

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
February 13, 2024

Those present at the February 13, 2024 Planning Board meeting were:

Planning Board: D. Bagramian, Chairwoman, E. Andarawis, E. Ophardt, K. Martin

Those absent were: H. Fariello, M. Fantini, L. Westrick

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 January 23, 2024 Planning Board meeting as written. The motion was unanimously carried.

Public Hearings:

None

Old Business:**#2022-019 Woodhaven Corporate Commerce Shovel Ready Site Plan**

SBL: 270.-1-72.1

Applicant is proposing to construct an Light Industrial Park on 90.40 acres. 587 Waite RD

Zoned: B5 - Corporate Commerce, Status: Preliminary

Citizenserve File Number: 2022-019, Application Number: SPR24-000005

Applicant: Woodhaven Land Partners Consultant: EDP - Gavin Vuillaume

Last Seen On: 05/25/2022

Consultant/Applicant Presentation:

Joe Dannible – EDP – Mr. Dannible stated that he is here tonight for the application found on the intersection of Route 146 and Waite Road. He stated that this is in the Corporate Commerce zoning and has 90 acres of land with frontage on both roads. Mr. Dannible stated that the land is primarily wooded with some wetlands and there would be a single wetland crossing for a road. He stated that they are proposing to develop only a portion of the site near the intersection and the land behind the Trinova property. Mr. Dannible stated that they are looking to make the site shovel ready and impacts were looked at such as grading, water, sewer, and stormwater. He stated that they are looking to make pads available and will be back for site plan approvals when they are ready to build. Mr. Dannible stated that in May 2022 a plan was previously presented with 180,000 sf from 8 proposed buildings. He stated that permits were pursued with DEC and the Army Core of Engineers and that they were unable to obtain access to 21st Century Park. He stated that they now have a shared access private road off of Waite Road with water and sewer, but at this point he is unsure it will be a public or private. Mr. Dannible stated that they are now proposing 7 buildings with a combined 100,000 sf. Mr. Dannible stated that there will be less than 0.1 disturbances of wetlands and stormwater will be managed on site with an easement from a shared access and a maintenance agreement. Mr. Dannible stated that they have received town staff comments and feel that they can be addressed. He stated that a traffic study was done with 21st Century Park and it was approved with the installation of roundabouts and the potential roundabout at Tanner Road, Waite Road, and Route 146 with no significant impact.

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

- Based upon review of the Traffic Safety Study, the ECC remains concerned with the entrance location on Waite Road and the potential impacts.

- The applicant has stated that they will retain a 70-to-100-foot existing vegetative buffer adjacent to the Belmonte project to the North. The ECC recommends that the Planning Board require that the deed reflect that this is a no-cut zone on the property.
- 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.
- The ECC recommends that the Planning Board ensure that ACOE permits have been secured for this project.
- ECC is concerned with the close proximity of the project to the ACOE boundaries both from a construction standpoint and post-construction impact.

Scott Reese, Zoning Administrator issued a memo stating:

- Per the project description an Office Light Industrial Park is being proposed. Office Parks are an allowed use in the Commerce Business (B-5) District per Town Code 208-53 A. (3).
- Per Town Code 208-54 C. Buffer. No building shall be located closer to any residential district property line than 100 feet, and there shall be no encroachment into this area by anything other than natural vegetation or planted landscaping. In addition, there shall be established a minimum ten-foot planted buffer along the rear and side property lines of all parcels, or multibuilding office complexes; the extent of internal buffering to be determined during site plan review. It appears that two proposed stormwater management areas are encroaching on this buffer and removing existing vegetation. The two proposed stormwater management areas are bioretention areas. The planting plan for each should be shown on the landscape plans to show the proposed planted landscape.

Scott Reese, Stormwater Management Technician issued a memo stating:

- In addition to MJ Engineering comment letter dated February 9th, 2024, the applicant shall provide how the proposed biofiltration practices meet the required elements in the NYS Stormwater Management Design Manual section 6.4.2.
- Deep Test Hole information with the elevation of seasonal high water table will need to be identified for all proposed stormwater management areas.
- Add note to the Grading Plans that: Wetland protection fence shall be installed along the perimeter of wetlands prior to start of construction.

The Trails and Open Space Subcommittee issued a memo stating:

- There is a possibility for a future trail on Waite Road and N Y S Rt 146 would like to have 15 feet right of way on Waite Road and N Y S Rt 146 side of property.

Jennifer Viggiani, Open Space Coordinator issued a memo stating:

- Design and build sidewalks along Waite Road to NY 146 intersection for employees to be able to reach future long term route along NY 146

- Design and build sidewalks along private road that accesses all the buildings in the corporate commerce park

John Scavo, Director of Planning issued a memo stating:

- Provide a photometric plan with manufacturer cut sheet specification for proposed exterior lighting to include both pole mounted and wall mounted lighting.
- The traffic study should acknowledge that that TIP Project #176247 consisting of Route 146/Waite Road Intersection & Tanner Road/Waite Road/Miller Road Intersection is design only for developing a roundabout solution at both intersections. Construction of the potential improvements has not been determined by who, when, and if to date.
- Section 208-54-C of the Clifton Park Town Code states that no building shall be located closer to any residential district property line than 100 feet, and there shall be no encroachment into this area by anything other than natural vegetation or planted landscaping. Please verify if any construction activities, clearing or grading are proposed within this boundary limit to any adjacent residential zoning district.
- Section 208-55-C of the Clifton Park Town Code states that the architectural design shall consider the building facade, including color and other significant design features such as exterior materials and treatments, roof structures, exposed mechanical equipment, and service and storage areas. Architectural block or similar facades, especially along the road frontage, shall be required. As plans advance, the applicant should provide proposed building elevations for inclusion in the site plan drawings to demonstrate compliance with this requirement.
- The Planning Board should make a motion to declare its intent to seek lead agency status in connection with a coordinated review of the project, a Type I Action under SEQRA and acknowledge that Town Planning Staff will forward notices to all involved/interested agencies requesting their consent to the designation of the Planning Board as the lead agency for the environmental review of this project.

Professional Comments:

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

STATE ENVIRONMENTAL QUALITY REVIEW

1. No further comments.

SITE PLANS

2. Provide notes on the plan that are specific to mitigating impacts to the Northern long eared bat which include the following: a. Site clearing will be conducted between November 1 and March 31,
 3. Provide notation regarding when and by whom the regulated wetlands were delineated. If a Jurisdictional Determination was obtained from the US Army Corps of Engineers, provide a copy to the Town.
 4. Provide correspondence from the USACOE in regards to 0.08 acres of disturbance.
- Sheet 6 of 13 – Grading and Utility Plan
5. Shows SMA#6 CB discharges via a 12-inch pipe that crosses through the adjacent property of Lands N/F Alfred Hulstrunk. The pipe should be revised to be on the

applicant's property or provide an easement form property owner signing off on pipe placement.

6. Shows any ADA curb ramps from accessible aisle to sidewalk.

Sheet 7 of 13 – Grading and Utility Plan

7. Show how roof drainage is being captured and routed to the on-site stormwater system.
8. Provide maintenance access to the infiltration basins, that shall be 12-feet wide and a maximum slope of 15% pursuant to Section 6.3.4.1, Table 6.12 of the NYSSMDM. The maintenance access shall extend to the pretreatment device, outlet structure/overflow, emergency spillway and must have sufficient area to allow vehicles to turn around pursuant to Section 6.3.4.1 of the NYSSMDM.

Sheet 9 of 13 – Erosion Plan

9. The limits of disturbance should be shown to not exceed 5 acres of disturbance at one time. The eNOI provided indicates that disturbances will be less than 5-acres at one time. Therefore, the plan needs to be further updated to delineate each phase and describe the sequencing of work for further review. If over 5-acres, then the applicant will need to submit a waiver request with appropriate justification, including necessity, time frames as well as what BMP measures will be employed beyond the minimum to ensure the site does not become unmanageable.
10. Provide a note stating, "Upstream construction shall be completed and stabilized before connection to a downstream infiltration facility. A dense and vigorous vegetative cover shall be established over the contributing pervious drainage areas before runoff can be accepted into the facility" pursuant to Section 6.3.5 of the NYSSMDM.
11. Pursuant to Section 6.3.2 of the NYSSMDM, infiltration practices shall never serve as a sediment control device during site construction phase. In addition, the Erosion and Sediment Control plan for the site shall clearly indicate how sediment will be prevented from entering an infiltration facility. The plan shall show how runoff during construction will be diverted away/around the proposed infiltration practice. This will include both sheet flow and piped flow that would need to be diverted / managed until the basin has been fully constructed and adequate cover established within the confinement area.
12. Provide wetland protection fencing along all wetlands.

Sheet 11 of 13 – Site Details

13. Detail 5 Asphalt Pavement Section shall be updated to reference the current NYSDOT Specification Sections (Section 404). Section 403 is no longer applicable.

Other Comments

14. The plans show no building mounted or free-standing light fixtures. If any are proposed, footcandle values at pavement levels and along property boundaries shall be provided for review.
15. The Town of Clifton Park will allow the use of the Draft 2022 NYSDEC Stormwater Design Manual to be utilized for design in lieu of the 2015 Version, however whichever version is used it must follow it completely. There should not be a combination of the two design manuals. This is in reference to the bioretention area designs.
16. Provide a cross section detail for the bioretention areas and sediment bays. The cross section should provide design elevations including stone invert, pipe invert and depth of runoff by storm event as reported by the SWPPP.

17. Once the in-situ soil tests are complete the bioretention detail may need to be revised and an underdrain and impermeable liner may be required. The plans along with connection to outlet structure and details should be revised accordingly.
18. Provide spot elevations to ensure runoff from the parking lots will be directed towards the stormwater management areas.
19. All bioretention systems appear to be in-line practices and providing both water quality and quantity control. The HydroCAD model shows that several bioretention areas for the 10-year and 100-year event, will have a ponding depth of approximately 2-feet. Figure 6-19 indicates maximum ponding depths of 6-inches within bioretention systems. Explain how the excessive ponding depth will not adversely impact operations and not require continuous maintenance of the mulch layer or impact aquatic plantings.
20. The following comments are relative to the site plan and its conformance to the 2020 NYS Fire Code (NYSFC). The Town Fire Official shall have final authority on the applicability of these comments to the proposed site layout:
 - a. The fire apparatus access road on the plans for each warehouse appears to be greater than 150 feet in length so a turn-around will be required to meet D103.4 of the NYSFC.
 - b. Pursuant to Section D104 of the NYSFC, commercial or industrial buildings that are exceeding 62,000 sq. ft. shall be provided with two separate and approved fire apparatus access roads unless equipped with automatic sprinklers (this exemption is permissible up to 124,000 sq. ft. of building area).
 - c. Projects having a gross building area of up to 124,000 square feet that have a single approved fire apparatus access road where all buildings are equipped throughout with approved automatic sprinkler systems.
 - d. Section 503.1.1 of the International Fire Code (IFC) requires an approved fire apparatus access road be provided for every facility, building or portion of a building and shall extend to within 150 feet of all portions of the facility and all portions of the exterior walls of the first story of the building as measures by an approved route around the exterior of the building. Confirm that there is adequate fire access being provided.
 - e. Provide a turning template analysis for the largest emergency vehicle that may respond to an event at the site. The plan was not part of the package submitted.

STORMWATER MANGEMENT NARRATIVE

21. Remove any reference to the Town of Queensbury.
22. Section 4.0 indicates the proposed stormwater management practices will consist of one infiltration basin and one bioretention area. The plans identify seven (7) bioretention areas, please clarify.

STORMWATER POLLUTION PREVENTION PLAN

23. Provide worksheet for the water quality calculations.
24. The SWPPP shall summarize the in-situ soil testing completed including infiltration tests and test pits with the results provided as an appendix to the SWPPP pursuant to Part III.B.2.d and e of GP 0-20-001. Test pits at a minimum should be conducted for groundwater and/or bedrock.

25. The SWPPP text shall explicitly state that no soil disturbance of 5 acres or more are not permitted at any one time and if required, written authorization from the MS4 is required. If over 5-acres, a 5 acre waiver request shall be provided to the Town for review.
26. Since it appears the on-site stormwater management facilities will be privately owned, this shall be acknowledged in the SWPPP and a maintenance agreement and easement for access executed with the Town of Clifton Park will be required.
27. Section 4 on page 8 indicates two stormwater management areas, constructed as an infiltration basin and a rain garden, please revise accordingly.
28. Section VI indicates pocket ponds, this should be revised to reflect the proposed stormwater management practices shown on the plans.
29. Include in the text the class and standard of the tributary of the Dwass Kill that is located onsite.
30. The SWPPP text makes no mention of soil restoration. 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.
31. Question 37 of the eNOI indicates the overbank flood criteria is higher in the pre-development (21.43 CFS) then the post-development (22.42 CFS). Please revise accordingly.

TRAFFIC IMPACT STUDY

32. Provide correspondence once received from NYSDOT.

Trip Distribution, Page 4:

33. Stated in the report: “Based on a review of the existing travel patterns and population centers in the area, it is estimated that 40% of the site generated traffic will travel to and from the east on NY Route 146, 45% will travel to and from the west on NY Route 146, and 5% will travel to and from the north on Waite Road.” These percentages only total 90%. Further review of Figures 5, 6, and 7 show a value of 50% was appropriately used for the site generated traffic that will travel to/from the east on NY Route 146, not 40%. The Trip Distribution narrative on page 4 should be changed to reflect the 50% value, instead of 40%, for trips generated to/from the east.

Traffic Operations Analysis, Table 2 – Level of Service Summary, Page 6:

34. A comparison of the delay and LOS for the No-Build 2028 vs. Build 2028 shows the trips generated by the proposed project will negatively affect both the Waite Road and Miller/Tanner Road intersections with Route 146.

	AM No-Build 2028	Build 2028	Resulting Negative LOS impact	Resulting Increase in Delay (seconds)
146 at Waite NB LTR E	(35.1) E (47.6)	- 12.5	SB LTR E (37.4) F (56.1)	E to F 18.7
146 at Miller/Tanner NB LTR D	(32.2) E (43.7)	D to E 11.5	SB LTR C (24.8) D (26.6)	C to D 1.8
PM 146 at Waite NB LTR F	(64.8) F (79.4)	- 14.6	SB LTR F (94.7)) F (>200)	- >105.3
146 at Miller/Tanner NB LTR F	(73.4) F (92.9)	- 19.5	SB LTR E (38.2) E (41.1)	- 2.9

 - The narrative in the report states, “The analysis shows that both the NY Route 146 at Waite Road and at Tanner Road/Miller Road intersections will operate at overall LOS A/B conditions with roundabout control.” However, no construction

funding has been obligated for the proposed roundabouts, only design funding. If funding does become available, no timeframe has been established at this point.

- The chart above shows the site generated traffic will negatively affect LOS and delay in both the AM & PM peak travel periods. The LOS analysis shows the project's traffic will negatively affect the intersections, bringing one leg from D to E, which requires mitigation. The applicant should provide a sensitivity analysis to determine what square footage "tips the scale" of LOS

Public Comments:

Mr. Scavo stated that all resident concerns that have been submitted in writing, added to the application file and distributed to the Board for review.

No public comment.

Planning Board Review:

Ms. Bagramian asked about the building that was eliminated. Mr. Dannible stated that the layout has changed but is now current. Ms. Bagramian asked about office buildings vs. warehouse. Mr. Dannible specified the buildings and their sizes. He stated that LI buildings with flex space, offices are available, and some overhead door possibilities. Mr. Dannible stated that they are looking at similar to Trinova and that they are looking at shovel ready and stated that some buildings could be combined into one but that the applicant would come back for site plan approval. Ms. Bagramian asked if turning radii were done. Mr. Dannible stated both commercial and fire access radii were done. He stated that he went over fire code requirements with Mr. Schoenborn and stated that all of the buildings would be sprinklered and that overall, the fire department seemed satisfied with the proposal.

Mr. Ophardt asked why the setback was only 20 feet off of the property line. Mr. Dannible stated that it meets zoning code requirements. Mr. Ophardt stated that landscaping seems pretty important. Mr. Dannible stated that there is vegetation in the rear and that they can look into buffers when the more site specific approvals come in, but it will be consistent with the corporate commerce allowed uses. Mr. Ophardt asked about the public service roundabout and stated that this is a mitigating factor and this may not be done until a later date and there is not timeline, so what are the applicants plan to mitigate this in the near future before the roundabout is constructed. Mr. Dannible stated that they would likely be at 50% build out before mitigation would be needed but will have the traffic engineer respond with a more concrete analysis. Mr. Dannible stated that he is not a traffic engineer but they have been talking with him and the applicant does not want to put in mitigation that would be ripped out in the future but will if it is deemed necessary. Mr. Ophardt asked why the access through the Trinova site is not being utilized. Mr. Dannible said the desire is to bring traffic where the roundabout is planned. Mr. Ophardt stated that historically the residence of Waite Road have had concerns of the increase in traffic and are not in favor of any increase.

Ms. Bagramian stated that she would like to see a mitigation plan without the roundabout taken into factor as well as if there was no full build out. She stated that the plan needs to show current conditions. Mr. Dannible stated that little mitigation was done with a prior approval for development in the general location of this one and that there is no data to support a Waite Road access.

Mr. Martin stated that there is no roundabout now so he would like to see a mitigation plan as well without the roundabout as an option as state approval is questionable so that they can compare.

Mr. Andarawis stated he would like to see the Waite Road option for access as well as the Route 146 to see which may be the better option. He stated that he feels that traffic going onto 146 directly may have a negative impact.

Mr. Ophardt stated that there was a 50% threshold done with another site as well. Mr. Scavo stated that the property spoken about is at 50% and they have submitted permits to DOT and that there is also a 50% threshold there and then a mandated right turn lane would have to be installed.

Mr. Andarawis stated that LI and Corporate Commerce zoning is now turning into office space with flex space which creates more traffic and would be busier. Mr. Scavo stated that this would be tenant specific due to square footage and usage. He stated that thresholds are established to keep the mitigation in line with the highest intensity of the permitted uses and possible build-out scenario. Mr. Scavo stated that at that point, SEQR would also have to be reevaluated. Mr. Andarawis asked what would happen to the remainder of the property. Mr. Dannible stated that it would remain as is and that the applicant is not looking to deed restrict.

Ms. Bagramian stated that she would like the applicant to address comments given and to look at alternatives for traffic mitigation and come back to the Board.

Mr. Scavo stated that the Saratoga County Planning Board has requested additional information and that he is waiting on them for a new recommendation.

Old Business:

#2023-032 Ushers Knob Business Park Site Plan

SBL: 259.-2-70

Applicant proposes the construction of a business park consisting of ten (10) 4,800 sf multi-use flex buildings, Ushers RD Rear, Zoned: B1 - Business Non Retail 1, Status: Preliminary

Citizenserve File Number: 23-002438, Application Number: SPR24-000004

Applicant: 1743 Route 9 LLC,, Consultant: EDP, Joe Dannible

Last Seen On: 11/28/2023

Consultant/Applicant Presentation:

Joe Dannible – EDP – Mr. Dannible stated that the application tonight is for 1743 Route 9 LLC, not whoever is listed in the notice. He stated that in November of 2023 this application was last seen and that they took comments that they received and prepared site plans. Mr. Dannible stated that this is 10 acres of land off of Ushers Road and that they cross over the National Grid lines in the area. He stated that this is a part of a larger application that was presented about 9 years ago. He stated that this parcel is separate and will remain separate. He stated that the application tonight is for 10 buildings with utilities, ingress and egress with Country Club Acres that is filed and secured. Mr. Dannible stated that there would also be an amendment to the easement for road access and it will be presented before final filing for the site plan. He stated that the buildings would be 4,800 sf and those they would be able to divide them into 4 tenant spaces and that they could decrease the parking and believes they would still meet the demands. Mr. Dannible stated that they have 10.7% development. He showed elevations to all in attendance and stated the buildings would be similar to others found in Clifton Park in the B-1 zone. Mr. Dannible stated that they could have 1-4 tenants in each building and overhead doors are being proposed. Mr. Dannible stated that Clifton Park Water would service the site. He stated that public water, hydrants, and public sewer would be on site and will work with the Sewer Department to establish connections. He stated that stormwater would be managed on site on the southwest and northeast sides of the property. Mr. Dannible stated that there would primarily street trees are being proposed and a lighting plan has been attached. Mr. Dannible stated that there were concerns with safe slopes. He stated that a draft Environmental Impact Study was completed about 9 years ago with the previous application and that some of the buildings have been moved based on the slopes identified. Mr. Dannible stated that a traffic study has been done but there is no review available yet but they did look at the 2026 build out there is only minimal delays at intersection and shows o more mitigation would be needed. He stated that wetlands are defined by topography on the site and the closest area of disturbance is 103 feet. Mr. Dannible stated that he believes that comments received by MJE can be addressed.

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

- The ECC continues to be concerned that the project is surrounded on three sides by extremely steep sided ravines. The slopes in most areas exceed 45%. Disturbance of these steep sided ravines are in areas of excessive possible erosion that would destabilize the existing soil and slopes and possibly create a sediment deposit in the wetlands at the bottom of the ravine. Setbacks and buffers from the edges of the ravine for this development of at least 50 feet should be established to protect the steep slopes and wetlands. These concerns arise from the fact that there is too much proposed construction for the available flat acreage.

- The ECC notes that there is a significant amount of impervious surface due to the design of the project and the proposed buildings and parking areas are immediately adjacent to the steep slopes. There are no vegetative buffers retained to prevent erosion. The ECC recommends that the Planning Board require the plan be modified to include vegetative buffers to minimize the erosion of the steep slopes and assist in the Stormwater Management Plan. This would be beneficial for the construction phase as well as the post construction phase.
- The ECC requests a landscaping plan. Due to the proximity of this project to the Northway the ECC recommends that the applicant retain existing mature trees to the maximum extent practicable in order to buffer the noise from the highway.

Scott Reese, Zoning Administrator issued a memo stating:

- The applicant's response letter dated January 22, 2024, states that the use of each tenant will conform to the allowable uses within the B-1 District. When Tennant Fit up Permit is requested the Town Building & Development Department will verify with the Zoning Administrator that the use is permitted.

The Trails and Open Space Subcommittee issued a memo stating:

- Provide pedestrian connectivity between both buildings (THIS WAS ALREADY COMMENTED PREVIOUSLY)

Jennifer Viggiani, Open Space Coordinator issued a memo stating:

- Applicant should consider a curbed, pedestrian sidewalk along the entirely new main entrance drive (or off-set with a grass strip) for a pedestrian access to the sidewalks along Ushers Road. Applicant should add new sidewalk along the existing access drive that the new drive will "T" up to internally -- to continue the route to the existing sidewalks on Ushers Road. This will be a benefit for all the employees of the new business park.
- Applicant should design carefully and build a new crosswalk at the entrance drive intersection with Ushers Road; or extend a sidewalk to the east to Rosell Drive, and install a crosswalk at this location, for employees to be able to access the sidewalks on the south side of Ushers Road in the vicinity of this overall project site

John Scavo, Director of Planning issued a memo stating:

- Address if any soil disturbance is proposed on slopes at or greater than 15 percent on site.
- Prior to construction the applicant should physically mark limits of land disturbance on the site with tape, signs, or orange construction fence, so that workers can see the areas to be protected.
- Include the provided photometric plan and emergency vehicle tracking plan within the final site plan set.
- Sign offs from CPWA and the Saratoga Co. Sewer District are required for the proposed site plan.
- The existing conditions map appears to show no wetland on the project parcel, the applicant should confirm if that is correct.

- The applicant should verify that no state regulated wetland buffers extend onto the site from adjacent wetlands and water bodies.
- Add a note to the plan that stating, Construction Vehicle and Equipment shall not be operated beyond the maximum slope limitations established by the manufacturer.
- I recommend construction equipment should limit movement in or near the steep slopes on site and the applicant should develop a plan for construction phasing and sequencing the site work to limit exposure in the vicinity of steep slopes.
- At the time of this review letter 2/8, the Traffic Impact Study being prepared by CME is not available for review.
- The photometric plan provided by the applicant indicate lighting foot candles are at zero for adjacent properties

Professional Comments:

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

SHORT ENVIRONMENTAL ASSESSMENT FORM

1. No additional comments.

SITE PLANS

Sheet 2 of 15 – Existing Conditions Plan

2. It was noted that federal wetlands Classification PSS1/FO1E are located on the site. These wetlands should be delineated and shown on the plans.

Sheet 3 of 15 – Site Plan

3. Provide the locations of the infiltration tests conducted for the proposed infiltration basins.

Sheet 4 of 15 – Site Plan

4. For all buildings, show all ingress and egress doors
5. The applicant shall verify the height of the buildings proposed as the building height impacts fire code review for the site.

Sheet 6 of 15 - Grading, Drainage, & Utility Plan

6. Should show how roof drainage from each building will be collected and conveyed into the site drainage system.
7. Include a detail for both sanitary sewer low-pressure manhole connection options, a cut-in manhole or a doghouse manhole.
8. Show the location of the underground electrical cable and alarm panel for each proposed grinder pump station.
9. Building 3's lateral may need an additional cleanout at the change in direction near CB#8 since it is approximately 60-feet away from the prior cleanout adjacent to Building 3 lateral connection. Consider including an additional cleanout in this location.

Sheet 8 of 15 – Sewer Profile Sheet

10. Please confirm the proposed 4-inch water service at Building 2 shall be located a minimum of 1.5-feet above the proposed 6-inch PVC SDR 26 sanitary sewer lateral.

Sheet 10 of 15 – Soil Erosion & Sediment Control Plan

11. The limits of disturbance should be shown to not exceed 5 acres of disturbance at one time. The plan needs to be further updated to delineate each phase and describe the

sequencing of work for further review. If over 5-acres, written authorization from the MS4 is required and a 5-acre waiver request shall be provided to the Town for review.

Sheet 12 of 15 – Site Details

12. Detail 5 Medium Duty Pavement Section shall be updated to reference the current NYSDOT Specification Sections (Section 404). Section 403 is no longer applicable.

Sheet 14 of 15 – Site Details

13. Include reference on utility plan and sewer profile sheet where detail 5/14 inline clean out and air relief station is intended to be installed.

Other Comments

14. As stated in our November 22, 2023 review letter, the applicant shall provide the Town documentation indicating the CPWA's ability and willingness to provide additional potable water to the project.
15. As stated in our November 22, 2023 review letter, the applicant shall provide the Town documentation indicating the Town's Sewer District and SCSD's ability and willingness to provide additional sewer service to the project.
16. The applicant has indicated that a traffic study will be provided for to the Town for review.
17. The steep slope setback stability line should be shown on the plans.
18. Indicate any ingress and egress easements required for access to the parcel. The easements identified on the plans only mention utility.
19. Per the 2015 NYSSWDM, direct runoff from only residential rooftop areas to designated pervious areas to reduce runoff volumes and rates are allowed for rooftop disconnections.
20. The Town of Clifton Park as the MS4 will allow the use of the Draft 2022 NYSDEC Stormwater Design Manual for design purposes, however if utilized all design components need to be from the same edition. There should not be a combination of the 2015 and the 2022 manuals. Please indicate what manual was utilized for this design.

STORMWATER POLLUTION PREVENTION PLAN

21. Provide a copy of the eNOI for review.
22. The SWPPP text shall explicitly state that no soil disturbance of 5 acres or more are not permitted at any one time and if required, written authorization from the MS4 is required. If over 5-acres, a 5 acre waiver request shall be provided to the Town for review.
23. Section 2.1 of the Stormwater Narrative mentions the USDA soil types without mentioning any the in-situ testing completed. The SWPPP text shall summarize the in-situ soil testing completed including infiltration tests and test pits pursuant to Part III.B.2.d and e of GP 0-20-001.
24. Section 6.3.1 of the NYSSMDM require a minimum 2-feet separation between the infiltration practice bottom and groundwater/bedrock.
25. Provide the GI worksheets for each practice proposed (rooftop disconnect, infiltration basins).
26. The water quality volumes provided in Section 5.2, Table 2 do not match the water quality volumes listed under each of the infiltration practices in Section 5.1.1, 5.1.2 and 5.1.3.
27. Since it appears the on-site stormwater management facilities will be privately owned, this shall be acknowledged in the SWPPP and a maintenance agreement and easement for access executed with the Town of Clifton Park will be required.

WATER AND SEWER ENGINEERS NARRATIVE

28. No technical comments on the water. This document shall be reviewed and approved by the Clifton Park Water Authority.
29. Clarify that both the proposed 1.25-inch and 1.5-inch sanitary sewer forcemain piping upstream of the cut-in or doghouse manhole connection to the existing 2-inch forcemain shall be privately owned and maintained.
30. The average daily flow anticipated from this project is approximately 4,800 gpd (3.33 gpm) and the peak hourly flow is estimated at 19,200 gpd (13.33 gpm). The pumping rate for each of the grinder pump station being proposed will be approximately 11 gpm, totaling 33 gpm into the system. This should be revised accordingly.
31. Per Town records it appears that currently there are eight (8) grinder pumps connected to the existing 2-inch forcemain, therefore with the three (3) proposed pumps there will be a total of 11.

Public Comments:

Mr. Scavo stated that all resident concerns that have been submitted in writing have been added to the application and distributed to the Board for review.

No public comment.

Planning Board Review:

Ms. Bagramian stated that she feels that the slopes are one of the biggest concerns on the plan. She stated that she did not see anything on the Landscaping Plan to help with erosion and asked if there is something in place. Mr. Dannible stated that they are not developing around the slopes so he stated that he does not feel there is a need for erosion control. He stated that the vegetation that is concerning will remain.

Mr. Martin stated that he does see a concern with the outer most building being close to the slope line. Mr. Dannible stated that they have engineers that look at the slopes and evaluate if they are safe. He stated that they are about 5 feet from the steepest slope line.

Mr. Andarawis stated that he has concerns with the stormwater management area. He stated that he feels that this may be close to the slopes as well. Mr. Dannible stated that they are outside of the safe slope lines and that that are close but at a safe distance.

Mr. Ophardt asked what the blue line on the mapping was. Mr. Dannible stated it was an Environmental Impact Statement that was done before with another project as a part of a larger PDD and the lines were a result of the study and it found that infiltration rates were fine. Mr. Ophardt asked if the Board could get a copy of the study. Mr. Dannible stated that it is filed with the Town. Mr. Ophardt stated it may be worth another more recent look and it would make him

feel more comfortable as he feels they are close to the slopes. Ms. Bagramian stated she feels they should as well. Mr. Dannible stated that this can be considered.

Mr. Andarawis stated he would also like a second look as the study as done a few years ago but to look into this as well as to update wetlands to get a more accurate look as things shift over time.

Mr. Dannible stated that they are 600 feet from the Northway and that there would only be ambient noise so he does not see concerns with the comment made.

Mr. Martin stated that he would like to discuss Ms. Viggiani's comments and would like to touch on them and get the applicant's reaction. Mr. Dannible stated that crosswalks along Ushers Road may not be needed as it is a busy road and in the past engineers have avoided them. Mr. Dannible stated that they have easements that access road and frontage are on another property so they cannot build upon them but in the future there may be building on the other site and working with that applicant at that time.

Mr. Ophardt stated that they are talking about sidewalks along their property; he asked if Mr. Dannible believed that the Country Club Acers would not agree to this now. Mr. Dannible stated that they do not have permission from Country Club Acers to run a walkway down right now. Mr. Belmonte stated that he could ask but he feels that the property owner will not be willing due to complications with easements as the width is controlled by the easement. Mr. Dannible stated that they are also working with National Grid for an additional easement.

Mr. Andarawis stated that they could ask for a trail easement but still allow the property owner to dictate the roadway easement.

Mr. Scavo stated that the Board can request the applicant draft Part II for consideration pursuant to SEQRA.

Old Business:

#2023-013 Fire Road Gas Station and Mixed Use Building Redevelopment Site Plan

SBL: 272.9-1-19

4 Fire Road Plaza Redevelopment, 4 Fire RD , Zoned: TC3 - General Zone, Status: Preliminary

Citizenserve File Number: 23-001306, Application Number: SPR24-000002

Applicant: E. Ozbay , Consultant: Lansing Engineering, PC

Last Seen On: 11/14/2023

Consultant/Applicant Presentation:

Jason Dell – Lansing Engineering – Mr. Dell stated that here with him tonight is Mr. Ozbay from USA Gas. He stated that they were last before the Board in November of 2023 and since then they have received preliminary engineering plans. He stated that the applicant intends to demolish the existing plaza and pumps and reconstruct the plaza on the corner. Mr. Dell stated that this would be an 8,000 sf convenience store and a gas canopy. He stated that the existing access points are to remain, public water and sewer will be provided and stormwater will be managed on site. Mr. Dell stated that they feel that technical issues offered by MJE can be addressed and that a grease trap has now been included in the plan as previously requested by the Board. Mr. Dell stated that EV conduits have been suggested, they are not on the site plan but they can add 3-4 stations on the plan.

Staff Comments:

The Environmental Conservation Commission and issued a memo recommending:

- 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.

John DeSimone, Fire Marshall issued a memo stating:

- Postal number to remain the same. Suite numbers will need to be assigned to tenant spaces
- Unresolved: I am in agreement with MJ Engineering review letter dated February 9, 2024, comment #3 that this project will disturb more than one acre and a Full SWPPP will be required.
- Unresolved: Replace NOI in the SWPPP with current project.

The Trails and Open Space Subcommittee issued a memo stating:

- Applicants should consider the pedestrian route along its frontage on Fire Road and connecting east to adjacent restaurant. (THIS WAS ALREADY COMMENTED PREVIOUSLY)

Jennifer Viggiani, Open Space Coordinator issued a memo stating:

- Great job showing the beginning of the connection to the adjacent property to the east. Thank you.
- Please consider a short spur of sidewalk to Fire Road - to allow for someone at the Park and Ride to run over to the convenience store.

John Scavo, Director of Planning issued a memo stating:

- The Saratoga County Planning Board issued a recommendation noting the project will have no significant county wide or inter community impact.
- In a letter dated November 20, 2023, the Saratoga County Planning Board looked favorably at the proposed redevelopment of this parcel. The Board suggested that snow removal/storage and some additional landscaping be discussed when this project is reviewed by the Planning Board. The current plan set reflects additional plantings and landscaping.
- Since architectural design is an important aspect of the form based code review the applicant shall attach a copy of the building elevations to the final site plan.

Professional Comments:

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

STATE ENVIRONMENTAL QUALITY

1. No further comments.

SITE PLANS

2. The applicant has indicated that a traffic analysis is forthcoming.
3. The EAF indicates that 0.98 acres will be disturbed for site development. MJ's cursory review of the plans suggests a disturbance slightly greater than 1-acre including removal of existing asphalt on south end and water service connection. Notwithstanding, at 0.98 acres, there is approximately a 600-sf of buffer before the 1-acre threshold is met and a SWPPP would be required. Given the limited buffer before the threshold is met and the unlikely ability to maintain disturbances at or below 0.98 acres, it is MJ's opinion that a SWPPP shall be prepared, and the project shall obtain permit coverage under GP-0-20-001
4. On Sheet LM-1, the sidewalks at the ingress and egress locations should extend through the driveways per Section 208-26 of the Town Code.
5. On Sheet LM- it calls out bike racks, however none are shown on the plans. Please revise accordingly.
6. On Sheet LP-1, the Planning Board may want to see additional plantings along Fire Road.

STORMWATER POLLUTION PREVENTION PLAN

7. As noted above, please confirm the disturbance limits to ensure less than one-acre of disturbance can be achieved.

WATER AND SEWER REPORT

8. The applicant should consult with the Saratoga County Sewer District #1 as flows are in excess of 2,500 gallons per day. Additional information will be required by SCSD for reserve capacity and submission to NYSDEC may be requested.

Public Comments:

No public comment.

Planning Board Review:

Ms. Bagramian stated that the applicant needs to do a full SWPPP. Mr. Dell stated that they will go back and look at the disturbance. He stated that the whole site is under an acre but the stormwater won't change at all. Mr. Dell stated that he would work with MJ Engineering and Mr. Reese to try to keep it under an acre. Ms. Bagramian asked where snow would be moved to. Mr. Dell stated that most of it would be removed and smaller snow amounts would be pushed to the corners of the property in the green areas in the front.

Mr. Ophardt asked how the fire department would gain access to the hydrant. Mr. Dell stated that there is a hydrant in the area, but the building would be sprinklered. He stated that the hydrant would have to be gone around a fence to access it that is not on the property, and stated that the applicant would ask to gain access via a gate. Mr. Ophardt stated that they still need a traffic study. Mr. Dell stated that they provided some traffic numbers at the first meeting and will update when they figure out what will be going into the space. Mr. Dell stated that access would remain the same so he feels that site distance will remain the same. Mr. Ophardt stated that this is a constrained site and vehicles have trouble maneuvering and would like to see a study before final approval.

Mr. Ophardt moved, second by Mr. Andarawis, to recommend a negative declaration, an Unlisted action, pursuant to SEQR based on current information dependent on the final SWPPP report and traffic analysis, and if there are concerns SEQR will be reopened. The motion was unanimously carried.

Mr. Martin moved, second by Mr. Ophardt, to grant preliminary site plan approval and require a Full SWPP or clear documentation that one is not needed under the 1 acre threshold as well as a trip generation study and once the information is received, final site plan approval will be scheduled. The motion was unanimously carried.

New Business:

#2024-007 99 Wood Rd Private Warehouse Site Plan

SBL: 250.-2-48

Proposed private warehouse located at 99 Wood Rd, 99 Wood RD , Zoned: L2- Light Industrial 2

Status: Concept

Citizenserve File Number: 24-000087, Application Number: SPR24-000006

Applicant: N. LaFond Company, LLC, Consultant: Lansing Engineering, PC

Consultant/Applicant Presentation:

Jason Dell – Lansing Engineering – Mr. Dell stated that this 2.95 acres and is in the Light Industrial zone. He stated that there are wetlands around the property but they are not proposing

to impact them. Mr. Dell stated that this would be for a 4,000 sf industrial, warehouse building that would be used for storage, maintenance and light repair of company large trucks. He stated that there would be parking to the rear of the building for larger trucks with maneuverability. He stated that the application would hook up to a well for water, utilize sewer, and that the stormwater would be managed on site. He stated that engineering plans and site plans would be provided to the Board as the application progresses for review. He stated that they are here tonight for comments on the concept.

Staff Comments:

John DeSimone, Fire Marshall issued a memo stating:

- Please see marked up document labeled approved Fire Marshal Plan Review
- Existing postal number will remain the same for this project. 99 Wood Road

Scott Reese, Zoning Administrator issued a memo stating:

- Applicant is proposed use is for warehousing which is a permitted use in the Light Industrial 2 District per Town Code 208- 64 B. (6).
- The narrative in the Short EAF also describes maintenance / repair of large trucks this requires a Special Use Permit per Town Code 208-64 (13) (b). Equipment Maintenance.

Scott Reese, Stormwater Management Technician issued a memo stating:

- Has there been a field visit for possible federal wetlands on this parcel?
- Post conceptual plans shall show an Erosion and Sediment Control Plan to protect construction activity disturbance runoff toward the wetlands surrounding this parcel.
- The narrative shall explain how the equipment maintenance for asphalt equipment will be done and how the wastes from the maintenance will be handled

The Trails and Open Space Subcommittee issued a memo stating:

- There is a possibility for a future trail on Wood Road would like to have 15 feet right of way on Wood Roadside of the property

John Scavo, Director of Planning issued a memo stating:

- An initial review of the concept plan shows the minimum bulk lot requirements are met under Section 208-65 of the Town Code.
- The proposed project is subject to Section 239 of General Municipal Law and will be referred to the Saratoga Co. Planning Board for a recommendation.
- Future plans should include architectural elevations of the building with a listing of construction materials for review by the Planning Board per Section 208-66-C of the Town Code.
- Additional comments will follow as more detailed plans advance beyond the initial concept plan submittal.
- SEQR was previously completed for the 2005 XAR Subdivision Project which notes on the approved subdivision plan that future development of the approved subdivision lots shall generally conform to the conceptual development plan evaluated as part of the

SEQRA process with respect to the total square footage proposed for the development footprint on the lots shown on the plat. Each future lot development plan will require site plan approval and at that time the arrangement of the elements on the lot, the height of the proposed structures and the proposed use will be evaluated and, if necessary, further environmental review may be required. Any future uses proposed for the lots shall conform to the zoning regulations. This project is below the build-out threshold contemplated for this parcel under the previous subdivision and SEQR review that considered a build-out scenario based on the LI2-Light Industrial Zoning bulk and development standards.

- An electronic copy of the XAR Subdivision SEQR Negative Declaration issued by the Planning Board in 2009 has been added to the project documents and is titled: XAR Neg Dec 22-09.pdf

Professional Comments:

Walter Lippmann, P.E. of MJ Engineering in a letter 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. 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. Saratoga County Planning: 239-m County Referral

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:

2. 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 per the EAF Summary Report. The applicant should provide documentation stating A NYSDEC wetland (Wetland ID: R14) surrounds almost the entire project site, except for the western side. A small portion (0.03± acres) of the NYSDEC wetland was located in the northeast corner of the project site. There are 0.99± acres of 100’ NYSDEC wetland adjacent area on the project site. Should any of this change as the project design progresses, additional approvals and permits may be required.
3. Part I.17 – The response indicates that the proposed action will create stormwater discharge. The applicant also stated storm water discharges will flow to adjacent properties. Applicant provided the following: Since the proposed soil disturbance area for the development will be under one (1) acre, the project does not require a Stormwater Pollution Prevention Plan (SWPPP). However, the design of the project will follow the

natural topography as closely as possible, using existing site topography and drainage features to convey stormwater runoff as needed

4. No further comments at this time.

SITE PLANS

5. The project is located within the Town's Light Industrial District (LI-2). The proposal for vehicle repair/storage uses is a permitted principal use within the LI-2 District as noted in Section 208- 64(B) of the Town's Zoning. 6
6. Based upon a review of the lot configuration, it appears the minimum bulk lot requirements as identified in Section 208-65 of the Town's Zoning are satisfied.
7. The site contained what appears to be regulated NYSDEC Wetlands. Provide a note on the plan regarding when and by whom these wetlands were delineated.
8. 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.
9. Show the location of and provide a detail for any exterior refuse areas.
10. With an increase in impervious, at a minimum it is recommended that a stormwater analysis be conducted to show how the site changes may impact runoff from the site. It may be necessary incorporate stormwater management systems to retain pre-development conditions and to mitigate against increases in stormwater runoff.
11. Subsequent submissions should include architectural renderings of the building along with identification of materials of construction.
12. Show any proposed free standing or building mounted lights. If any are proposed, provide proposed footcandle values at pavement levels.
13. The applicant proposes to service the lot with an on-site septic system. The proposed septic system shall be designed by a New York State licensed professional engineer and conform to the requirements of the New York State Department of Environmental Conservation for review and approval by the Town Building Department.
14. An on-site septic system is proposed. Subsequent submissions shall include the percolation and test pit results.
15. The proposed site plan indicates water will be provided via an on-site well. The owner shall be required to hook into a community water and sewer system as soon as one becomes available as defined by the New York State Uniform Fire Prevention and Building Code.
16. Provide plan for any internal drains and oil/water separator. Pursuant to NYSDEC regulations, a discharge of less than 1,000 gallons is exempt from permitting if it does not contain industrial or other non-sewage wastes. A floor drain that may capture oil would be considered a non-sewage waste. The applicant shall review 6NYCRR Part 750 regarding the permitting expected for this system. The Town shall be provided with the permit prior to installation.
17. Subsequent plans shall describe or illustrate the project's proposed landscaping to ensure conformance with Section 208-66(B) of the Town Zoning. The overall intent of this section is to promote and achieve, where possible, a well-landscaped site that takes into consideration the surroundings and the total environment. Consideration shall be given to preservation of natural and existing vegetation as well as new plantings throughout an entire site.

18. Considering the plan submitted is conceptual in nature, we will reserve further comments until more detailed plans and reports 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.

Planning Board Review:

Ms. Bagramian asked what kind of trucks would be worked on. Mr. Dell stated it would be larger trucks and paving equipment. He stated that it would be from minor repair as he does not think they would be equipped to do large engine work in the size of the application. Ms. Bagramian asked if there would be an oil separator. Mr. Dell stated that he is unsure but if needed, it will be included in the plan when the plans develop further. Ms. Bagramian asked if there would be oil storage or if there would be parking on the grass. Mr. Dell stated that there would be available parking and if there would be storage that would also be incorporated in the plan.

Mr. Ophardt asked if trucks would be sitting in the property. Mr. Dell stated that this would also be in future plans. Mr. Ophardt asked if there are ACOE wetlands. Mr. Dell stated that he believes that there are only the DEC wetlands.

Mr. Andarawis stated that they would come back and notify the Board of chemical storage if it is found that it would be on the property. Mr. Dell stated that they would and it would be in the plans as required. Mr. Andarawis asked if there was maneuverability for trucks. Mr. Dell stated that equipment is hauled in trailers so there are large areas for this and it will most likely be paved.

Ms. Bagramian asked if there are elevations yet for the building. Mr. Dell stated no, but they will come back with them for review.

New Business:

#2024-005 591 Riverview Rd Residential Dwelling Ground Mounted Solar Array SUP

SBL: 282.-1-28.7

New install of ground mounted solar array, 591 Riverview RD, Zoned: R1 – Residential

Status: Concept

Citizenserve File Number: 24-000075, Application Number: SUP24-000001

Applicant: H. Gerstenberger, Consultant: Empire Solar Solutions, LLC

Consultant/Applicant Presentation:

Courtney Roberts – Empire Solar Solutions – Ms. Roberts stated that they are looking to install 2 ground mounted solar panels with a total of 60 panels, one having 32 and the other having 28. She stated that this would be located on the side yard of the property.

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

- The ECC requests that the applicant include a visual buffer to screen the solar panels from adjacent properties and adjacent public thoroughfare

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).

John Scavo, Director of Planning issued a memo stating:

- The answer to question 20 of the SEAF Part I is automatically inserted on the pdf generated by the EAF Mapper. If the project site or lands within 2,000 feet of the project site are or have been part of hazardous waste remediation, the EAF Mapper will check "yes" on the SEAF pdf. Based on additional information provided from the NYS DEC Environmental Remediation Database, the locations for remediation are not contacted on this project site at 591 Riverview Road.
- The location of the proposed tier 2 ground-mounted solar energy system minimizes visual impacts to the public ROW along Riverview Road and preserves lands used for equestrian activities on the project site.
- The space, bulk, and design standards under Section 208-80-C of the Town Code appear to be met.

Professional Comments:

No professional comments

Public Comments:

No public comments.

Planning Board Review:

Mr. Scavo stated that this is for the property for the owner's use and not sold back to the grid. He stated that in this instance he likes the ground mounted.

Mr. Martin stated that screening can only be done on the site. Mr. Martin stated that most of the screening is not on the parcel. Mr. Scavo stated that the good screening is on the approach.

M. Bagramian asked for the height of the panels. Ms. Roberts stated that it would be 12 feet high. Ms. Bagramian asked how the applicant came to 60 total panels. Ms. Roberts stated that this is based on their utility usage. Ms. Bagramian asked if there would be screening. Ms. Roberts stated that where the panels would go is cleared already.

Mr. Andarawis asked what the total square footage would be for the panels. Ms. Roberts stated that it would be a total of 1,247 sf. Mr. Andarawis asked if the panels would be moveable, tracking, or fixed.

Mr. Martin asked if the tree line was to be removed along the roadway then the screening would be significantly lost. He stated that he would like to see some alternative screening. He stated has had the issue with the screening before. He stated that he would like to see a plan for screening as not to deter solar as it is a benefit but to ensure adequate screening on the parcel.

Ms. Bagramian asked if there would be a landscaping plan with the application. Mr. Scavo stated that there is a berm in the area of concern and stated that he feels comfortable that the berm would be sufficient.

Mr. Andarawis asked if they are saying that the Board would not be requiring a buffer for this project. Mr. Scavo stated that because of the buffer from the other plan limiting the clearing it should be sufficient and that he can attach it to this file for review. Ms. Bagramian stated that she feels that they may need to have them on their side as well in case there is something else that arises. Mr. Andrew Horn with Empire Solar stated that there are trees on their property that have been built into the placement of the plan and sufficiently screened the south side of the property. He stated that any more plantings would inhibit the full function of the solar panels. Mr. Andarawis stated that he feels that there should be a condition to not disturb what is on the property.

Ms. Bagramian stated that the 60 panels are sufficient and this would be their max. Mr. Horn stated that this would be and that the use may go down as they have children leaving the home. Ms. Bagramian stated that SUP runs with the land and not the owner she would like to see a condition for this being the max solar panels. Mr. Andarawis stated that if someone else moves in they will be required to come back to the Board. Ms. Bagramian stated that there are a large number of solar coming to the Board and she wants to be able to control the changes to the properties.

Mr. Andarawis stated that the square forage does not go up he is fine with that even if the number of panels change due to size. He stated that the comment of lead free is appealing for him and is a new regulation and panels are exempt and this is the first one they have seen lead free. He stated that they should look at this more for the future.

New Business:

#2024-006 1147 Route 146A Building Addition Site Plan

SBL: 257.16-1-9

Applicant is proposing a 50'x65' addition to an existing building, 1147 Rt 146A

Zoned: HM - Hamlet Mixed Use, Status: Concept

Citizenserve File Number: 24-000079, Application Number: SPR24-000003

Applicant: JTM Development, LLC, Consultant: Gilbert VanGuilder Land Surveyor, PLLC - Kevin Weed

Consultant/Applicant Presentation:

Pat Jarose – Van Guilder Assoc. – Mr. Jarose stated that the lot is zoned HM, Hamlet Mixed-Use and the owner would like to add a 60'x55' sf addition for their business. He stated that are new construction subcontractors and have 3 office workers and plan to grow to 6 by the end of the year. He stated that there will be no storage of equipment on site and the working hours would be Monday thru Friday 7-5.

Staff Comments:

John DeSimone, Fire Marshall issued a memo stating:

- Size of addition does not require fire access road modifications.
- Postal number to remain the same for addition. 1147 Route 146A

Scott Reese, Zoning Administrator issued a memo stating:

- It is understood that the proposed use will be for home renovation construction business. That type of use is permitted in the Hamlet Mixed Use District per Town Code 208-43.2 as a General Business.
- Applicant shall submit a narrative on the planned use for this project. In the narrative please include approximately how many employees, if there will be outdoor storage of materials, and approximately how much equipment will be stored onsite.
- Verify that the proposed absorption field will meet the setback requirements from property lines.

Scott Reese, Stormwater Management Technician issued a memo stating:

- Post conceptual plans shall show an Erosion and Sediment Control Plan to protect construction activity disturbance runoff toward adjacent properties

The Trails and Open Space Subcommittee issued a memo stating:

- There is a possibility for a future trail on route 146 would like to have 15 feet right of way on route 146 side of the property

John Scavo, Director of Planning issued a memo stating:

- The site plan appears to meet all the bulk and setback requirements of the Hamlet Mixed Use Zoning District.
- Part I of the SEAF notes that the project will not disturb or adversely affect protected or regulated wetlands or water bodies.
- The action is a Type II Action according to NYCRR Section 617.5 – Type II Actions, which lists the construction or expansion of a primary or accessory/appurtenant, non-residential structure or facility involving less than 4,000 square feet of gross floor area and not involving a change in zoning or a use variance and consistent with local land use controls, but not radio communication or microwave transmission facilities. As a Type II Action, no additional SEQR review is required.

Professional Comments:

Walter Lippmann, P.E. of MJ Engineering in a letter 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. 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. Saratoga County Planning: 239-m County Referral

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:

2. 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 per the EAF Summary Report. 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.
3. Part I.17 – The response indicates that the proposed action will create stormwater discharge. The applicant indicated storm water discharges to be directed to “Ditch at road.” The applicant will need to provide an analysis to demonstrate there is no impact downstream.

4. Part 1. 20 - The response indicates the site of the proposed action, or an adjoining property been the subject of remediation. Applicant provided environmental site code 54024 and identified this was an old dump, remediation completed in 1992, site delisted in 1999.
5. No further comments at this time.

SITE PLANS

6. The project is located within the Town's Hamlet Mixed Use (HM) zoning district. Provide the proposed use of the building.
7. Based upon a review of the lot configuration, it appears the minimum bulk lot requirements as identified in Section 208-43.3 of the Town's Zoning are satisfied.
8. Provide the parcel setback lines on the plan.
9. 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.
10. Subsequent submissions should include architectural renderings of the building along with identification of materials of construction.
11. Show the location of and provide a detail for any exterior refuse areas.
12. Subsequent plans shall show the extent of grading, and limits of tree clearing associated the work proposed.
13. Provide width dimensions of driveway and parking lot aisles.
14. Provide a basic erosion and sediment control measures.
15. Provide relevant construction details for site improvements.
16. The plan does not show existing or proposed exterior lighting, it is recommended that at a minimum, lighting be provided for security purposes.
17. With an increase in impervious, at a minimum it is recommended that a stormwater analysis be conducted to show how the site changes may impact runoff from the site. It may be necessary incorporate stormwater management systems to retain pre-development conditions and to mitigate against increases in stormwater runoff.
18. 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. Identify the actual height of the building. If greater than 30-feet in height above the average grade plan, aerial apparatus access shall be provided that is between 15 and 30 feet of one entire side of the building in accordance with Appendix D105 of the IFC. If aerial apparatus access is required, its location shall be identified on the plans.
 - d. The fire apparatus access road on the concept plan north of the proposed addition appears greater than 150 feet in length so a turn-around will be required to meet Section 503.2.5.
 - e. Provide a turning template analysis for the largest emergency vehicle that may respond to an event at the site.
19. Provide anticipated water usage to determine the size of the on-site septic system.

20. The applicant proposes to service the lot with an on-site septic system. The proposed septic system shall be designed by a New York State licensed professional engineer and conform to the requirements of the New York State Department of Environmental Conservation for review and approval by the Town Building Department.
21. An on-site septic system is proposed. Subsequent submissions shall include the percolation and test pit results.
22. Provide dimensions of proposed septic leach field from the property line. Per NYSDOH Appendix 75A leach fields should be at least 10 feet from the property line.
23. Indicate is a new water service will be required for the building addition.
24. With an increase in impervious, at a minimum it is recommended that a stormwater analysis be conducted to show how the site changes may impact runoff from the site. It may be necessary incorporate stormwater management systems to retain pre-development conditions and to mitigate against increases in stormwater runoff.
25. Considering the plan submitted is conceptual in nature, we will reserve further comments until more detailed plans and reports 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.

Planning Board Review:

Ms. Bagramian asked what the height of the building would be. Mr. Jarose stated that it would be 26.6' to peak.

Mr. Ophardt asked what may be near the application. Mr. Jarose stated that Elmo's garage is to the south and not sure what else is around. Mr. Ophardt was curious as to what would need to be screened. Mr. Ophardt stated that the business is attached to the home.

Mr. Martin stated he does not like the elevation but that is his taste.

Ms. Bagramian asked for elevations for the building when they come back.

Mr. Ophardt stated that there is a 15' easement and it seems close to the home so he would like to see the 15' for a trail. Mr. Jarose stated that he feels that there does not seem to be a lot of pedestrian traffic in the area. Mr. Scavo stated that it is just in case there is in the future and that he can provide the applicant with the statement to attach to the application.

Discussion Items:

None

Mr. Andarawis moved, seconded by Mr. Martin, adjournment of the meeting at 9:36 p.m. The motion was unanimously carried.

The next meeting of the Planning Board will be held as scheduled on February 27, 2024.

Respectfully submitted,

Paula Cooper

Paula Cooper, Secretary