E. Ophardt - Yes  
 H. Fariello - Absent  
 K. Martin – Absent  
 J. Gleason – Yes  
 M. Fantini - Absent  
 L. Westrick (alternate) - Yes

Ayes   5  

Noes:   0  

The resolution is carried.

**Old Business:**

None

**New Business:**

**1019 Route 146 Gas Station and Convenience Store Site Plan**

SBL: 271.-1-11

1019 Route 146 Gas Station and Convenience Store, 1019 Rt 146

Zoned: B3 - Neighborhood Business, Status: Concept

Citizenserve File Number: 23-001545, Application Number: SPR23-000016

Applicant: Surinder Cheema      Consultant: Nolan Engineering, PLLC

**Consultant/Applicant Presentation:**

Jason Singer – Nolan Engineering – Mr. Singer stated that they are just getting started with the redevelopment of property near Cumberland Farms and Stewarts on Route 146. He stated that they want to remove the existing building and build a 2,800 sf convenience store only with a gas canopy with 6 islands. Mr. Singer stated that they do not meet some setback requirements but

that they are just getting started the project and will seek necessary relief. He stated that 11 parking spots are being proposed and that they are trying to stay 20'-30' from the rear of the rear. Mr. Singer stated that the canopy is being proposed close to the roadways well as the parking. He stated that landscaping is proposed in the front and on the east side of the property and that tonight they are looking for feedback.

**Staff Comments:**

**The Environmental Conservation Commission and issued a memo recommending:**

- The ECC recommends that the future submission address how applicable EPA & NYSDEC regulations and standards for this application will be followed.
- The ECC recommends that the applicant incorporate lighting that is directional and limited.
- Due to the probability of food and liquid wastes leaking from the on-site dumpster(s) into a stormwater 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
- Due to the proximity to the site of the Dwaas Kill and the steepness of the involved terrain the ECC recommends that the applicant meet the greenspace requirements of 36% by adding a vegetative buffer along the east side of the property.
- The applicant shall retain any tree buffer located on the north side of the property directly adjacent to the Ravenswood Restaurant.

**Wade Schoenborn, Building and Zoning issued a memo stating:**

- NYS Code compliance will be addressed during the permit process

**Scott Reese, Zoning Administrator issued a memo stating:**

- Project is located in the Neighborhood Business Zoning District (B-3). Convenience Food Stores are a permitted use. Convenience Food Stores are allowed to have the sale of gasoline with no more than 12 nozzles.
- There appears to be several area variances that this application will need as described in the Town's Designated Engineers letter dated June 22, 2023, items 7.a.-7.e, & item 8. An Area Variance application will need to be submitted to schedule a meeting with the Zoning Board of Appeals. This parcel was granted a Special Use Permit by the Zoning Board of Appeals in 1971. The Special Use Permit does not include any of the area variances that this project proposes.
- Plans shall show the Land Conservation District (50 feet from the high water mark of the Dwaas Kill).
- Proposed sign changes shall be submitted as separate sign permits to be reviewed.

**Scott Reese, Stormwater Management Technician issued a memo stating:**

- The stormwater runoff from this Convenience Food Store with the proposed fuel pumps is classified as a stormwater hotspot. Runoff from hotspots cannot be allowed to infiltrate untreated into groundwater, where it may contaminate water supplies. The runoff from this project is directed untreated to a structure that directly outlets to the Dwaas Kill. The Dwaas Kill is identified as waters from the final New York State 2018 Section 303(d) List of Impaired Waters Requiring a TMDL / Other Strategy. The applicant shall show how vehicle contaminants will be constrained prior to entering the off-site storm system.
- The location of the existing 18" ACP running along the northern property line should be confirmed as well if there are any easements prior to finalizing the location of the proposed structure.
- When plans progress the erosion and sediment control plans shall show how the proposed disturbances along the eastern property line will be stabilized to minimize any water quality impact to the Dwaas Kill

**Jennifer Viggiani, Open Space Coordinator issued a memo stating:**

- Add pedestrian access (sidewalks) from proposed convenience store front door to NY Rt 146 future sidewalks. The Town of Clifton Park has a Local - Federal Aid project in design development phase. Construction of the 146 new sidewalks is anticipated for 2024. A potential route for applicant's consideration is to construct sidewalks along its shared boundary with future Voyage Road, which will be conveyed to the Town as a public road ultimately. This would ease the travel path for any customers arriving as a pedestrian from the future sidewalks along NY 146.
- Add pedestrian access (sidewalks) also to connect to Voyage Drive which connects to the Park West Residential neighborhood under construction to the north of Ravenswood Restaurant, and the project site.

**John Scavo, Director of Planning issued a memo stating:**

- Since the project is adjacent to NYS Rt. 146, a referral of the preliminary plan submittal to the Saratoga Co. Planning Board for a recommendation per GML Section 239(m)(n) is required.
- Add a note to the site plan saying that the New York State Department of Environmental Conservation regulates the facility and its tanks under 6 NYCRR Part 613.
- The project location is either in or adjacent to the LC zone associated with the Dwaas Kill. Proximity to the Dwaas Kill may affect how tank removals and any required subsurface decontamination are performed. Measures for preventing the release of petroleum contaminants to the Dwaas Kill and a sedimentation and erosion control plan should be developed by the applicant.
- The Planning Board will need to wait for a recommendation back from the Saratoga Co. Planning Board prior to issuing a SEQR findings determination.

**Professional Comments:**

**Walter Lippmann, P.E. of MJ Engineering in a letter had the following comments:**

**STATE ENVIRONMENTAL QUALITY REVIEW**

Based upon our review of Part 617 of NYS Environmental Conservation Law, the project appears to be an "Unlisted" action. In Town Code Section 208.95(F)(9): Subject to and in accordance with the State Environmental Quality Review Act (SEQRA), the Planning Board shall be the lead agency for the purpose of conducting the environmental review of the application for a site plan. The Planning Board shall conduct an integrated comprehensive environmental review of the proposed project in combination with its review of the application under this article. If 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. Town of Clifton Park Planning Board: Plan Approval
- b. NYS Historic Preservation Office: Archeological Sensitive Area
- c. Town Zoning Board of Appeals: Zoning Variances
- d. Saratoga County Planning: 239-m County Referral
- e. Saratoga County Sewer District #1: SCSO Connection
- f. Clifton Park Water Authority: Water Connection

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

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:

1. The applicant provided a self-filled SEAF, it is recommended that applicant use the NYSDEC EAF mapper (available here; <https://gisservices.dec.ny.gov/eafmapper/> and include the report
2. Part 1.12. The response indicates that the project site is not located within or adjacent to an area designated as sensitive for archeological sites on the NY State Historic Preservation Office (SHPO) archeological site inventory. However, the NYSDEC EAF mapper identified this as an area designated as sensitive for archeological sites on the NY State Historic Preservation Office (SHPO) archeological site inventory. The applicant should provide a correspondence letter from SHPO to confirm the presence or absence or archeologically sensitive resources.
3. Part 1.13.a. – The response indicates that wetlands or other waterbodies regulated by federal, state or local agencies adjoin or are contained within the project site. The applicant noted "The Dwaas Kill is located on the adjacent property to the east. This project does not affect this waterbody." The applicant should provide documentation that confirms the presence or absence of federally regulated wetlands adjacent to the project site. Should this change as the project design progresses, additional approvals and permits may be required.
4. Part 1.17 The applicant indicated the proposed action will create storm water discharge, either from point or nonpoint sources. The applicant noted "This needs to be investigated further, but intent is for stormwater to be retained on the property thru drywells. Existing catch basin on site to remain." A stormwater analysis should be conducted to ensure there will be no adverse impacts to adjacent or down gradient properties.

5. No further comments at this time.

## SITE PLAN

6. The project resides within the Town's B-3 Zoning District. In our review of Section 208-37(B) of the Town's Zoning, the proposal for a convenience store is a permitted principal use within the B-3 Zoning District as long as there are less than 12 gas pumps proposed.
7. In reviewing the proposed site plan, it appears to be deficient in regards to meeting the minimum bulk lot requirements outlined in Section 208-38 of the Town's Zoning. The noted deficiencies are as follows:
  - a. Section 208-38(B) Area and lot dimensions. The minimum net land area per establishment shall be 40,000 square feet and the minimum width of the lot at the front building line shall be 150 feet. This is an existing non-conforming condition.
  - b. Section 208-38€ Front yards. There shall be a minimum front yard of 80 feet, into which space there shall be no encroachment of structures other than a fence, a wall or a sign not larger than 20 square feet and no encroachment of commercial usage other than parking space. There shall be no parking allowed within 30 feet of the front lot line. Parking is proposed to be at approximately 15 feet and the gas canopy at 36 feet.
  - c. Section 208-38(D) Side yards. No automobile parking space shall extend nearer to a side property line than 20 feet. The parking along the western parcel boundary is at 10 feet.
  - d. Section 208-38(E) Rear yards. No building shall be placed closer to the rear property line than 30 feet with no encroachment by structures or parking if the adjacent district is any other class of district. The proposed building is 10 feet.
  - e. Section 208-38(G) requires a minimum of 35% greenspace. The plan proposed 26%.
8. Section 208-40 of the T'wn's Zoning requires that the property margins at the sides from the front building line to the rear property line shall be planted with trees and shrubs for a width of not less than 10 feet. The western side margin includes the required landscaping, however the eastern side margin has none. The Planning should discuss the need to further supplement sideline screening along the proj'ct's side lines.
9. Show parcel setback lines on the plans.
10. Provide a delineation of the area of expected disturbance associated with the project along with the numerical value, which shall include both on-site and off-site improvements.
11. Show where snow storage is being provided within the project site.
12. For any existing utilities that are to be abandoned, there locations shall be noted and the extent of removals/abandonment identified in accordance with authorities having jurisdiction.
13. Show the existing and proposed utilities and connections to the building.
14. Provide the appropriate water and sewer details.
15. Indicate if the existing drilled well will be utilized for this project or be abandoned.
16. Confirm if an existing easement is in place for the 18-inch storm pipe in the rear of the property. If so the building should not encroach on the easement.

17. The plan shows 11 parking spaces, 3 less than required pursuant to Section 208-99, of the Town Zoning (1 for each 200 square feet). Provide a narrative on how they were derived.
18. The project is proposing to be serviced with public water from the Clifton Park Water Authority. The applicant shall provide the Town documentation of the C'WA's ability and willingness to service the project with potable water.
19. The project is proposing to be serviced with public sewer from the Saratoga County Sewer District. The applicant shall provide the Town documentation of the S'SD's ability and willingness to service the project with public sewer.
20. It is recommended that at a minimum the number of peak hour vehicle trips, including truck trips and sight distance at the project entrance be provided.
21. Provide notation on subsequent plans indicating that all work proposed within NYS Route 146 are subject to a highway work permit issued by the NYSDOT.
22. The proposed entrance widths shall be reviewed by NYSDOT. Minor commercial driveways for one way traffic are typically 12 to 24 feet wide.
23. The current plan proposes a new building and parking with an anticipated area of disturbance of less than 1-acre. Therefore, the scope of work is not subject to GP-0-20-001 and the NYSDEC Design Manual. As such, a drainage analysis shall be provided to demonstrate that there will be no increase in runoff under the proposed developed conditions of the site. Should stormwater management facilities be required to mitigate increases in site runoff, subsequent plans submission shall show their location along with supporting construction details.
24. The following comments are relative to the site plan and its conformance to the NYS Fire Code (NYSFC). The Town Fire Official shall have final authority on the applicability of these comments to the proposed site layout:
  - a. Determine if a Knox Box is required based upon the building arrangements, occupancy and materials of construction. If one is required, its location is subject to the review and approval of the Fire Chief.
  - b. If the proposed building is to be provided with an automatic sprinkler, show the location of the fire department connection to ensure they are reasonably accessible.
  - c. Section 912.2 of the IFC requires a fire hydrant to be located within 100-feet of the build'ng's fire department connection. It is not clear from the plans where the closes hydrant to the site is or where the fire department connection may be. Additional hydrants may be necessary.
  - d. Provide a turning template analysis for the largest emergency vehicle that may respond to an event at the site.
25. Considering the plan submitted is conceptual in nature, we will reserve further comments until more detailed plans are submitted. Subsequent submissions shall include information as outlined in Section 208-115 of the Town zoning specific to site grading, lighting, erosion control and stormwater management to fully assess the design and its compliance to the applicable standards.

**Public Comments:**

No public comment tonight.

**Planning Board Review:**

Ms. Bagramian asked if the applicant was proposing more than 12 nozzles. Mr. Singer stated that there are only 12 nozzles being proposed and that diesel fuel will be offered but not at separate pumps. Ms. Bagramian stated that if there is diesel, there should be enough room for tractor trailers, and there currently appears not to be. Ms. Bagramian asked if a Phase II was done. Mr. Singer stated he is not sure it was ever done on this property, but he can look into it.

Mr. Andarawis asked what the gas station has there now. Mr. Singer stated 2 stations with 4 nozzles. Mr. Andarawis asked if the driveway is private that goes into Ravenswood. Mr. Weiner stated that it is now, but it is slated to become a private road and then turned over to the Town as a public road when it gets developed, according to the ZBA. Mr. Andarawis stated that maybe the applicant should look at “right-in only” to cut down on conflicting traffic patterns. He stated that he feels the applicant should look into moving the building to the east and the parking to the west. Mr. Scavo stated there may be a conflict with a “right-in only” with a private road next to it, but they can look into this.

Mr. Ophardt asked where the 18" pipe in front of the property came from. Mr. Singer stated that he is unsure at this time. Mr. Ophardt stated that his biggest concern is with runoff and possible contamination of the Dwaaskill and that he would like it to be protected. He stated other than this, he thinks his is a great redevelopment of the site. Mr. Ophardt asked if the applicant is willing to shrink the size of the building. Mr. Singer stated this is the typical size that he has but he can ask.

Ms. Bagramian stated that she would like to see renderings of the building and the rear facing Ravenswood. Mr. Singer stated that he could show some, but generally, the applicant would have coolers out of the rear of the building, and it would look plain but he could try to match the building throughout. Mr. Singer showed some pictures and renderings of another convenience store that the applicant owns.

Mr. Ophardt asked if there would be cooking in the building. Mr. Singer stated that he believed so. Mr. Ophardt stated that he has some parking concerns since there are fewer spaces being proposed than are required. Mr. Scavo stated that this may be able to be waived. To allow for gas pumps to be included in the parking count.

Ms. Bagramian states that she would like to see Phase II when the applicant returns.

**Discussion Items:**

None

Mr. Ophardt moved, seconded by Mr. Andarawis, adjournment of the meeting at 7:53 p.m. The motion was unanimously carried.

The next meeting of the Planning Board will be held as scheduled on July 11, 2023.

Respectfully submitted,

*Paula Cooper*

Paula Cooper, Secretary