

Town of Clifton Park Planning Board
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PLANNING BOARD

DENISE BAGRAMIAN
Chairwoman

ROBERT WILCOX
Attorney

PAULA COOPER
Secretary



MEMBERS
Emad Andarawis
Eric Ophardt
Heather Fariello
Mario Fantini

Keith Martin
Lisa Westrick

Planning Board Minutes
October 24th, 2023

Those present at the October 24, 2023 Planning Board meeting were:

Planning Board: D. Bagramian, Chairwoman, E. Andarawis, H. Fariello, E. Ophardt, K. Martin, M. Fantini, L. Westrick

Those absent were:

Those also present were: J. Scavo, Director of Planning
S. Price, M J Engineering and Land Surveying, P.C.
R. Wilcox, Counsel
P. Cooper, Secretary

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

Minutes Approval:

Ms. Fariello moved, seconded by Ms. Westrick, approval of the minutes of the August 8, 2023 Planning Board meeting as written. The motion was unanimously carried.

Public Hearings:**#2023-019 7 Torrey Pines In-law Apartment SUP -Site Plan**

SBL: 259.17-1-20 Residential home extension, single story, 7 Torrey Pines Zoned: R1 – Residential, Status: Preliminary Citizenserve File Number: 23-001782, Application Number: SUP23-000015 Applicant: Xu Chen, Consultant: N/A Last Seen On: 08/08/2023

http://www.citizenserve.com/Documents/398/363921382_7%20Torry%20Pnes%20extension.pdf

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) prior to 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 Special Use Permit 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. Fariello, 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 7:04 p.m. The Secretary read the public notice as published in the Daily Gazette on October 13, 2023.

Consultant/Applicant Presentation:

Xu Chen, owner and applicant – Mr. Chen stated that he lives in the residence and that the purpose of this application is to expand with an in-law dwelling for his parents to come and live with him. He stated that he has a son and a daughter and only 3 bedrooms in the current home.

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

- appears to exceed 30% of the existing structure.
- building plans and fire separations will be addressed in the permit process

John DeSimone, Fire Marshall issued the following:

- Fire separation will be required between units per NYS 2020 residential code.
- Postal number will remain the same for in-law if final approval granted by planning department. #7 Torrey Pines

Scott Reese, Zoning Administrator issued a memo stating:

- This proposal for an in-law apartment is permitted in the R-1 Zone with a Special Use Permit per Town Code 208-10 B. (10)(a)[7][a].
- When the Planning Board reviews the application, include the procedures as set forth in Town Code Chapter 298-79 D-E.
- The latest site plan to be reviewed is Extension-V5-all.pdf in the documents. There must be a doorway connection between the primary residence and the in-law addition.
- This parcel is in the Country Knolls West PDD. Per Article XVII A217-106 single-family lots will have a minimum side yard of 10 feet, a minimum back yard of 25 feet, and a minimum front yard of 30 feet.
- The side yard setback is conceptually being shown at 12'-3". The setback is measured from the roof overhang and not the proposed building wall. Applicant shall verify that the overhang will not project closer than the required 10' side yard setback.
- The back yard setback is conceptually being shown at 25'-8". The setback is measured from the roof overhang and not the proposed building wall. Applicant shall verify that the overhang will not project closer than the required 25' back yard setback.

Scott Reese, Stormwater Management Officer issued a memo stating:

Jennifer Viggiani, Open Space Coordinator issued a memo stating:

- This property is adjacent to Town-owned park, George T. Smith Park, which is highly wooded along the shared boundary line. Please show on the plans, the proposed tree clearing area, to ensure that no trees on the Town of Clifton Park public land are removed inadvertently.

John Scavo, Director of Planning issued a memo stating:

- The applicant has worked with Scott Reese, the Town Zoning Officer, over the past two months to perfect an application that eliminates the need for an area variance. Based on the revisions reflected within the current submittal, I have no issues with the proposed in-law addition to an existing single-family dwelling.

Professional Comments:

No professional comments

Public Comments:

No public comment

There being no public comment, Mr. Martin moved, second by Mr. Andarawis, to close the public hearing at 7:11 p.m. The motion was unanimously carried.

Planning Board Review:

Ms. Fariello stated that the project was never seen on 8/8/2023 as published. Mr. Scavo stated that it was postponed with the anticipation of an area variance, but the applicant attached the expansion of the home, so no variance is needed after modifying the plans in consultation with Town Staff.

Mr. Martin asked if there would be any additional vehicles if the parents moved in. Mr. Chen stated that he does not want his parents driving so there should not be any extra vehicles, and it would remain at the current 2 that they have now.

Ms. Fariello offered Resolution No. 12 of 2023, seconded by Mr. Ophardt to waive the final hearing for this application for the 7 Torrey Pines In-law Apartment SUP-Site Plan approval, and to grant preliminary and final Special Use Permit 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 - Yes

K. Martin – Yes

M. Fantini - Yes

L. Westrick - Yes

Ayes 7

Noes: 0

The resolution is carried.

Mr. Andarawis moved second by Mr. Ophardt of the 7 Torrey Pines In-law Apartment SUP-Site Plan, and to grant preliminary and final site plan approval conditioned 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.

Ayes: 7

Noes: 0

The resolution is carried.

Public Hearings:

#2021-069 Boni Wooddale Drive 18 Lot Subdivision

SBL: 259.-2-71 Wooddale Cluster Subdivision, Wood Dale Dr Rear Zoned: B1 - Business Non Retail 1, Status: Preliminary w/ possible determination Citizenserve File Number: 2021-069, Application Number: SUS23-000002 Applicant: Boni Enterprises, LLC , Consultant: ABD Engineers Surveyors Last Seen On: 01/10/2023
http://www.citizenserve.com/Documents/398/361768727_3407A%20-%20Cluster%20Subdivision%202023_09_18.pdf

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) prior to 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. Fariello, to establish the Planning Board as Lead Agency for this application, a Type I action, and to issue a negative declaration pursuant to SEQRA.

Mr. Martin voted no to establish the Planning Board as Lead Agency pursuant to SEQRA and stated that he believes that the site's physical characteristics will have a significant impacts to the site with the proposed development. He stated that he had personally visited the site.

Ms. Bagramian called the public hearing to order at 7:16 p.m. The Secretary read the public notice as published in the Daily Gazette on October 13, 2023.

Consultant/Applicant Presentation:

Luigi Palleschi – ABD – Mr. Palleschi stated that this is for 28.5 acres of land into 18 residential units in the B1 and R1 zoning districts. He stated that there is a proposed road off of Wooddale. Mr. Palleschi stated that the applicant owns 161 Wooddale and there is a paper street between 161 and 159 Wooddale Drive, and the project proposes to develop a public road to be turned over to the Town. He stated that water and sewer are available and grinder pumps and force mains are proposed. He stated that the water main would be expanded down the road and test pits were done and ground water was found to be at 3.5’-4’ deep and will meet state guidelines for SWPPP. Mr. Palleschi stated that the green area on the map shown in the meeting will be developed and the remaining lands would go untouched. He stated that there are 2 street trees per lot for the proposal and that he feels that they have addressed the Town's concerns. He stated that the stormwater management report addresses drainage on the site and the road design will meet Town Standards.

Staff Comments:

The Environmental Conservation Commission and issued a memo recommending:

- The ECC reiterates its May 15th, 2023 comments as we cannot find any response to these aforementioned comments. Based upon the comments made by the Planning Board Director, dated November 7th, 2022, this project appears to be in violation of Town Code. The ECC supports these comments in this letter.

John DeSimone, Fire Marshall issued the following memo:

- Fire access and hydrant spacing meets minimum requirements per 2020 NYS Fire Code.
- proposed postal numbers are 5,7,9,11,13,14,15,16,17,18,19,20,21,22,23,24,26,&28. This will be finalized with Saratoga county emergency services when final approval granted by planning board. (please see proposed in documents)

Scott Reese, Zoning Administrator issued a memo stating:

- My comment from December 13, 2022 still stands: The Town Board has rejected an Offer of Cession request by the applicant to construct a roadway to be offered for Town acceptance and dedication from Wood Dale Drive into the project site. If the Town does not accept the road, the presented subdivision does not meet Town Code.
- Cluster subdivision requirements is under Article X Open Space Subdivision - Per Town Code Chapter 179-36 A. Property within any Residential Zoning District(s) is eligible to be considered under this article. The applicant is proposing a Cluster Subdivision within a business district which makes this type of subdivision ineligible.
- Per Town Code Chapter 208-32 A. (14) The proposed two family dwellings are a permitted use in the B-1 Zone.

Scott Reese, Stormwater Management Officer issued a memo stating:

- Until this application is to Town Code or has obtained the required variances, will warrant a detailed stormwater review.

The Trails and Open Space Subcommittee issued a memo stating:

- Consider a 15' right-of-way easement along the East side of Wooddale Drive frontage for future trail.
- The project has site has significant steep slopes and topography and the proposed construction plans appear to need significant grading and filling to create the new construction of roadway, homes, and stormwater management areas.

John Scavo, Director of Planning issued a memo stating:

- The County Planning Board noted in a letter dated 12/17/2021, that additional information is requested for that entity to make a recommendation in accordance with GML Section 239-M.
- Town Staff has forwarded the additional information the Saratoga Co. Planning Board requested. The Saratoga Co. Planning Board will consider a recommendation at its October 19 meeting. Therefore, this project will be scheduled to be considered by the Clifton Park Planning Board at its October 24th meeting.

Professional Comments:

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

STATE ENVIRONMENTAL QUALITY REVIEW

1. It should be noted that the description should be revised to reflect an 18-lot cluster subdivision as shown on the subdivision plan.

SITE PLANS

2. Pursuant to Town Code 86-6 (F) dead-end streets shall not service in excess of 18 residential units, the proposal is for a total of 20 units (2 existing and 18 proposed). We defer to the Town Zoning Officer to make this determination.
3. Silt fence shall be placed parallel to the contours, revise accordingly.
4. Indicate the location of the concrete wash out area
5. Provide a cross section detail for the detention basin shown. The cross section should provide design elevations including stone invert, pipe invert and depth of runoff by storm event as reported by the SWPPP.
6. Provide location of any overflow structure or weir from the proposed stormwater management area.
7. An impermeable liner will need to be utilized as it will ensure that the soil mix will remain segregated from the surrounding soils and ensure high groundwater will not compromise system functions
8. Pursuant to Section 3.5 of the NYSSMDM, the proposed stormwater practices need to have a conspicuous and legible sign posted. The plans need to provide the standard sign with the applicable language as well as the location.
9. Show temporary sediment traps. Provide calculations demonstrating that the sizes shown are appropriate for the contributing areas. The calculations shall state the required surface areas and depths of each sediment trap shown.
10. Since the stormwater management area will be owned and operated by the applicant, a Town of Clifton Park Maintenance Agreement will need to be executed and filed with the Town.

STORMWATER POLLUTION PREVENTION PLAN

11. The SWPPP shall include documentation that the project is eligible for permit coverage pursuant to Part I.F.4 of GP 0-20-001 with respect to threatened and endangered species. This includes both listed state and federal species. Provide all documentation / correspondences within the SWPPP once received.
12. The SWPPP shall include documentation that the project is eligible for permit coverage pursuant to Part I.F.8 of GP 0-20-001 with respect to historic properties. This includes archeological and cultural resources. Provide SHPO "no effect" letter within the SWPPP once received.
13. Pursuant to Section 5.1.6 of the NYSSMDM, soil restoration is a required practice applied across areas of a development site where soils have been disturbed and will be vegetated in order to recover the original properties and porosity of the soil. The required soil restoration is a function of the underlying soils where the disturbance is to occur pursuant to Table 5.3 found in Section 5.1.6 of the NYSSMDM.
14. There shall be a description of the post construction O&M requirements associated with soil restoration pursuant to Section 5.1.6 of the NYSSMDM.

15. The eNOI Question 3 indicate a single-family subdivision, this should be revised to multi-family and 18 units not 9.
16. It appears the post peak runoff rate for Area 1 exceeds the pre runoff rate for the 100-year storm event. If a downstream analysis is performed the peak flow rates may increase by less than 5% of the predeveloped condition for the design storm however this is substantial.

Public Comments:

Justin Gouchen – 155 Wooddale Drive – Mr. Gouchen stated that he lives to the left of the proposed development. He stated that there is a slope in the area and people go fast down the road. Mr. Gouchen stated that car accidents happen there and someone has died. He stated that he feels the increase in traffic will cause more accidents and that the road is poorly placed. He stated that he feels that this is not in character with the neighborhood as all of the homes are single family homes and these proposed are duplexes. Mr. Gouchen stated that he has 3 kids that wait at the bus stop around the corner from here and would like to make it safer, not more dangerous.

There being no public comment, Mr. Martin moved, second by Mr. Andarawis, to close the public hearing at 7:33 p.m. The motion was unanimously carried.

Planning Board Review:

Mr. Fantini asked why the applicant went with the road placement that they did. Mr. Palleschi stated that it was due to legalities with the paper road being split between 2 properties, and Mr. Boni is proposing to put it on his own property, and no variances would be needed this way. Mr. Fantini asked how the applicant is proposing to do the road and maintain it if the Town does not take over the road. Mr. Palleschi stated that the road was moved to avoid legalities.

Mr. Andarawis asked what the road would look like as a Town road versus a not. Dana Salizar, attorney for the applicant, stated that there was legalities with the paper street between 161 and 159 Wooddale Drive. She stated that the paper street was never accepted by the Town. She noted that the Planning Board requested an acceptance or denial from the Town Board for taking it over and so now with the road being on one property the legalities are of buying rights are out. Mr. Palleschi stated that he spoke to Mr. Dahn Bull and that he had received a letter stating the Town would take the road over after 80% build-out is established, but ultimately, the Town Board decides whether to take the road or not.

Mr. Martin stated that he had minutes from the Town Board's denial for the offer of cession which includes comments from Councilman Morelli, and read from it. He stated that Mr. Morelli is not voting for the public road and that the Town would potentially vote it down due to the concerns with the unique environmental slopes and features. Mr. Martin stated that he has walked the property as well and agrees that there are unique features. He stated that Mr. Morelli stated that it would be irresponsible for the Town to accept the offer of cession. Mr. Martin

stated that the concerns he has have been on the site for ten or twenty-plus years and based on the comments offered by Mr. Morelli, he does not foresee this becoming a Town road. Mr. Martin stated that he could not see this being built without a town road.

Mr. Ophardt stated that he feels that a cluster subdivision should not be built in a B-1 zone as it is a business district. Mr. Palleschi stated that they cannot access the R-1 zone without going through the B-1, and that this is a dual zone so it is permitted. Mr. Martin asked if the courts would rule in favor of this. Mr. Palleschi stated that he does not know but that the applicant pulled back the subdivision to protect other lands and that this makes the most sense.

Ms. Bagramian asked what the site distance was for the road. Mr. Palleschi stated that they evaluated the site distance twice and that the results were adequate. He stated that if there are concerns a 3-way stop sign could be installed by the Town and that is an existing traffic concern, the applicant is not creating it.

Mr. Fantini asked if the change in the location of the road would change the Town's mind. Ms. Salizar stated that the Town generally will not take a vote until 80% is completed.

Ms. Bagramian asked if there has been a maintenance plan and snow removal plan drafted in case the Town does not take over the road. Ms. Salizar stated they have drafted plans. Mr. Palleschi stated that Mr. Morelli said that he feels the engineering of the project is not good, but the Town Engineer has looked at the plans and that their concerns have been addressed, and ABD feels confident that this can be done.

Mr. Wilcox stated that the Town does not need to accept any roadway if it does not want to.

Mr. Andarawis asked about the frontage on Wooddale and if it would change if the Town does not accept the road. Mr. Palleschi stated that it would be a 60' road regardless. Ms. Salizar stated that any road for a subdivision could be rejected by the Town. Mr. Andarawis asked if the road is rejected if this would become a keyhole lot. Ms. Salizar stated that the Town Board was only approached due to the request of this Board, and no legal approval needs to be done ahead of time. Mr. Wilcox stated that there is no law that states that they cannot approve ahead of time either.

Ms. Fariello stated she is not prepared to make a vote on a keyhole lot tonight if it should be considered this.

Mr. Ophardt stated that if the engineering challenges can be proven then the Board needs to also look at environmental impacts. Mr. Palleschi stated that the only reason the Town would deny the road is if it is not up to standards and they plan to build to Town standards. Mr. Andarawis stated that the Planning Board knows that the Town Board has concerns with the project, so it does change what they may be looking at.

Mr. Martin stated that there is a challenge if the Town does not accept the road, then a keyhole is not permitted in the R-1 and R-3 districts. He stated that he is, however, willing to work with the applicant.

Ms. Bagramian stated that she would like to see a Plan B for if the Town does not accept the roadway. Ms. Bagramian asked if the applicant is willing to table the application tonight and come back within 62 days with a Plan B for the Board to consider.

Mr. Ophardt moved, second by Mr. Martin, to table the Boni Wooddale Subdivision application.

Public Hearings:

#2023-021 CT Solar Blue Barns Rd Solar Array Site Plan and SUP

SBL: 263.-2-89 CT Solar 3, proposes to construct a 3.5 MW AC Solar Array, Blue Barns RD Zoned: CR - Conservation Residential, Status: Revised Preliminary Citizenserve File Number: 23-001997, Application Number: SUP23-000013 Applicant: Guyer Richard , Consultant: EDP, LLP - Stephanie Alessandrini Last Seen On :09/12/2023
http://www.citizenserve.com/Documents/398/363651857_03_Site%20Plans.pdf

Mr. Wilcox stated that he received a letter from Ms. Melinda Acker, Planning Department, stating there have been changes to the plan and no full set of plan for the Board and the public to review. He stated that he is not comfortable moving forward with the public hearing.

Ms. Alessandrini stated that she has the overall plans, not a full set of the site but the changes are reflected in some of the documents. She stated that she would like the application heard even if they have to come back in order to gain more feedback from the Board.

Consultant/Applicant Presentation:

Stephanie Alessandrini – EDP – Ms. Alessandrini stated that the application is for 182 Blue Barns Road between the Towns of Clifton Park and Ballston. She stated that it is zoned CR and that they have confirmation in an email that the Town of Ballston has been notified of the project but it is located completely in the Town of Clifton Park. She stated that the plans have changed and no longer require a variance from the Zoning Board. She stated that they have decided to keep within their setbacks and have moved the array away from the railroad tracks and there is more fire access as well. She stated that the poles have been moved to the south side of the road to decrease visual impact and a 20' roadway has been decreased to 16' with emergency vehicle access still available. Ms. Alessandrini stated that summer and winter visual impacts have been generated based on feedback and she showed the visuals in the meeting. She stated that the site

would be visible for about 7 seconds while driving by it and also showed visual from 110 Ashdown Road. She stated that they are coordinating with SHPO and that they are compiling the request for SEQRA.

Staff Comments:

The Environmental Conservation Commission and issued a memo recommending:

- The applicant shall show the limits of the LC Zone on the plans. Per Chapter 124 Freshwater Wetlands and stream protection any activity proposed within the limits of the LC Zone requires the applicant to obtain approval through a public hearing with the ECC. No approval shall be given by the Planning Board without the ECC's recommendations from this public hearing.
- The ECC notes that this project intends to clear 23 acres of mature trees which is in direct conflict the Towns Tree City USA designation

John DeSimone, Fire Marshall issued the following memo:

- Revision is approved for fire accessibility
- Assigned postal number is 182. Please see attached postal verification under documents.

Scott Reese, Zoning Administrator issued a memo stating:

- This Special Use is permitted per Town Code 208-16 D. (3)(a)[22] identifies Tier 2 and Tier 3 solar energy systems, subject to the requirements of Article XIV and Article XVI as a special use pursuant to chapter 208-79. Before granting approval to any special use, the Planning Board shall determine whether the proposed special use will, among other things, satisfy the the considerations listed under 208-79 E. (1) (a-k).
- This project is being heard by the Clifton Park Zoning Board of Appeals where CT Solar 3, LLC proposes to construct a 3.5 MW AC solar array on a 53+/- acre property with an entrance Blue Barns Road. Per Town Code 208-80 C. (2) Space and bulk standards for Tier 3 solar energy systems the required side yard setback in the CR Zone is 100 feet. The proposed side yard setback is 39 feet. The variance requested is 61 feet for the side yard setback.

Scott Reese, Stormwater Management Officer issued a memo stating:

- No additional stormwater comments to the Town's TDE comment letter dated October 20th, 2023.

Jennifer Viggiani, Open Space Coordinator issued a memo stating:

- Is the significant linear footage fencing proposed around the two solar installation footprints necessary with a project footprint of the solar installation set such a significant distance into the site, and which has significant wetlands constraints along the driveway, and a railroad line to the south/southeast? Is there a more strategic fencing approach to reduce the impacts of installing fencing? Why not install a significant gate at the front of

end of the driveway at Blue Barns Road, or 25 feet in to leave room for a vehicle to pause to unlock the gate? Overall, please ensure that there is sufficient room for wildlife to move through the site as it is a large previously undeveloped site with a significant area proposed to be fenced in with only 6 inches of fence clearance from the ground.

- Can the applicant consider locating the multiple power poles currently at the very end of the driveway, closest to Blue Barns Road, slightly deeper into the site, to reduce their visual impacts to neighbors and to drivers along Blue Barns Road? These large poles with significant equipment on top of each pole, create a visual impact, which could be reduced with slightly adjusted siting, perhaps around the bend in the driveway as it bears north/northwest.

John Scavo, Director of Planning issued a memo stating:

- The project proposes .1 ac of disturbance to 16.3 acres of existing wetlands 16.3. After construction, the 16.2 acres of remaining wetlands will not be impacted by increased phosphates and chemicals associated with other uses permitted within the CR Zone, such as residential (lawn chemical/fertilizer treatments) and agricultural applications (pesticides /fertilizers).
- The visual cross-section analysis demonstrates that the solar panel array will not visually impact scenic resources from developed agricultural areas and the public roadway when considering topography, existing vegetation, and wooded growth buffers to Blue Barns Road. Especially when considering a 2,200 liner foot run through mature vegetive woods.
- The project proposes .1 ac of disturbance to 16.3 acres of existing wetlands 16.3. After construction, the 16.2 acres of remaining wetlands will not be impacted by increased phosphates and chemicals associated with other uses permitted within the CR Zone, such as residential (lawn chemical/fertilizer treatments) and agricultural uses (pesticides/fertilizers). See Draft SEQR Notice of Non-Significance for the Planning Board's consideration to support an issuance of a negative declaration based on facts.

Professional Comments:

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

STATE ENVIRONMENTAL QUALITY REVIEW

1. No further comments at this time.

SITE PLANS

2. A variance is required for the proposed 39-foot side yard setback. If granted indicate on the plans.
3. The proposed access road to be constructed utilizes the NYSDEC limited use haul road. If this same road it intended for fire apparatus access, it shall be confirmed that it can meet the requirements of the NYS Fire Code with respect to loading criteria for emergency vehicles as specified in Section D102.1.
4. The Erosion Control Plan needs to show how site disturbances will remain below 5-acres at one time. This plan should be included in the plan set.
5. It is proposed to install solar arrays and or access roads within regulated Waters of the U.S. and NYSDEC wetlands/buffers. Any required permitting from the U.S. Army Corps of Engineers and NYSDEC for these impacts shall be obtained prior to site disturbances.

Any correspondence with the USACOE and NYSDEC shall be provided to the Town for their records.

6. The plan proposes no additional landscaped buffering to adjoining properties. Once the visual simulations are submitted the Planning Board will have a better understanding if any additional landscaping is needed.

STORMWATER

7. A no effect letter should be provided by SHPO and included in the SWPPP once received.

VISUAL ASSESSMENT

8. The proposed action will be visible from publicly accessible vantage points or may be drastically dissimilar from other visible activities in the area. Further, it is proposed to remove a potential substantial amount of tree cover, making the project visible to the neighboring property along Blue Barns Road and the Town of Ballston town line in the rear. Additional screening or road modifications may be necessary to mitigate the visual impacts to the neighbors. Visual simulations from these properties should be provided.

DECOMMISSIONING PLAN

9. No comments.

Public Comments:

No public comment.

Planning Board Review:

Ms. Bagramian asked if cut sheets had been provided. Ms. Alessandrini stated they have been submitted, but they are not in the presentation tonight.

Mr. Andarawis stated that solar energy fits within the CR zone but that it does not get through other protections like Mr. Martin had stated in the prior meeting. He stated that they need renewable resources but using open space is not renewable and this as well needs to be protected. He stated that he has concerns for the developing and remaining lands. He stated that 208-16 (13)(b) states that there needs to be natural and scenic features taken into consideration and feels that this needs to be looked at from site to site. He stated that he would like the Board to look at robust landscaping, preserving the features and keeping open space. He stated that he would like to see pollinators here to enhance the screening. He stated that there are benefits to an array, so he does not feel this bad idea, but wants to look at if it belongs in the CR zone.

Ms. Bagramian stated that she feels that there is a loophole to the CR zone, she stated that she feels that solar could be put over vacant parking lots. She asked the applicant how they are going to keep within the character of the zone.

Mr. Martin stated that the zone states that new development should harmonize with landscapes.

Mr. Andarawis stated that he has an old report done by Siena on Clifton Park open space and this area is indicated in the booklet.

Mr. Ophardt stated that he agrees with Mr. Andarawis and that the CR zoning covers most of western Clifton Park and they need to look at the harmony of the zone and the impact of cutting acres of trees is inconsistent but there is no way to judge how much is too much disturbance. He stated that he will be looking at unique characteristics and the build around for this project. Ms. Alessandrini stated that the Ipac EF mapper was looked at and the DEC looked at this as well. She stated that panels and fences are needed for safety and a requirement so they cannot be eliminated.

Mr. Martin stated that he feels that all of the work on this that the applicant has done should be put together for a full review. He stated that he shares some of the same concerns about development in the CR zone. Ms. Alessandrini stated that they looked at decreasing the impact to the special features and how to impact the site to the minimum. She stated that they presented this and that MJ Engineering has reviewed this. She asked what would make the Board more comfortable with the application.

Mr. Scavo pulled up on the screen in the meeting about the subdivision mitigations and stated that they use this for subdivisions and that it could be a helpful tool to look at other elements in the town while not required by zoning law for solar. He stated that this can be found on the Towns website as well.

Ms. Bagramian stated that the applicant and the Board should go through the subdivision checklist to help ensure the preservation of the site.

Ms. Fariello moved, second by Mr. Ophardt, to establish the Planning Board as Lead Agency for this application, a Type I action, and to issue a negative declaration pursuant to SEQRA. The motion was carried unanimously.

Public Hearings:

#2023-022 Nott Road Solar Array Site Plan and SUP

SBL: 269.-3-6 Proposed action includes the development of 2, 2 MW (AC) Solar arrays, Nott RD Zoned: CR - Conservation Residential, Status: Final Citizenserve File Number: 23-002037, Application Number: SUP23-000014 Applicant: Bhatti Naseem , Consultant: EDP, LLP - Stephanie Alessandrini Last Seen On: 09/12/2023
http://www.citizenserve.com/Documents/398/363655268_01_SITE%20PLANS.pdf

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) prior to 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 rendered when deemed appropriate.

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

Ms. Bagramian called the public hearing to order at 7:57 p.m. The Secretary read the public notice as published in the Daily Gazette on October 13, 2023.

Consultant/Applicant Presentation:

Stephanie Alessandrini – EDP – Ms. Alessandrini stated that she is here tonight with Anthony Stevens from Kruger. Mr. Stevens stated that Kruger does solar around the world. He stated that he is here to educate about solar as they apply the knowledge. He stated that he brought a photovoltaic toxicity report for review.

Ms. Alessandrini stated that the application is for Route 146, Nott Road and Appleton Road. She stated that it is a 4 MW array broken into two 2 mw arrays. She stated that there will be 21 acres of fenced-in area in the CR zone. Ms. Alessandrini stated that there were concerns about the entrance locations and that they have confirmed with National Grid and with a fee of \$28,000 the connection can be moved but it will be limited. She stated that they have looked at screening and that they will maintain 150' of vegetation at the narrowest point. Ms. Alessandrini showed the proposed careening in the meeting at estimated year 1, 2 and 10. She stated that the entrance was moved so it is now thicker and fuller. She stated that there are shallow depressions that will help with stormwater management and that the site will be visible for 4-5 seconds while driving by on Appleton and Route 146. Ms. Alessandrini stated that the land was originally cleared in the 1950's for farming and that now they will be preserving 50% of the site. She stated that they are within 500' of an archeological site but not in the district and that the Saratoga County Planning Board found no significant impact.

Staff Comments:

The Environmental Conservation Commission and issued a memo recommending:

- The ECC notes that this project intends to clear 28 acres of mature trees which is in direct conflict the Towns Tree City USA designation.

Wade Schoenborn, Building and Zoning issued a memo stating:

- The proposed shall depressed areas should be verified that they will fully de-water within 48 hours after a storm event. Since the proposed design reaches in the HydroCAD

calculations provide stormwater volume reduction, please show and label both the proposed reaches and the individual Tc's for the sub-catchments.

John DeSimone, Fire Marshall issued the following memo:

- Additional signage needed on Appleton Road entrance reading, 77 Nott Road Southern Array Entrance
- See attached document (approved postal verification) #77 Nott Road. Please add additional sign on Appleton, see notes on print.
- Postal verification will be submitted to Saratoga County Emergency Services upon final approval from Planning Department.

Scott Reese, Zoning Administrator issued a memo stating:

- The parcel is in Conservation Residential Zoning District (CR) per Town Code 208-16 D. (3)(a)[22] Tier 2 and Tier 3 solar energy systems, subject to the requirements of Article XIV and XVI is allowed by Special Permit. Special Use Permits require special consideration so that the proposed project can be properly located and planned with respect to the objectives listed in Town Code Chapter 208-79 and their effect on the surrounding properties and community character.
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Scott Reese, Stormwater Management Officer issued a memo stating:

Jennifer Viggiani, Open Space Coordinator issued a memo stating:

- This 64-acre parcel has been a priority parcel for land conservation identified by the Town's Open Space, Trails & Riverfront Committee for permanent protection for the public values of: a wildlife habitat and wildlife corridor connecting the Greenbelt in the Western Clifton Park Area (from Garnsey Park to the north -- to existing agricultural lands and woodlands and forests to the south of 146.
- The parcel has values for its currently intact 64 acres of woodlands and forest, for wildlife habitat, and maintaining as much intact habitat as possible is recommended. Additionally, recommend protecting the watercourses and wetlands to greatest extent possible.
- This parcel is highly visible along NY 146, Nott Road and Appleton Road, and thus, it is recommended that the applicant leave as much vegetative and tree buffer as possible along all of these three (3) public roads.
- From the southwest corner of the Nott Rd parcel to the Stewart's Shop at Riverview Road and NY 146/Balltown Road, it is less than 1.25 miles which is a short biking distance. Multi-use trails are further east along NY 146, as well as south from Riverview Road and

all the way across the Rexford Bridge, so please kindly consider provisions for future public trails along 146 and for future public trail along the Nott Road property frontage, for future regional trail connections to existing trails in the community, and beyond. The 146/Balltown Road Multi-Use Trail that extends across the Rexford Bridge and into Niskayuna -- connects to the Mohawk-Hudson Bikeway, which is part of the EMPIRE STATE TRAIL, and so creating local segments of multi-use trail that connect to state-wide significance bike routes is highly recommended.

Professional Comments:

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

STATE ENVIRONMENTAL QUALITY REVIEW

1. The applicant has submitted Part 1 of the FEAF. Based upon our review all prior comments have been addressed. No further comments at this time.

SITE PLANS

2. The proposed access road to be constructed utilizes the NYSDEC limited use haul road. If this same road it intended for fire apparatus access, it shall be confirmed that it can meet the requirements of the NYS Fire Code with respect to loading criteria for emergency vehicles as specified in Section D102.1.
3. The Erosion Control Plan needs to show how site disturbances will remain below 5-acres at one time.

STORMWATER

4. A no effect letter should be provided by SHPO and included in the SWPPP once received.

DECOMMISSIONING PLAN

5. No additional comments.

VISUAL SIMULATIONS

6. The proposed action will be visible from publicly accessible vantage points or may be drastically dissimilar from other visible activities in the area. Further, it is proposed to remove a potential substantial amount of tree cover, making the project visible to the neighboring property along Appleton Road. Additional screening or road modifications may be necessary to mitigate the visual impacts to the neighbors.

Public Comments:

Mayreda Arondale – 398 Appleton Road – Ms. Arondale stated that she lives across the street from the application and she does not want to look at an access road every time she leaves her driveway. She stated that she chose her property due to seclusion and that she open to the idea of the application but that she needs some assurance that she is not going to have to look at it every day. She stated that at the highest point of Garnsey Park the site is visible and she does not want it to be tainted. She stated that with loss of the land more deer will wander into her property and that there will be noise with the substation on the site. She asked for this to be kept away from the community. She stated that she has children and that she has health concerns for them being

so close to the site and asked what can be done to mitigate this. She stated that another concern of hers is the runoff and her well.

Ms. Alessandrini stated that the noises at the inverters are at 82 decibels, which is as loud as a library and with screening and trees the number would decrease. Ms. Alessandrini stated that the panels are well constructed and the cells are designed to keep glass intact and the panels bend and resist breaking to prevent heavy metals from leaking. She stated that leaching is an unlikely situation and based on studies done further south with hurricane conditions and strong storms the panels are sturdy. Ms. Alessandrini stated that EMF studies have shown that at a fence line of about 150' the magnetic field would be half as powerful as the cell phone next to your ear. She stated that there is a curved road to shield the entry and to soften the visual impact as well. Mr. Martin stated that a few more trees would help to soften the impact more. Ms. Alessandrini stated that the access location can be adjusted 30' south and that the vegetation will remain. She stated that new visuals can be prepared for the next meeting.

Mr. Ophardt asked what type of mitigation the resident was looking for. Ms. Arondale stated that she would not like to see or hear them at all. Ms. Alessandrini stated that there is a gas line on 146 so access cannot go there but she can check to be sure and supplemental screening can be done if the resident approves them planting on her property.

Raymond Seymore – 7 Nadler Road – Mr. Seymore stated that they all should have received a letter from Open Space and the Friends of Open Space and that he feels the issue is open space and it should be a priority and this property has been one since 2015. He stated that this is a part of the green belt of Clifton Park and across the street is Garnsey Park so it has a trail connection potential.

Anthony LaFleche – 21 Wheeler Drive – Mr. LaFleche asked if an array is approved he would like easements on all 3 sides like Ms. Viggiani suggested. He asked if they could be greater than 15' as the road narrows there and the trails need to be safe. Mr. LaFleche asked which direction the panels would face. Ms. Alessandrini stated that they move throughout the day and follow the sun as they are tracker panels. Mr. LaFleche asked where the power goes that is generated from the site. Mr. Stevens stated that they go to the substation then back to local loads. Mr. LaFleche also asked that the road curve more to lighten the visual impact or to create permits. Ms. Alessandrini stated that don't take vegetation well so screening would have to be more plantings.

Franz Kahn – 22 Clifton Country Road – Mr. Kahn stated that he is the owner of the mall and that he feels that it is a good idea to shift away from fossil fuels and that he feels that the energy sold back to National Grid would result with residents' financial cutbacks. He stated that Town can also receive more funds when there is a surplus in the budget. Mr. Martin asked that Mr. Kahn, as a business owner, what his thought is on the hardscape perspective. Mr. Kahn stated that it would be great but there are challenges with existing buildings and placing arrays on them. Ms.

Bagramian asked what he thought of canopy solar. Mr. Kahn stated that it is difficult but they are exploring options as well to see how it can work.

Mr. Andarawis asked if the clock would start running for the 62 days and asked if the applicant would be comfortable. Ms. Alessandrini stated that they are comfortable with this.

There being no public comment, Mr. Ophardt moved, second by Mr. Andarawis, to close the public hearing at 9:51 p.m. The motion was unanimously carried.

Planning Board Review:

Ms. Bagramian stated that this technology is still new and stated that no data is available but they have a 30 year lease. Ms. Alessandrini stated that they would have a 30 year lease. She asked where the panels are being manufactured. Mr. Stevens stated that they would prefer not China but it would be in a different region as they only use Tier 1 mods and any replacements would be equivalent models with different manufactures. Ms. Bagramian asked to be provided with conformation before building permit is issued and this is the reason cut sheets are being requested. Ms. Bagramian asked if the approval from National Grid was the first one or the new proposal. Ms. Alessandrini stated they just got approval recently from National Grid even though the photo simulations are based on the old layout

Mr. Andarawis stated that risk tolerance is different for every person and they need to establish this for themselves based on studies. He stated that the driveway could be shorter if it was moved to the south.

Ms. Bagramian stated that all of the comments offered in the prior application apply to this application as well.

Old Business:

None

New Business:

None

Discussion Items:

Mr. Scavo stated that the 2024 calendar would be coming soon for the Board to consider.

Ms. Fariello moved, seconded by Ms. Westrick, adjournment of the meeting at 9:53 p.m. The motion was unanimously carried.

The next meeting of the Planning Board will be held as scheduled on November 14, 2023.

Respectfully submitted,

Paula Cooper

Paula Cooper, Secretary