

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
January 23, 2024

Those present at the January 23, 2024 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
W. Lippmann, M J Engineering and Land Surveying, P.C.
R. Wilcox, Counsel
P. Cooper, Secretary – via Zoom

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:

Mr. Ophardt moved, seconded by Mr. Martin, approval of the minutes of the December 12, 2023 Planning Board meeting as written. The motion was unanimously carried.

Mr. Ophardt moved, seconded by Mr. Andarawis, approval of the minutes of the January 9, 2024 Planning Board meeting as written. The motion was unanimously carried.

Public Hearings:

#2024-002 986 Hatlee Rd Timber Harvest Forest Management SUP

SBL: 258.-1-19, 258.-1.17 986 Hatlee Rd Timber Harvest Forest Management SUP, 986 Hatlee RD , Zoned: , Status: Final Citizenserve File Number: 23-002597, Application Number: THP24-000001 Applicant: N/A, Consultant: Saratoga Land Management Corp. - Charles Gerber Last Seen On: 01/09/2024

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. Martin 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 January 12, 2024.

Consultant/Applicant Presentation:

Charles Gerber, forester with Saratoga Land Management Corp., stated that this application is for the selective thinning of the trees on the property. Mr. Gerber said this was done about 20-25 years ago by them and the goal is to remove dead or diseased trees affected by fungus or insects such as white ash and American beech. He said other trees that will be targeted are the overmature trees, except those who have animals nested in them. He stated that goal is to increase the growth in the forest by eliminating some of the competition. He stated that about 30% of the canopy would be removed and there would be one stream crossing which would not need a DEC permit due to it being a class C stream. Mr. Gerber said they would not take buffer trees on the property lines or trees along the roadway or around the home on the property. He stated that access would be from the driveway on the property and stone would be put down on the landing area so that mud would not be taken onto the roadway or driveway. Mr. Gerber

stated that there are wetlands on the property but that they are exempt from DEC as they acknowledge this is a preferable type of land use to keep for green space.

Staff Comments:

The Environmental Conservation Commission and issued a memo recommending:

- The applicant shall obtain the necessary General Permits for stream crossing for timber harvesting from the NYSDEC. Under the authority of Environmental Conservation Law Article 15, Title 5 Stream Disturbance.
- The installation, construction, maintenance and removal of stream crossings for timber harvesting only and limited in scope to temporary bridges and temporary culverts.
- No work is authorized until the permittee receives the signed Project Authorization by NYSDEC.
- The ECC notes per NYSDEC policy that these permits do NOT authorize: a) permanent crossings of any type; b) stream fords except any equipment access ford associated with an approved bridge or culvert; c) crossings located within state regulated Freshwater Wetlands and adjacent areas; d) crossings that the Department has determined will impact state listed Threatened or Endangered species; e) crossings over Wild, Scenic and Recreational Rivers; or f) multiple culverts installed side-by-side.
- The ECC recommends that any approval by the Planning Board be limited to winter months where the ground will be frozen to limit impacts to the wetlands and forest cover.

Scott Reese, Stormwater Management Technician issued a memo stating:

- Silvicultural activities are exempt from stormwater permitting that include the felling, skidding, preparation (e.g., delimiting and trimming), loading and initial transport of forest products from an active harvest site. It is also interpreted to include the incidental stacking and temporary storage of harvested timber on the harvest site before its initial transport to an intermediate storage area or other processing site.
- The applicant shall verify if stump removal will not take place with this application. The applicant has submitted NYS Forestry Voluntary Best Management Practices for Water Quality. The forester shall use this field guide to select and install the appropriate best management practices for the silvicultural operations.
- There are no NYSDEC Protected Streams on this site per NYSDEC Environmental Resource Mapper. Per the Environmental Resource Mapper, the mapped stream on the northwest corner of the site is classified as a "C" stream which is not a NYSDEC protected stream

John Scavo, Director of Planning issued a memo stating:

- Prior to the timber harvest activities, the property is responsible for notifying the Town Highway Superintendent that the work will be starting.
- Clifton Park's comprehensive plan and zoning regulations assist with addressing environmental issues connected to timber harvesting by incorporating desired mitigation measures as requirements into Chapter 184 of the Town Code, making SEQR review a duplicative process. The simple fact that trees have been cut does not constitute "site

disturbance” or “physically altering the site.” SEQR’s primary intent is as a tool to address environmental issues surrounding construction, subdivisions, developments, and land use changes. Therefore, I recommend the Planning Board consider issuing a negative declaration for the Unlisted Action under SEQR.

Professional Comments:

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

State Environmental Quality Review Act (SEQRA)

1. 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 environmental review of the proposed project and 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. Saratoga County Planning: 239-m County Referral
2. Part 1.12.b - 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 according to the NYS EAF Mapper this just be checked as yes.

Site Plans

3. No further comments.

Public Comments:

Anthony LaFleche – 21 Wheeler Drive – Mr. LaFleche asked if the wood that would be removed be replaced. Mr. Gerber stated that they would allow the land to naturally regenerate. He stated that the goal is to allow the radial growth to naturally accelerate and the crowns of the trees to expand. Mr. LaFleche asked what the trees cut down would be used for. Mr. Gerber stated that they would be using it for lumber, plywood, paper, firewood or furniture. Mr. LaFleche asked if any part of the land would be developable. Mr. Gerber stated that it would depend on the density and groundwater. He said this is ultimately up to the Town Board and the Planning Board.

A visiting college student from HVCC asked why the applicant was here and what and why he is asking for a Special Use Permit. Mr. Gerber stated that in the Town of Clifton Park there is no specific use allowed for forestry. He said he is coming before the Board to ask permission to allow the project to move forward via a Special Use Permit. Mr. Gerber said they propose thinning the forest to improve the health of the residual forest. He said the landowners get paid

for the materials cut down from the site to help offset the cost of helping to maintain the forest on their property.

There being no additional public comment, Ms. Fariello moved, second by Ms. Westrick, to close the public hearing at 7:19 p.m. The motion was unanimously carried.

Planning Board Review:

Mr. Martin asked if this uneven aged management or even aged management. Mr. Gerber stated that this is uneven management with single and group tree managements. He said there are two areas of stands of white pines that are dense and poorly formed. He stated that if they removed only a single selection the group would be removed on both sides of the strip so that the healthy tree crowns can expand. Mr. Martin thanked the applicant for explaining the process.

Ms. Fariello offered Resolution #03of 2024, second by Ms. Westrick, to waive the final hearing this application and to grant preliminary and final approval of the special use permit, conditioned upon satisfaction of the comments offered by the Planning Board, Planning Department, and Town Designated Engineer, including submitting the landscaping plan for approval to the Planning Department prior to the stamping of the Special Use Permit.

Roll Call:

D. Bagramian - Yes

E. Andarawis - Yes

E. Ophardt - Yes

H. Fariello - Yes

K. Martin – Yes

M. Fantini - Yes

L. Westrick - Yes

Vacant (alternate) - Vacant

Ayes: 7

Noes: 0

The resolution is carried.

Mr. Ophardt moved, second by Mr. Fantini, to waive the final hearing for this application for the site plan review of 986 Hatlee Rd Timber Harvest Forest Management SUP, 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 motion is carried.

Old Business:

None

New Business:**#2024-003 481 Moe Road 2 Family SUP**

SBL: 271.15-2-1 Request to make lot a 2 family, 481 Moe RD , Zoned: R1 - Residential,
 Status: Concept Citizenserve File Number: 23-002659, Application Number:
 SUP23-000019 Applicant: D. Little Consultant: J. Metzger, Architect

Consultant/Applicant Presentation:

Don Little, father of the property owner, stated that he is looking to build a single-family, one bedroom addition as an apartment for him and his wife. He stated that it would come out of the existing garage and would be about 28'x35' and would be even with the garage. He said they are talking with the public library now to get an easement to hook up to public sewer. Mr.Little showed on the map in the meeting where the proposed line is.

Staff Comments:**John DeSimone, Fire Marshall, issued a memo stating:**

- When all structures are adjoined, all structures will need to be frost protected including the garage.
- lot size is less than 1 acre
- Existing postal numbers will cover the entire dwelling. It may be modified to 481A, 481B after planning and zoning approval.

Scott Reese, Zoning Administrator issued a memo stating:

- Parcel is in the Residential 1 District. Per Town Code Chapter 208-10 B. (10) (a)[7] a Dwelling, two-family and/or semidetached is a special use and shall be considered pursuant to 208-79.
- Each structure shall conform with the minimum land area requirements per dwelling unit as prescribed by 208-11. Currently the parcel has on-site water and sewer and does not meet the minimum land requirements for a two-family dwelling. The applicant is gaining easement from the Clifton Park-Halfmoon Library to access public sewer. The applicant is applying for a permit from Clifton Park Water Authority to connect to public water. If this site has public water and sewer, it will meet the minimum land requirement of 40,000 square feet. At the least the approval to connect to the public sewer and public water for both dwellings should be a condition of planning board approval. If the applicant does

not get approval to connect to one or both public utilities, they would need to obtain an area variance for this application before Planning Board approval.

The Trails and Open Space Subcommittee issued a memo stating:

- An all-purpose sidewalk already exists on Moe Road which is not to be disturbed.

John Scavo, Director of Planning issued a memo stating:

- A two-family residence is authorized in the R-1 Zoning District subject to the special use permit requirements and conditions that may be imposed to ensure that the proposed use is in harmony with the zoning ordinance and will not adversely affect the neighborhood if such conditions are met.
- Connection to public sewer is required to meet the minimum square footage requirements to allow the 2-family dwelling under the R-1 Code.
- The project appears to be an unlisted action pursuant to SEQR. Coordinated review is optional.

Professional Comments:

No professional comments.

Public Comments:

No public comments.

Planning Board Review:

Ms. Bagramian asked how much the square footage is. Mr. Little stated that it is about 1,000 square feet. Ms. Bagramian asked if this would be a rental or an in-law apartment. Mr. Little said it would be considered a 2-family home since the addition is off the garage, not the main home per Town Code. Mr. Little stated that with this application they are looking to add a master bathroom for the main home which would be adding 15'x18' to the main home.

Mr. Martin said this home is currently a 3-bedroom, one-bathroom home and they are looking to make it a 3-bedroom, 2-bathroom home. He asked what the proposal is for the application for the addition. Mr. Little stated it is for a 1 bedroom, 1.5-bathroom addition with a kitchen.

Mr. Ophardt stated that there are 2 other 2 family homes in the area. Mr. Scavo said they are just outside of the Town Center zoning district. Mr. Scavo stated that Mr. Reese considered this as a 2-family and not an in-law because his interpretation of the code is that it is not being proposed to be attached to the main home but rather the garage.

Mr. Martin stated that there are 2 parking spaces now and asked if additional parking would be needed. Mr. Little stated that there would be no changes to parking as they park 4 there now and there is sufficient parking there now. Mr. Martin asked if there would be parking modifications. Mr. Little stated that there would not be.

Ms. Bagramian verified that this is an in-law's home and not a rental. Mr. Little stated that it would be for parents. Mr. Little said they want to connect to the sewer and abandon the current septic because they would need another to accommodate the addition, and it would cost as much as a new septic system.

Ms. Bagramian said she wants renderings from the road for the next meeting. Mr. Little stated that they would not be changing the appearance of the home. Ms. Bagramian stated she would also like elevations for the next meeting as well.

Discussion Items:

None

Ms. Westrick moved, seconded by Ms. Fariello, adjournment of the meeting at 7:36 p.m. The motion was unanimously carried.

The next meeting of the Planning Board will be held as scheduled on February 13, 2024.

Respectfully submitted,

Paula Cooper

Paula Cooper, Secretary