

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 27, 2024

Those present at the February 27, 2024 Planning Board meeting were:

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

Those absent were: L. Westrick

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

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

Minutes Approval:

Mr. Ophardt moved, seconded by Mr. Andarawis, approval of the minutes of the February 13, 2024 Planning Board meeting as written. The motion was unanimously carried. Ms. Fariello abstained.

Public Hearings:

None

Old Business:**#2022-032 Van Patten Drive (Concord Development) Subdivision**

SBL: 265.-1-6.111

Van Patten Drive (Concord Development) Subdivision, Van Patten DR

Zoned: B2 -Business Non Retail 2, Status: Final

Citizenserve File Number: 22-000020, Application Number: SUB24-000002

Applicant: Concord Development – C. Myers, Consultant: B. Steenburgh, P.E. PLLC

Last Seen On: 08/08/2023

Ms. Bagramian read from the State Supreme Court decision regarding the application's status. Mr. Weiner stated that the Judge has taken away much of the digression of the Board and that they need to grant a large approval and cannot consider a private roadway.

Consultant/Applicant Presentation:

Mr. Andy Brick stated that he is here tonight with Mr. Chris Meyers and Mr. Brett Steenburgh. Mr. Brick stated that the applicant has heard the concerns of the Board and that they have drafted a revised HOA agreement and has submitted it for addressing the concerns. Ms. Bagramian stated that she had discussed a 3rd party management company, not an HOA, due to the proposal having commercial aspects, as well as the residential component and would like it to be overseen property with a company that has the knowledge of commercial. Mr. Brick stated that Mr. Steenburgh has also worked with Town staff to address technical comments.

Mr. Steenburgh stated that they have reviewed the SWPPP and that it addresses all of the comments made by Mr. Reese, such as the extension of service roads and an existing tie-in to the existing area across the roadway. Mr. Steenburgh stated that land grading is proposed and that drainage on the site would be taken from the site to the common area between the railroad tracks and the proposed homes.

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

- The applicant shall provide the Planning Board with all test pit data and test pit location information related to the examination of past disposal practices on the proposed project

site. If the applicant believes that it has satisfied DEC soil and water quality standards it should provide that information as well.

- Given the business nature of this project, the Planning Board should ensure that the signage and hours of operation are appropriate for the residential nature of the surrounding community.
- The subdivision is in an area which may be impacted by railroad activity. Impacts may include noise and vibration. If the project is approved the planning board should require that a warning statement be placed on the deed.
- The ECC notes that Van Patten Drive is a well-traveled commuter access road. Considering the addition of 10 curb cuts and 19 driveways, if a traffic study has not been performed it is recommended that the Planning Board request that a traffic study be requested. Given the potential business nature of the individual units, there is a risk of significantly greater traffic density than would normally be posed by strictly residential units. The results of the study may require the change of the speed limit for this roadway.

John DeSimone, Fire Marshall issued a memo:

- Please see approved postal verification in documents for assigned postal numbers.

Scott Reese, Zoning Administrator issued a memo stating:

- Show the existing property boundary between tax map parcels 265.-1-81.1 & 265.-1-72.11

Scott Reese, Stormwater Management Technician issued a memo stating:

- Please provide written responses to the previous stormwater comments on April 24, 2023.
- Infiltration basin #3 does not meet the required elements identified in the NYS Stormwater Management Design Manual Section 6.3.1 "Infiltration practices cannot be located in fill soils,".
- Provide the grass channel sizing calculations for the pretreatment sizing for the infiltration basins.
- The locations of infiltration basins #1 and #2 are where runoff from the Planned Development District Country Knolls West drains to. As requested previously for this to be factored in the Stormwater Report, it has not been addressed by the applicant at this time. This may have a sizable impact where I will suggest that Final approval by the Planning Board should wait till the TDE's Stormwater comments and the Stormwater Management Officer's stormwater comments are adequately addressed.

John Scavo, Director of Planning issued a memo stating:

- State Supreme Court Justice James Walsh annulled the August 8, 2023 decision adopted by the Planning Board and granted preliminary application approval with the plat remaining back to the Planning Board for review of the remaining issues involved with the application for final consideration.
- Section 179-5 of the Town Code states that a final subdivision submission shall conform to the approved preliminary submission and shall contain any modifications specified by the Board. If desired by the owner, it may include only that portion of the approved preliminary plat that he proposed to record and develop at that time, provided that such portion conforms to all subdivision requirements under the Town Code and NYS Town Law.

- A revised Declaration of Protective Covenants, Conditions, Restrictions, Easements, Charges, and Leans of the Van Patten Homeowners' Association, Inc. has been provided with the final submittal to address concessions agreed to by the applicant at the August 8, 2023 Planning Board Meeting regarding property maintenance and restrictions associated with the mixed-use residential office/structures for each of the 19 improved lot.
- Section 276 of NYS Town Law states that a final plat shows a proposed subdivision, containing in such additional detail as shall be provided by local regulation all information required to be shown on a preliminary plat and the modifications, if any, required by the planning board at the time of approval of the preliminary plat if such preliminary plat has been so approved. Based on the court terminating the Planning Board's disapproval and granting preliminary subdivision approval, the Board's role is limited to ensure the final plat is in general conformance with the court-approved preliminary subdivision plat and engineering/technical details are adequately addressed to ensure compliance with all applicable local, state and federal subdivision regulations associated with this application.

Professional Comments:

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

STATE ENVIRONMENTAL QUALITY REVIEW

1. No further comments.

LONG ENVIRONMENTAL ASSESSMENT FORM 2

2. No further comments.

SUBDIVISION

3. Per Comment 3 from our April 21, 2023 review, the subdivision plat shall provide the metes and bounds for all easements (HOA, sewer, water), property lines and right of ways.
4. Per Comment 9 from our April 21, 2023 review, provide a sewer engineering report with proposed system (materials, sizes, etc.) and anticipated flows for review.
5. The infiltration basin cross sections show overflow weirs, provide stone at these locations on plans to prevent erosion.
6. An erosion and sediment control plan shall be provided showing the construction phasing and sequencing of operations to ensure 5 acres or less will be disturbed at any time.
7. 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.
8. There are several swales that have steep slopes, therefore check dams shall be installed at recommended intervals.

STORMWATER NARRATIVE

9. The comments below are from our August 4, 2023 comment letter which are still applicable. Applicant shall provide a revised SWPPP to the Town for review.

10. The infiltration basin needs to include means to operate during wintertime conditions. This may include the installation of a series of drywells that penetrate the upper frost layers of the soil, which would permit infiltration even in cold/freezing weather.
11. Provide a draft NOI for review.
12. Extend hydrograph out to 48 hours to show it can be fully dewatered during that timeframe.
13. The predevelopment acreage indicates 30.54 acres however the post development model indicates 24.4 acres. Revise accordingly as these numbers should match.
14. The SWPPP shall include documentation that the project is eligible for permit coverage pursuant to Part I.F.4 of GP-0-20-001 with respect to threatened and endangered species. This includes both listed state and federal species.
15. The SWPPP shall include documentation that the project is eligible for permit coverage pursuant to Part I.F.8 of GP 0-20-001 with respect to historic properties. This includes archeological and cultural resources.
16. Provide the existing and proposed condition watershed maps with each design point location.
17. The SWPPP shall include the operation and maintenance required of the installed stormwater management facilities pursuant to Part III.B.2.f of GP 0-20-001.
18. .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.
19. The applicant shall provide written responses to all technical comments provided by Town staff and consultants as part of the next submission.

Public Comments:

After the Chairwoman closed the application for the evening, members of the public asked questions in a nontraditional round-robin fashion. Some of the questions were addressed by Mr. Weiner, Mr. Martin and Ms. Bagramian.

A member of the public stated that they feel that safety has not been addressed. Mr. Martin stated that the Board needs to review the application from where the courts left off with the restrictions designated by the court.

A member of the public asked why the safety cannot be addressed as she stated that the courts stated it could be. Mr. Weiner stated that the resident was reading the documents wrong and read from the court documents stating that a decision was made.

A member of the public asked why the residents or the Town was not represented in court. Mr. Weiner stated that the judgment has been made and the Town Attorney has been involved. He stated that the public could get together and hire an attorney to fight the ruling.

Ms. Bagramian stated that the courts have decided on the application, that the Boards hands are tied, and that they have certain criteria they need to follow based on the judgment. She stated

that they need to follow the ruling for not considering an access road as the judgment seems to determine the driveways are safe pursuant to Town Code requirements and design standards.

Ms. Bagramian stated that if the public has any more comments, they need to be submitted to the Planning Department and that if the residents are not happy about zoning, they need to go to the Town Board to see if zonings can be changed, the Planning Department and Planning Board cannot change zoning.

Planning Board Review:

Mr. Fantini asked for clarification on what the Planning Board was looking at tonight. Mr. Brick stated that they have preliminary approvals and they are not doing a service road. Mr. Weiner stated that the Board can look at appropriate use and safety concerns such as the curb cuts. He stated that they cannot consider the access road and that it complies with Town and Zoning Codes. Mr. Fantini stated that the judgment talked about zoning laws and strict allowable uses for the businesses. Mr. Fantini asked why 3rd party management is being requested. Ms. Bagramian stated that a 3rd party knows laws and codes to follow regarding certificate of occupancies and client traffic. She stated that she feels this will help keep the development appropriate and that residents generally don't know commercial restrictions. Mr. Fantini asked if those whom telecommute can purchase the property. Mr. Brick stated that there is a declaration that was gone over that has allowable uses for the office space. He stated that the use shall not be for in person client or customer services. Mr. Brick went on to say that it will not have employees on site except if the employee resides on the premises.

Ms. Bagramian asked if there would be medical designation or other offices with parking. Mr. Brick stated that people would not be coming to offices. Ms. Bagramian stated that she is struggling with how this will be controlled and fears setting prescience. Mr. Brick stated that this would be covered in the covenant restrictions, would be filed with the Town, and could be enforced by members of the subdivision. He stated that a complaint would be filed and would have progressive discipline up to and including courts.

Mr. Martin thanked the applicant for the modifications and help. He stated that he is not ready to move forward tonight until he can review all documents in the application. Mr. Brick stated that this application has been before the Board for some time and he asked for a list of what the Board wants, and he would have it to them by a date set for review. Mr. Brick stated that he would need more than a week to do this. Mr. Martin stated that he feels this reasonable request. Mr. Weiner stated that the next meeting would be March 12 or the 26. Mr. Scavo stated that if the applicant were to do this it would allow time for Mr. Lippmann and Mr. Reese time to review documents as well. Mr. Brick stated that he believes that Mr. Steenburgh would need more time to address technical comments.

Ms. Fariello suggests the date for all materials to be turned in for review be March 15th. Mr. Brick stated that this would be ok with him.

Mr. Martin apologized to the Board and the applicant explaining that he has had a uniquely challenging past month involving many pressing and conflicting obligations.

Mr. Brick stated that he could adjust the HOA to a 3rd party management and look into the HOA sections 704.1 and 704.2 for permits and restrictions.

Mr. Andarawis stated that they would need to see elevations with the site plans since this is a B-2 zone. Mr. Scavo stated that elevations were already submitted and would be a part of the final approval letter. Mr. Andarawis stated that he feels it is necessary for the buyers of this property to know that any changes they would like to make would need to come back to the Planning Board for approval.

Ms. Bagramian asked if the office space is 20% or has it been brought down to 12% of the footprint. Mr. Brick stated that the proposal is for 11%-20% due to the B-2 zoning and marketability.

Mr. Fantini asked what would be the requirement for residents in these homes be if no longer utilize the office, such as retirement. Mr. Brick stated that the office would not be able to be used for any other purpose and would have to remain vacant. He stated that it could not be used for any other business other than by the resident's' either.

Old Business:

#2023-030 15 Old Plank Road Commercial Site Plan

SBL: 272.9-1-31.1

15 Old Plank Road Commercial Site Plan, 15 Old Plank R , Zoned: TNGB - Neighborhood

General Business, Status: Preliminary

Citizenserve File Number: 23-002345, Application Number: SPR24-000008

Applicant: JTD Holdings , Consultant: EDP, G. Vuillaume

Last Seen On: 11/14/2023

Consultant/Applicant Presentation:

Gavin Vuillaume – EDP – Mr. Vuillaume stated that he is here tonight on behalf of JT Holdings. He stated that this is an application for 5 mixed-use buildings. Mr. Vuillaume stated that some of the property the Town has been maintaining for years prior to abandoning a portion of the roadway, and 3 homes on the site have been removed. He stated that an acre of land has been dedicated to the applicant through the roadway abandonment process. Mr. Vuillaume stated that there is currently a small turnaround at the end of the roadway but the applicant is proposing to remove it for flex use. Mr. Vuillaume stated that the use would mainly be for contractors, roofing companies and other small businesses with a small office space included. Mr. Vuillaume

stated that there could be up to 4 tenants per 5,000 sf building. Mr. Vuillaume stated that elevations show garage doors and a site survey with stormwater engineering have been done. He stated that they would need between 70 and 90 parking spaces, but 92 are required and that the applicant is willing to land bank excess spaces. He stated that there will be parking for trailers on the site and grading along the perimeter. Mr. Vuillaume stated that there will be a 20-25 foot easement to the rear of the property and one retaining wall along the Red Roof Inn and pain management buildings, details to follow. Mr. Vuillaume stated that water and sewer would come off of Old Plank Road and the stormwater management outlet would go towards the Northway. Mr. Vuillaume showed a sketch of the property in the meeting and stated that there would possibly be rooftop solar. Mr. Vuillaume stated that the buildings would be one story with 2 stories possible if it can fit in the TC zone, so the square footage may increase slightly. Mr. Vuillaume stated that MJ Engineering's comments have been reviewed, and all comments will be addressed, including traffic for the intersection will be checked for acceptable flow.

Staff Comments:

The Environmental Conservation Commission and issued a memo recommending:

- The ECC notes that there are significant flaws with the submitted Traffic Evaluation. For examples (make this example) the total square footage of the buildings is incorrect; the data provides indicates that more traffic enters the site than exits on a daily basis; the study references traffic generated by 21 townhouses; the types of vehicles are not enumerated; etc. The ECC requests the applicant to provide a valid Traffic Evaluation.
- It does not appear that there is sufficient space for a highway department plow to turnaround without entering the applicant' s property during winter operations.
- The ECC requests that the applicant provides a statement as to the nature of the operation of these structures including the hours of operation. The renderings appear to be vehicle maintenance or warehouses that are accessible by large trucks and not general office structures.
- The ECC notes that part of Fire Road is not easily navigated by large truck traffic and therefore the applicant should restrict truck traffic from NY Route 9 only.
- Given the close proximity of the Adirondack Northway, the applicant should restrict the lighting and structure visibility from that route via a vegetative buffer and directed lighting.

John DeSimone, Fire Marshall issued a memo stating:

- Assigned postal numbers are assigned. See approved postal verification under documents.

Scott Reese, Zoning Administrator issued a memo stating:

- The applicant states that services are the planned use for this proposal. Per Town Code 208-22.1 Neighborhood General Business Zone Overview A. Form; Allowed use types: Service is an allowed use. Prior to issuing a tenant fit-up or change of tenant permit their use shall be approved by the Building and Development Director and / or the Zoning Administrator.

Scott Reese, Stormwater Management Technician issued a memo stating:

- With the significant amount of grading and the restrictive parameters of property lines and wetlands, the design and construction documents for the retaining wall shall be part of the submittal.
- Size and location the Temporary Sediment Basin on the Erosion and Sediment Control Plans.
- The Erosion and Sediment Control Plans should address how much soil will need to be stockpiled during the construction sequence and if it is feasible to store on such a restrictive site.
- Deep Test Holes and percolation tests at the location of the underground infiltration chambers are required per the NYS Stormwater Management Design Manual Chapter 6.3.1. In addition verify the bottom of the practice meets the separation requirements from seasonal high water table or bedrock layer.

Jennifer Viggiani, Open Space Coordinator issued a memo stating:

- How will / where will the stormwater management area be accessed for maintenance and monitoring? No access is shown yet in the concept plan, amidst some steep slopes.
- Recommend wooded, visual buffer be conserved along I-87
- Commercial project should provide pedestrian connections between buildings, and connect to the public road frontage of Old Plank Road, a Local Street in the Form-Based Code.

John Scavo, Director of Planning issued a memo stating:

- I have been working with the applicant's design team to provide a site plan that meets the form based code requirements. I have no additional comments at this time and support the recommendations offered by MJ Engineering.
- The Saratoga Co. Planning Board noted that the project has - No Significant County Wide Inter Community Impact.
- Attached is a completed SEAF Part II for the Planning Board's consideration in the issuance of a recommended negative declaration under SEQR.

Professional Comments:

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

STATE ENVIRONMENTAL QUALITY REVIEW

1. A copy of the wetland disturbance permit should be provide to the Town.

SITE PLANS

2. The proposed building front setback is 29 feet.
3. The proposed building side setback is 17 feet.
4. On Sheet 3 of 10, the parking space requirement should be revised to reflect Section 208-26.1 of the Town Zoning (4 space/1,000 SF). This would result in a total of 92 spaces. Considered this calculation should be worse case, it should be considered to bank spaces to reduce excess parking that may not be necessary.

5. On Sheet 5 of 10, bollards should be placed around the grinder pump locations to protect from vehicular movements.
6. On Sheet 6 of 10, the grading for the project is proposed up to the property line adjacent to the Northway. Additional screening may be needed to provide an increased the buffer from the Northway.
7. On Sheet 7 of 10, check dams shall be provided along the proposed swale along the western property line. These shall be placed in accordance with Page 3.2 of the NYS Standards and Specifications For Erosion and Sediment Control Handbook.
8. On Sheet 8 of 10, the Detail 5 Medium Duty Pavement Section shall be updated to reference the current NYSDOT Specification Sections (Section 404). Section 403 is no longer applicable.
9. The photometric plan does not indicated any building mounted fixtures. It appears the ADA parking spaces have 0 to 0.1 footcandles and would require supplemental lighting besides the pole mounted fixtures.
10. Provide details for the proposed retaining wall.
11. Show if any temporary sediment basins on the plans with associated volume calculations.
12. The applicant has noted that the internal parking rows proposed are 15 to 16 cars in lieu of the required 12 for the ease of winter maintenance. The Planning Board should grant a waiver if this is found acceptable.
13. The traffic trip generation letter is currently under review and comments will be submitted under separate cover.

STORMWATER POLLUTION PREVENTION PLAN

14. Section 2.1 of the Stormwater Management Narrative mentions the USDA soil types without mentioning the in-situ testing. 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.
15. .Section III.A.4 of the SWPPP notes that two stormwater management practices are proposed; an infiltration basin and rain garden. This does not align with the site plans.
16. Provide the operation and maintenance requirements of the proposed stormwater management facilities pursuant to Part III.B.2.f of GP 0-20-001.

Public Comments:

No public comments.

Planning Board Review:

Ms. Bagramian asked if the application would be used for flex space. Mr. Vuillaume stated it would be flex space with small ancillary bathrooms and stated that he doubts it would be retail due to location, and he thinks retail may not be allowed. Ms. Bagramian asked if the doors would be ground height. Mr. Dan Lil from JT Holdings stated that they wanted to review renderings with the Board and perhaps secure tenants that would not need ground doors. He stated that he would review the market before the final build. Mr. Vuillaume stated that -out would be tenant-out, tenant-dependent, and the first phase would be 2 buildings.

Mr. Lil stated that he wants this project to look nice even from the Northway view but would like to phase the construction for each building after tenants are secured. He stated that they would

build a shell for the structure and create the inside space for the tenant. Mr. Lil stated that he would like solar with the project and is proposing EV charging stations.

Mr. Martin thanked the applicant for offering solar with the project as well as the EV charging stations.

Mr. Vuillaume stated that they would like to try to clean up the road and expand whatever they can.

Ms. Bagramian asked what the parking ratios are for the project. Mr. Vuillaume stated that it is 4 per 1,000 sf, so they are within code.

Mr. Ophardt asked how rooftop runoff would be managed. Mr. Vuillaume stated that will be mitigated by an underground system.

Mr. Andarawis asked if the applicant could provide renderings from the highway. Mr. Vuillaume stated that they plan to keep the existing trees and can provide more information. Mr. Vuillaume stated that this can come with the individual plans for the buildings. Mr. Lil stated that they are willing to increase elevations due to visuals and that they may be able to berm areas but that he would prefer landscaping on buildings 4 and 5.

Ms. Bagramian stated that she liked the layout of the parking lot. Mr. Vuillaume stated that they could keep the landscaping in the lot.

Mr. Andarawis stated that Old Route 9 and Old Plank Road work because of the little traffic. He asked the applicant if he could take a look at possible traffic mitigation with the increase.

New Business:

#2024-012 1780 Route 9 Building Addition Site Plan

SBL: 266.3-3-10.21

1780 Route 9 Building Addition, 1780 Us Rt 9, Zoned: B4A - Highway Business/Restricted Retail

Status: Preliminary

Citizenserve File Number: 24-000129, Application Number: SPR24-000009

Applicant: Dennis & Co. Auto Group, Inc. – K. Buda, Consultant: EDP, J. Dannible

Consultant/Applicant Presentation:

Joe Dannible – EDP – Mr. Dannible stated that this application is for 2 additions for the Jeep-Dodge-Chrysler dealership on Route 9. He stated that this site was formerly 2 parcels that had the paperwork submitted to combine them. Mr. Dannible stated that stormwater management is

out by the roadway. He also noted that a building 32,000 sf with parking was to the north. He stated that there is a 2,000 sf car delivery and sales addition being proposed as well as 1,350 sf proposed for the rear of the building to expand the service area, and that the applicant desires to install EV charging stations. Mr. Dannible stated that they have received 3 variances from the ZBA due to previous owner's modifications and that the Saratoga County Planning Board has not yet given a recommendation. Mr. Dannible showed artistic renderings for all in attendance to see and stated that the plans would be updated when plans are stamped. Mr. Dannible stated public water and sewer letters are available and that MJ Engineering seems comfortable with the application.

Staff Comments:

John DeSimone, Fire Marshall issued a memo:

- Postal number will remain the same for this project. 1780 US Route 9

Scott Reese, Zoning Administrator issued a memo stating:

- Three (3) area variances for existing parking setbacks and total greenspace was granted by the ZBA on February 6th, 2024. 1. Per Town Code Chapter 208-50.3 D. no encroachment of parking closer to the rear property line than 30 feet. The existing parking area is 13.5 feet from the rear property line. The area variance approved was 16.5 feet. 2. Per Town Code Chapter 208-38 D. no automobile parking space shall extend nearer to a side property line than 20 feet. The existing parking area is 16.8 feet from the side yard property line. The area variance granted was 3.2 feet. 3. Per Town Code Chapter 208-50.3 F. Green space shall be 35%. The existing greenspace is at 28.7%. The area variance approved for green space was 6.3%. The Condition of the granted variances: Property owner will need to install plantings on the property that is comparable to 20 street trees as defined by Town Code.

Scott Reese, Stormwater Management Technician issued a memo stating:

- The applicant has addressed my stormwater concerns of the additional imperious areas installed by a prior land owner and the two structure additions in a Stormwater Management Narrative dated February 2024. The Narrative's Summary states "the site was analyzed to ensure the modifications will not result in significant increases in the runoff rates, ... the proposed project will not adversely impact adjacent or downstream properties."

The Trails and Open Space Subcommittee issued a memo stating:

- 15 feet Easement should be provided for future all-purpose trail on route 9 that avoids the Stormwater Management Area

Jennifer Viggiani, Open Space Coordinator issued a memo stating:

- Sidewalks should be designed for along Rt 9 to continue the pattern and connectivity.

John Scavo, Director of Planning issued a memo stating:

- The proposed project is subject to Section 239 of General Municipal Law and has been referred to the Saratoga Co. Planning Board for a recommendation.

- Planning Staff met with the applicant to review a prior sketch plan prior to perfecting this official application submittal. This submittal reflects comments and suggestions offered at the sketch plan meeting

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 are not necessarily limited to the following:
 - a. Town of Clifton Park Planning Board: Plan approval
 - b. Town of Clifton Park Zoning Board of Appeals: Consideration of Variances
 - c. Clifton Park Water Authority: Water Connection
 - d. Saratoga County Sewer District #1: SCSD Connection
 - e. Saratoga County Planning: 239-m County Referral
 - f. NYS Historic Preservation Office: Archeological sensitive area
 - g. NYS Department of Transportation: Access from US Route 9

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. 12.b. – The response indicates that the project site is located within or adjacent to an area designated as sensitive for archeological sites on the NY State Historic Preservation Office (SHPO) archeological site inventory. The applicant should provide a correspondence letter from SHPO to confirm the presence or absence of archeologically sensitive resources.
3. Part 1 13.a. – The response indicates that wetlands or other waterbodies regulated by federal, state or local agencies adjoin or are contained within the project site 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.
4. Part I.17 – The response indicates that the proposed action will create stormwater discharge. The Short EAF identified the total area of disturbance is 0.3 acres. The applicant provided a Stormwater Management Narrative supporting downstream properties or bodies of water will not be impacted as a result of the project. The proposed project disturbs less than 1 acre and therefore does not require coverage under a

NYSDEC SPDES permit and/or post-construction stormwater management designed in accordance with the NYSDEC Stormwater Management Design Manual.

5. No further comments at this time.

SITE PLANS

6. The project is located within the Town's Highway Business/Restricted Retail (B4-A) zoning district. The proposal for an addition to the automotive sales establishment is a permitted use as noted in Section 208-50.2 of the Town's Zoning.
7. In reviewing the proposed site plan, it appears to be deficient in regards to meeting the minimum bulk lot requirements outlined in Section 208-50.3 of the Town's Zoning. The noted deficiencies are as follows:
 - a. Rear yards. Zoning B-4A, no building shall be placed closer to a rear property line than 30 feet with no encroachment of structures or parking. This should be revised in the site statistics table and on the plans
 - b. Side yards. Zoning B-3, no building shall be placed closer to a side property line than 20 feet, and no automobile parking space shall extend nearer to a side property line than 20 feet.
 - c. Green space shall be 35%, plan shows approximately 29%.
 - d. It appears the applicant will be submitting the above variances to the ZBA.
8. Revise the site statistics table to reflect the special setback requirement for NYS Route 9 per Section 208-98 that no building or part of a building, other than steps, eaves and similar fixtures, shall extend nearer to the center line of the street or road than 130 feet.
9. The plan does not show existing or proposed exterior lighting, indicate if any lighting is proposed with the additions.
10. The project proposes to provide potable water to the building expansion from the Clifton Park Water Authority (CPWA) via the existing service lateral to the property. The applicant shall provide the Town documentation indicating the CPWA's ability and willingness to provide additional potable water to the project
11. The project proposes to provide sanitary sewer service to the building expansion from the Saratoga County Sewer District No. 1 (SCSD). The applicant shall provide the Town documentation indicating the SCSD's ability and willingness to provide additional sewer capacity to the project.
12. The plans need to indicate how roof drainage from the new building expansion will be collected and conveyed to the on-site stormwater management system.
13. Subsequent plans shall show how the project will satisfy the requirements of Section 208-55(B) of the Town's Zoning are being satisfied with respect to lot landscaping.
14. Elevations and materials of construction for the proposed building should be submitted to the Planning Board for review to ensure the requirements of Section 208-55(C) of the Town's Zoning are being met.
15. Subsequent submissions shall include information as outlined in Section 208-115 of the Town zoning specific to lighting, site grading, landscaping, erosion control and stormwater management to fully assess the design and its compliance to the applicable standards.

Public Comments:

No public comments.

Planning Board Review:

Ms. Bagramian asked what the square footage of the additions are and if there would be the need for additional parking with this application. Mr. Dannible stated that it would be 3,250 sf total and that they would not be losing any parking, what is existing is ample parking. Ms. Bagramian asked if there would be a Jeep mountain like other dealerships have. Mr. Ugrin stated that Jeep may ask for it, but they would prefer not to have the feature, and have the displays in the parking area.

Ms. Fariello asked if the applicant would blend the new façade with the old. Mr. Ugrin stated that the rendering shown are Jeep's requirements for the retail company. Mr. Dannible stated that no elevations are shown for the service expansion as it is in the rear of the building but that he can come back with some and it would match the existing features of the building. Mr. Keith Buda, the applicant, stated that they are building to the manufacturer's standards and that they have to follow this. Ms. Fariello asked if the additions differed from the rest of the building. Mr. Ugrin stated that the manufacturer wants to keep Jeep different than the rest of the brands.

Mr. Andarawis asked if there would or is currently any parking on the lawn areas. Mr. Dannible stated that the applicant is not parking in the lawn area and that the ariel photo was taken when the previous owner possessed the property.

New Business:

#2024-008 Route 9 Telecommunications Tower Special Use Permit

SBL: 266.3-3-20

Route 9 Telecommunications Tower, Us Rt 9 Rear, Zoned: B3 - Neighborhood Business, Status: Concept

Citizenserve File Number: 24-000131, Application Number: SUP24-000002

Applicant: Cellco Partnership dba Verizon Wireless, Consultant: Young Sommer, D. Brennan

Consultant/Applicant Presentation:

James LaValle – Young Sommer – Mr. LaValle stated that they are waiting for a Clifton Park consultant report to come back. He stated that tonight he would like the Board to take SEQR action and then he would like to come back again in a March meeting.

Staff Comments:

Scott Reese, Zoning Administrator issued a memo stating:

- Per Town Code Chapter 208-37 A. The uses permitted in the Residential District R-1 and Conservation Residential or Business Districts B-1 and B-2 are permitted in the Neighborhood Business (B-3) District. Per Town Code Chapter 208-10 B. (8) telecommunication towers on shared sites is a permitted use in the Residential District R-1.
- The application is for a new communication pole. The Application should follow Town Code Chapter 208-95 E (3). It appears that the proposed communication tower is within 500 feet of the Residential Planned Development District Zone. An area variance will need to be obtained per Town Code Chapter 208-95 E (3) (b).
- Per Town Code Chapter 208-95 E (3) (i) The applicant shall provide documentation that the NYS DOT has been notified.
- Per Town Code Chapter 208-95 E (3) (j) All new communication towers or structures must be cited, designed and constructed in such a manner as to guarantee a one-hundred-ten-percent clear zone in case of tower failure. The applicant will need to obtain an area variance since the tower structure is approximately 124 feet in height and there is a structure within 80 feet of the tower

Scott Reese, Stormwater Management Technician issued a memo stating:

- Verify if collected water that is discharged through the proposed driveway culvert will not impact structures that are located below.
- The fill being placed on the steep slope north of the driveway should call out for erosion control blanket to ensure stabilization of the steep slope.

Jennifer Viggiani, Open Space Coordinator issued a memo stating:

- Please consider retaining healthy mature trees in the vicinity of the project location to provide a visual buffer to the adjacent residential buildings to the north and east of the proposed pole. Please maintain a vegetated, mature tree buffer along the west and southwest where the site is visible from travelers on the I-87 Northway. Please consider adding plantings as screening for the site infrastructure.
- Has a Visual Impact Assessment been completed yet -- for the Planning Board to review the impact to neighboring residential property, and the view along the I-87 Northway. It would be helpful to see a visual simulation of what the tower will look like from vantage points such as those noted above. Due to its proposed placement on a higher topography than the I-87 Northway travel, and Route 9, it would be helpful for the Planning Board to see these views, to see if there is any additional visual impact mitigation that could be accomplished.

John Scavo, Director of Planning issued a memo stating:

- A copy s of the application has been forwarded to William Johnson, the Town's qualified professional, to review the applicant's request for compliance with all federal, state, and local telecommunication requirements. Once the Town Planning Staff receives comments from William Johnson, we will distribute copies to the applicant and Planning Board Members for their consideration.
- Planning Staff will ensure our recommendations are consistent with the Congressional Telecommunications Act of 1996, which establishes a comprehensive framework for exercising jurisdiction by state and local zoning authorities over the construction,

modification, and placement of such facilities. The law preserves local zoning authority, yet clarifies when the exercise of local zoning authority may be preempted by the FCC. It prohibits any action that would ban altogether the construction, modification, or placement of such facilities in a particular area and specifies procedures to be followed by local zoning officials for acting on a request to place these kinds of facilities. It also provides for review by the courts or the FCC of any decision by a zoning authority that is inconsistent with the law.

- 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.
- Planning Staff recommends the Planning Board declare itself Lead Agency for the SEQR Review Process by passing a resolution stating such. The applicant will then work through the completion of the environmental review process prior to the ZBA considering the granting of an area variance for the facility within 500' of a local residential zoning district (on the opposite side of I-87).
- The Planning Board should declare itself lead agency for the SEQR review process. Planning Staff has already received a verbal communication from the ZBA that they will consent to the Planning Board's desire to be lead agency for SEQR purposes and conduct a coordinated review.

Professional Comments:

No professional comments.

Public Comments:

No public comments.

Planning Board Review:

Ms. Bagramian asked if this application was an Unlisted action. Mr. Scavo stated that he believes so, and the Board can declare lead agency tonight if they choose to for the SEQR process.

Mr. Andarawis if the tower would be 120' with a lightning rod and if the tower would need a light. Mr. LaValle stated that it is 120' and with a lightning rod it would add another 4' and they are currently discussing FAA regulations since it is just outside of the flight path of a local field runway.

MS. Bagramian asked if this town would be a monopole or if it would have branches. Mr. LaValle stated that it would not imitate a pine but be a single pole.

Mr. Ophardt asked what the structures housing would be made of. Mr. LaValle stated that it would be galvanized steel made to weather and blend with the landscape. He stated that it would be visible above the tree lines to allow for satellite transmission.

Mr. Fantini asked if the pole was tall enough to accommodate co-location. Mr. Scavo stated it was in Town code to require up to 3 co-locations on a pole. Mr. Andarawis asked if other carriers would go above or below this carrier. Mr. LaValle stated that they would go under the applicant.

Mr. Ophardt stated that he feels that residents of Country Knolls South would express their concerns that this is a visual impact and asked the applicant if they would consider dropping the height. Mr. Fantini stated that if the applicant could lower the tower, than he would be ok with a tower set as a pine. Mr. LaValle stated that adding pine branches to the tower would actually increase the height. Mr. LaValle stated that if he dropped the height, the tower would not be as effective however, he can see if he can camouflage it more, but is he is not sure if it is possible. Mr. LaValle showed a map of the existing gap coverage area.

Mr. Martin moved second by Ms. Fariello to establish the Planning Board as Lead Agency pursuant to SEQRA for this application and to authorize Planning Staff to notify all interested agencies of this motion. The motion was unanimously carried.

New Business:

#2024-009 Old Route 146 Convenience Store w/ Fuel Site Plan

SBL: 272.9-1-27

45 & 47 Fire Rd. Convenience/Fuel Store, 45 Old Rt 146

Zoned: TNGB - Neighborhood General Business, Status: Concept

Citizenserve File Number: 24-000130, Application Number: SPR24-000010

Applicant: Tanski Construction & Development, Consultant: Lansing Engineering, PC, N. Winchester

Consultant/Applicant Presentation:

Jason Dell – Lansing Engineering – Mr. Dell stated that he would like to introduce this application to the Board. He stated that they plan to meet with the TAC prior to future submittals and approvals. Mr. Dell stated that this application consists of 3 parcels at about 1.1 acres total in the TNGB zoning. He stated that the application is for a 5,000 sf convenient store with gas pumps for fuel service. Mr. Dell stated that there would be 2 access points and parking required would be 37 stalls. He stated that they are showing 24 stalls with 13 banked. Mr. Dell stated that the site would be serviced by public water and sewer and that a full SWPPP is not needed, but there would be less than 1 acre of disturbance. He stated that they have received comments and will work through them.

Staff Comments:

The Environmental Conservation Commission and issued a memo recommending:

- The ECC notes significant cuts will have to be removed in order to accommodate the gas tanks.
- Gas Station on this curve makes it difficult for trucks to maneuver to deliver fuel and or refuel.
- The sight distances for the ingress and egress are dangerously short.
- The ECC notes that the Old Plank Road Commercial Site Plan (2023-030) will significantly increase truck traffic on Fire Road compounding the adverse impacts to highway safety. A traffic study is recommended.

John DeSimone, Fire Marshall issued a memo:

- Please see Fire Bureau Notes in documents. Add no parking Fire Lane Paint to pavement on northeast corner of building to assure fires access is never obstructed.
- See preliminary postal verification in documents for assigned postal number. This will be finalized with Saratoga County Emergency Services upon final approval from planning department.

Scott Reese, Zoning Administrator issued a memo stating:

- This proposal is located in the TNGB Neighborhood General Business. Retail shops are an allowed use. Convenience Food Stores are an allowed use. Per Town Code Chapter 208-7 Definitions and word usage: Convenience Food Store is a facility of 5,000 square feet of gross floor area or less with any combination of the following primary characteristics: (3) Sale of gasoline or other fuel, oil or other lubricating substances or other motor vehicle accessories and generally of a selfservice type. [A facility with more than four sets of fuel-dispensing devices (pumps) or more than 12 nozzles shall be considered to be an automobile service station.] Any convenience food store which sells fuel under the provisions of this subsection shall also meet the criteria for automobile service stations found in § 208-93.
- Per Town Code Chapter 208-93 C. - No gasoline pumps shall be placed closer to any property line than 50 feet. Show the dimensions of the pumps from the property lines.
- The applicant shall provide a comparable list of the applicable Form dimensions and proposed Form dimensions. The Planning Board has the authority to modify dimensional standards Per Town Code Chapter 208-21 (3.)

Scott Reese, Stormwater Management Technician issued a memo stating:

- Once the grading and utility plans have been submitted will determine the overall disturbance that this project will have and the need of a FULL SWPPP or just an Erosion and Sediment Control Plan.
- The applicant will still need to address where the excess runoff will be directed as it appears that it would result in flowing over the public roadway which the town will not allow.

The Trails and Open Space Subcommittee issued a memo stating:

- Add new sidewalks along frontage on Old Route 146/Fire Road to meet town code.

Jennifer Viggiani, Open Space Coordinator issued a memo stating:

- The project is within the TNGB Neighborhood General Business form-based code; and along Street Type "D" which is "Neighborhood Street 1" type of street in Town Zoning

Code. The code calls for sidewalks 12 feet to 17 feet in width. This project should at a minimum, include pedestrian sidewalk from the front door of the retail shop to the public street frontage which should also include sidewalks along the public street frontage.

- As the Street Type calls for pedestrian walkway/sidewalks to be 12 feet to 17 feet in width, envisioned for buildings set closer to the street, this project should consider placement of the building closer to the street, with the form-based code.
- At a minimum, the project applicant needs to install sidewalks along the entire public street frontage, and should connect the sidewalks to the east to reach the driveway of the adjacent hotel, n/f, Red Roof Inn Clifton Park.
- The project shows a significant clearing of a steep hill in the rear north/northwest of the lot. Recommend one less gas pump to reduce the impact on this hill. This hill and the trees provide a buffer to the I-87 Northway. If this mitigation in the concept is not done, how will the steep slope be stabilized -- will there be a need for a retaining wall? Is this siting of gas pumps an adequate distance from the intense traffic on I-87?

John Scavo, Director of Planning issued a memo stating:

- I have met twice with the applicant regarding perfecting a sketch plan layout to this conceptual plan submittal for consideration this evening.
- The proposed project is subject to Section 239 of General Municipal Law and has been referred to the Saratoga Co. Planning Board for a recommendation.
- I am in agreement with comment No. 8 offered by MJ Engineering to establish a town center technical advisory committee meeting with the applicant for reviewing comments offered this evening and additional design details required for preliminary and final approval consideration by the Planning Board.
- The applicant should note on the site plan site distances for drivers looking east and west along Old Route 146 from the driveway locations and verify the adequacy of sight distances.
- The southern building elevation is a crucial consideration with the form-based code. This layout may warrant similar treatments to the street-facing building elevation required of a convenience store with fuel pumps at 1529 Crescent Road.
- The proposed retaining wall should utilize a redi-rock retaining wall solution or similar product that is aesthetically consistent with meeting the Town's form-based code regulations.
- The project appears to be an Unlisted Action pursuant to SEQR, and as such coordinated review is optional.

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 are not necessarily limited to the following:

- a. Town of Clifton Park Planning Board: Plan approval
- b. Clifton Park Water Authority: Water Connection
- c. Saratoga County Sewer District #1: SCSD Connection
- d. Saratoga County Planning: 239-m County Referral
- e. New York State Department of Environmental Conservation: Bulk Petroleum Storage
- f. NYS Historic Preservation Office: Archeological sensitive area

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. 12.b. – The response indicates that the project site is located within or adjacent to an area designated as sensitive for archeological sites on the NY State Historic Preservation Office (SHPO) archeological site inventory. The applicant should provide a correspondence letter from SHPO to confirm the presence or absence of archeologically sensitive resources.
3. Part I.17 – The response indicates that the proposed action will create stormwater discharge. The Short EAF identified the total area of disturbance is 0.74 acres. The applicant provided a narrative stating "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." The proposed project disturbs less than 1 acre and therefore does not require coverage under a NYSDEC SPDES permit and/or post-construction stormwater management designed in accordance with the NYSDEC Stormwater Management Design Manual."
4. No further comments at this time.

SITE PLANS

5. The project is located within the Town's Neighborhood General Business (TNGB) zoning district. The proposal for a convenience store with fuel stations appears to not be a permitted use as noted in Section 208-22 of the Town's Zoning. This should be reviewed by the Town's Zoning Officer.
6. Based upon a review of the proposed building location on the parcel, it appears the minimum bulk lot requirements as identified in Section 208-22.1 of the Town's Zoning are adequate.
7. Show where snow storage is being provided within the project site.
8. It is suggested that the applicant meet with the TAC independently, if not already completed to review the site plan, building architecture and discuss modifications that may be required.
9. All buildings must have a primary entrance along the front façade as noted in Section 208.22.1, TNGB, B. Parking and Encroachments.
10. The applicant should provide the frontage width percentage has been achieved.
11. Subsequent plans shall provide additional information to demonstrate conformance with 208- 26(6) of the Town Zoning with respect to site lighting.

12. Provide information and/or summary of the pedestrian amenities that are to be provided consistent with Section 208-26(7) of the Town Zoning.
13. It is recommended that at a minimum the number of peak hour vehicle trips, including truck trips be provided.
14. Confirm that the new site drive will have adequate sight distance. The sight distance analysis shall utilize ASHTO standards for the 85th percentile travel speed of Fire Road.
15. Provide notation on subsequent plans indicating that all work proposed within the Fire Road right-of-way are subject to a highway work permit issued by the Town of Clifton Park Highway Department.
16. Indicate whether roof top mechanical units are proposed and how screening may be incorporated to shield them from the public view.
17. Provide anticipated water and sewer usage information.
18. The submitted information indicates the project is proposing to connect to an existing water main(s) within proximity to the parcel. These mains are owned and operated by the Clifton Park Water Authority (CPWA). It is recommended that the Town be furnished with documentation that the CPWA is willing and capable of providing potable water to the project.
19. The submitted information indicates the project is proposing to connect to an existing sewer main(s) within close proximity to the parcel. These mains are owned and operated by the Saratoga County Sewer District No. 1 (SCSD). It is recommended that the Town be furnished with documentation that the SCSD is willing and capable of providing sanitary sewer service to the project.
20. Fire Road is defined as a Neighborhood Street 1 in the Future Streets Map found in Section 208- 23 of the Town Zoning. The following modifications may be necessary and shall be addressed as part of the next submission.
 - a. Lighting shall be provided aligned with the 4'x4' tree wells.
 - b. Trees shall be evenly spaced at 30-feet on center in 4'x4' tree wells.
 - c. The linear extents of streetscape improvements should be along the entire width of the property frontage so as to provide a continuous pedestrian sidewalk link from one side of the property to another.
21. The following comments are relative to the site plan and its conformance to the NYS Fire Code (NYSFC). The Town Fire Official shall have final authority on the applicability of these comments to the proposed site layout:
 - a. Determine if a Knox Box is required based upon the building arrangements, occupancy and materials of construction. If one is required, its location is subject to the review and approval of the Fire Chief.
 - b. If the proposed building is to be provided with an automatic sprinkler, show the location of the fire department connection to ensure they are reasonably accessible.
 - c. Section 912.2 of the NYSFC requires a fire hydrant to be located within 100-feet of the building's fire department connection. It is not clear from the plans where the closest hydrant to the site is or where the fire department connection may be. Additional hydrants may be necessary.
 - d. Identify the actual height of the buildings. 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

- NYSFC. If aerial apparatus access is required, its location shall be identified on the plans.
- e. Provide a turning template analysis for the largest emergency vehicle that may respond to an event at the site.
22. Show all egress doors.
 23. The plans need to indicate how roof drainage from the new building expansion will be collected and conveyed to the on-site stormwater management system.
 24. Elevations and materials of construction for the proposed building should be submitted to the Planning Board for review to ensure the requirements of Section 208-55(C) of the Town's Zoning are being met.
 25. Subsequent submissions shall include information as outlined in Section 208-115 of the Town zoning specific to lighting, site grading, landscaping, erosion control and stormwater management to fully assess the design and its compliance to the applicable standards.

Public Comments:

No public comments.

Planning Board Review:

Ms. Bagramian asked how many pumps are being proposed. Mr. Dell stated that there are 8 and this would include diesel. He stated that they meet the 50' setback requirement to the property line if they keep this layout.

Mr. Ophardt asked if the applicant could move the building back towards the Red Roof Inn and turn the pumps to help keep them from encroaching on the hill. Mr. Dell stated that they can come back and show this but that they have looked at the layouts and this is the best for site maneuverability. Mr. Dell stated that there would be a large retaining wall in the rear of the property and that the ground elevation would be raised to accommodate for underground stormwater management.

Ms. Fariello asked if the applicant has considered any other us for this property, she stated that this is not a busy road and there is little visibility. She stated that she is not opposed to the application but would like to see this area successful. Mr. Dell stated that they had looked at apartments. Mr. Scavo stated that the road would still need to deal with highway traffic just like the previous application. He stated that they looked at pass-by trips versus increased trip generation.

Mr. Andarawis stated that he feels that diesel would be a problem as there are no larger trucks that frequent the road.

Mr. Martin stated that he would be interested in seeing how the applicant would mitigate traffic.

Ms. Fariello stated that she feels the application is close to the curve in the roadway coming from Route 146. Mr. Dell stated that he would have a traffic analysis done and knows there are larger trees in the corner of the adjacent lot but he is willing to ask the Fire Department, who owns the property if they could remove them and replant trees elsewhere.

Mr. Ophardt asked if there is a landscaping plan or if sidewalks are being proposed. Mr. Dell stated that this is conceptual and that that plan detail will come. Mr. Bruce Tanski, the applicant, stated that he puts his best foot forward at all times, and this will look nice. Mr. Ophardt stated that he feels that the landscaping will be critical.

Ms. Bagramian stated that she would like to see elevations from all angles as she feels that the Speedway off of exit 10 of t I-87 is visually unappealing, with the roof of the pumps showing. Mr. Scavo stated that codes have changed, and the fire suppression isn't required anymore.

Mr. Ophardt asked if the site was used previously as a gas station. Mr. Scavo stated that it had been, and everything was demolished properly.

New Business:

#2024-010 Roberts Lane (Synergy Phase 4) Subdivision of New Office/Warehouse Buildings

SBL: 259.-2-118.7

Roberts Lane (Synergy Phase 4) Subdivision for New Office/Warehouse Buildings, Roberts Lane (Pvt) , Zoned: L2 - Light Industrial 2, Status: Concept

Citizenserve File Number: 24-000126, Application Number: SUB24-000001

Applicant: MJ Properties of CP , Consultant: Lansing Engineering, PC, N. Winchester

Staff Comments:

Scott Reese, Zoning Administrator issued a memo stating:

- The applicant is proposing warehousing structures in both the Corporate Commerce (B-5) District and the Light Industrial 2 (L-2) District. Per Town Code Chapter 208-53 A. (9) warehouse and storage facilities are a permitted use. Per Town Code Chapter 208-64 B. (2) Storage, warehousing or distribution of manufactured products are a permitted use.
- For the parcel in the L-2 District: Per Town Code Chapter 208-64 C. There shall be established a minimum twenty-five-foot planted buffer along the rear and side property lines of all parcels.
- For the parcel in the L-2 District: Per Town Code Chapter 208-65 E. (1) No parking or maneuvering area shall be permitted in the front yard fifty-foot front yard setback.
- For the parcel in the L-2 District: Per Town Code Chapter 208-65 E. (2) No parking shall be permitted in the side yard twenty-five-foot buffer area.
- For the parcels in the B-5 District: Per Town Code Chapter 208-54 E. (2) A ten-foot rear yard setback shall be treated as a buffer area. With the proposed construction of the structure right on the buffer line, it may be difficult to maintain that natural buffer.

- In future submittals the applicant should provide a landscape plan to meet Town Code Chapter 208-55 B. Landscaping. Consideration shall be given to the natural and existing vegetation as well as new plantings throughout the entire site plan. The Planning Board shall take in consideration of the location of the Dwaas Kill, existing wetlands, and relation to the Interstate 87 boundaries.

Scott Reese, Stormwater Management Technician issued a memo stating:

- No stormwater comments on the subdivision application. See the Site Plan application for stormwater comments.

The Trails and Open Space Subcommittee issued a memo stating:

- It appears that the Robert road will be extended to route 9. 15 feet Easement should be provided for future all-purpose trail along route 9

Jennifer Viggiani, Open Space Coordinator issued a memo stating:

- During construction activities, be fully responsive and implement completely all best practices for the stormwater management requirements to ensure maximum protection of the Dwaas Kill stream which flows through the center of this project site.
- It would be a project benefit to provide some visual access, walkway access to an area along and in the vicinity of the Dwaas Kill -- for future employees on break -- that would be a benefit to all the future development in this industrial park. Providing some visual or other access to the Dwaas Kill stream would be valuable. See attached Dwaas Kill stream map for reference.

John Scavo, Director of Planning issued a memo stating:

- These comments should be considered in conjunction with SEQR and Plan review comments for the site plan on the same property.
- The applicant should provide documentation verifying that the original wetland delineation remains valid. A note should be added to the plan stating when and by whom the delineation was conducted.
- The final subdivision and site plans should demonstrate compliance with Section 208-55-C and 208-115 of the Clifton Park Town Code for each lot.
- I am in agreement with MJ Engineering's SEQR review comments regarding this action.
- The proposed project is subject to Section 239 of General Municipal Law and has been referred to the Saratoga Co. Planning Board for a recommendation.

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 a "Type 1" action per 6 CRR-NY 617.4.b(6)(i). If the Planning Board is to request Lead Agency status under SEQRA, the need to undergo a coordinated review is required. 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. Clifton Park Water Authority: Water Connection
 - c. Town of Halfmoon Planning Board: Proximity to municipal boundary

- d. Saratoga County Sewer District #1: SCSO Connection
 - e. Saratoga County Planning: 239-m County Referral
 - f. New York State Department of Environmental Conservation: Stormwater Permit
 - g. NYS Historic Preservation Office: NYS Heritage Area
 - h. NYS Department of Transportation: Proximity to a State Route (Route 9)
2. Part C.2.b – The applicant indicates that the proposed action is within the NYS Heritage Area: Mohawk Valley Heritage Corridor. Correspondence with the NYS Office of Parks, Recreation, and Historic Preservation should be submitted as part of the application.
 3. Part 1. D.1.b(b) – The applicant indicates that the action will disturb 18+/- acres of land. As a result, a Storm Water Pollution Prevention Plan (SWPPP) will be required. It appears the project will be subject to the NYSDEC Phase II Stormwater Regulations and General Permit GP-0-20-001. Therefore, a full Stormwater Pollution Prevention Plan (SWPPP) will be required. As the project proceeds through the Town's regulatory review process, a fully conforming SWPPP shall be provided for review.
 4. Part 1. D.2.j – The response indicates the proposed action will result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services. A project-specific traffic impact study may be required.
 5. Part 1. E.2.(h)(i-v)- The applicant indicates that wetlands or other waterbodies regulated by federal, state, or local agencies, adjoin the project site, this is seen in the attached FEAF and EAF Summary Report. There is also a Class C(T), C(TS) stream (Dwaas Kill) located on or adjacent to the site. 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.
 6. Part 1. E.2.(i-l): The applicant indicates that the project site is within the 100-year floodplain and located over, or immediately adjoining, a Principal and Primary Aquifer.
 7. Part 1.E.2.o: The report indicates that the project site may contain species of animals or associated habitats, listed by the State or Federal government as threatened or endangered, including the Karner Blue and Frosted Elfin. The applicant will need to provide correspondence from the permit staff at the NYSDEC Region 5 Office to confirm the presence or absence of the listed species and for any permit considerations. The applicant should also provide correspondence from the NY Natural Heritage Program to confirm the presence or absence of rare plants or animals and significant natural communities as well as the US Fish and Wildlife Service IPaC database.
 8. No further comments at this time.

SITE PLANS/SUBDIVISION

9. A portion of the project is located within the Town's Light Industrial District (LI-2). The proposal for warehousing is a permitted principal use within the LI-2 District as noted in Section 208- 64(B)(3) of the Town's Zoning.
10. The project also proposes a subdivision of three existing parcels to three reconfigured parcels.
11. A portion of the project resides within the Town's B-5, Corporate Commerce District. In our review of Section 208-53(9) of the Town's Zoning, it appears that the proposed warehouse/office is a permitted as of right use within the B-5 District.

12. In a review of Section 208-54 and 208-65 of the Town's Zoning, the proposed lots and placement of the building structures general appear to meet the minimum bulk lot requirements of the B-5 and LI-2 Districts.
13. Subsequent submissions shall include the metes and bounds of the affected lots and right-of-way. This plat shall be prepared by a surveyor licensed to practice in the State of New York.
14. Identify the date and by whom the wetlands shown were delineated. Based on the date of the delineation and/or prior NYSDEC correspondence, the wetlands may require a re-delineation if expired.
15. On the south side of the proposed development on Lot C (7r) it appears there are wetland fingers from the NYSDEC regulated wetlands. Please confirm, as a 100-foot buffer may need to be provided.
16. The site contains substantial wetlands which may or may not be impacted as a result of the planned improvements. Placement of the proposed stormwater facilities will need to be closely examined considering what may be a shallow groundwater table.
17. The project is proposing to be serviced with public water from the Clifton Park Water Authority. The applicant shall provide the Town documentation of the CPWA's ability and willingness to service the project with potable water.
18. The project is proposing to be serviced with public sewer from the Saratoga County Sewer District. The applicant shall provide the Town documentation of the SCSD's ability and willingness to service the project with public sewer.
19. The project will disturb more than 1-acre of land. As such, it will be subject to the NYSDEC Phase II Stormwater Regulations and General Permit GP-0-20-001. Therefore, a full SWPPP will be required that addressed water quantity and quality controls. As the project proceeds through the Town's regulatory review process, a fully conforming SWPPP shall be provided for review.
20. Subsequent plans shall show how Section 503.1.1 of the New York State Fire Code (NYSFC) is being satisfied which requires a fire apparatus access to extend within 150-feet of all portions of the facility and all portions of the exterior walls of the first story of the building. It should be noted that depending upon what type of materials are planned for storage within the warehouse, it may require additional measures be included as part of the project's fire service features as may be required by the NYSFC.
21. 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.
22. Subsequent submissions shall include building elevations to demonstrate conformance with Section 208-66(C) of the Town Zoning.
23. It is recommended that a traffic impact study be updated or verified that this development has been included as part of the peak hour vehicle trips. The findings of the study should be provided to the Region 1 office of the NYSDOT for input.
24. The existing topography indicates various steep slopes throughout the project areas. A site specific geotechnical investigation was originally performed for Phase 2/3 and may

need to be updated to ensure that construction on these lots would not result in an adverse soil condition, compromising the building structure or the Dwaas Kill.

25. The Planning Board may require that an additional buffer be provided along the Northway to screen the proposed buildings.
26. Show the location of and provide a detail for any exterior refuse areas.
27. Show any proposed free standing or building mounted lights. If any are proposed, provide proposed footcandle values at pavement levels.
28. 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.

New Business:

#2024-011 Roberts Lane (Synergy Phase 4) Office Warehouse Buildings

SBL: 259.-2-118.7

Roberts Lane (Synergy Phase 4) Office Warehouse Buildings, Roberts Lane (Pvt)

Zoned: L2 - Light Industrial 2, Status: Concept

Citizenserve File Number: 24-000127, Application Number: SPR24-000007

Applicant: MJ Properties of Clifton Park Inc , Consultant: Lansing Engineering, PC, N. Winchester

Staff Comments:

The Environmental Conservation Commission and issued a memo recommending:

- The ECC notes that the placement of the proposed buildings is too close to the Adirondack Northway. The proposed location of the buildings is in conflict with the spirit of the Comprehensive Plan.
- The ECC recommends that the Planning Board require this project to use Dark Sky Lighting and to prohibit any signage on facing the Adirondack Northway as part of the approval process. See Town of Clifton Park Comprehensive Plan 2006: VIII. Environment; B. Strategies 2. To preserve open space for ecological, aesthetic and recreational purposes by: e. Requiring special setbacks along the Northway and where commercial and residential developments abut.

Scott Reese, Zoning Administrator issued a memo stating:

- See the zoning comments in the subdivision application for this project

Scott Reese, Stormwater Management Technician issued a memo stating:

- For future submittals: The proposed runoff from these site will enter the Dwaas Kill which is a NYSDEC listed as a silt / sediment impaired waterbody. The erosion and sediment control plans shall refer to section 4 of the NYS E&SC 2016 for Soil Stabilization practices, and follow BMP procedures; and develop and implement procedures for watering and maintenance of implemented BMPs appropriate to establish root and vegetative cover, utilizing products which provide critical support to vegetation and soil stabilization.

- For future submittals: Outlet protection from the proposed stormwater management areas shall be permanently stabilized for the entire drainage path to the Dwaas Kill.
- The Planning Board shall take in consideration of the forty-foot buffer from the federal wetland boundaries that are used in Phase 1 of the Synergy Development.

The Trails and Open Space Subcommittee issued a memo stating:

- 15 feet Easement should be provided for future all-purpose trail along route 9

John Scavo, Director of Planning issued a memo stating:

- I am concerned with the area adjacent to the I-87 property boundary to provide visual and auditory buffering to the greatest extent possible. Avoiding a similar light pollution situation such as that from U-Haul's interior lighting onto the I-87 Interstate, should be prevented. A photometric plan should be required to determine lighting impacts on adjacent offsite properties.
- 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.
- A landscape buffer plan should be provided with future site plan submittals. Buffers should be located on each site for which approval is requested. The buffer plan should show in detail the layout of the proposed development including the arrangement of buildings, parking areas, permanent open spaces, and the location of proposed buildings, and of existing or proposed buildings on adjacent properties. The plan shall also show the location of proposed buffers including a detailed description or sketch of such buffer materials to be used, including a provision for an irrigated water source in the vicinity of buffered and landscaped areas.
- Additional comments will follow as detailed plans advance and become available for review.

Professional Comments:

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

STATE ENVIRONMENTAL QUALITY REVIEW

29. Based upon our review of Part 617 of NYS Environmental Conservation Law, the project appears to be a "Type 1" action per 6 CRR-NY 617.4.b(6)(i). If the Planning Board is to request Lead Agency status under SEQRA, the need to undergo a coordinated review is required. Under a coordinated review, involved / interested agencies to be engaged may include, but is not necessarily limited to the following:
- i. Town of Clifton Park Planning Board: Plan approval
 - j. Clifton Park Water Authority: Water Connection
 - k. Town of Halfmoon Planning Board: Proximity to municipal boundary
 - l. Saratoga County Sewer District #1: SCSO Connection
 - m. Saratoga County Planning: 239-m County Referral
 - n. New York State Department of Environmental Conservation: Stormwater Permit
 - o. NYS Historic Preservation Office: NYS Heritage Area
 - p. NYS Department of Transportation: Proximity to a State Route (Route 9)

30. Part C.2.b – The applicant indicates that the proposed action is within the NYS Heritage Area: Mohawk Valley Heritage Corridor. Correspondence with the NYS Office of Parks, Recreation, and Historic Preservation should be submitted as part of the application.
31. Part 1. D.1.b(b) – The applicant indicates that the action will disturb 18+/- acres of land. As a result, a Storm Water Pollution Prevention Plan (SWPPP) will be required. It appears the project will be subject to the NYSDEC Phase II Stormwater Regulations and General Permit GP-0-20-001. Therefore, a full Stormwater Pollution Prevention Plan (SWPPP) will be required. As the project proceeds through the Town's regulatory review process, a fully conforming SWPPP shall be provided for review.
32. Part 1. D.2.j – The response indicates the proposed action will result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services. A project-specific traffic impact study may be required.
33. Part 1. E.2.(h)(i-v)- The applicant indicates that wetlands or other waterbodies regulated by federal, state, or local agencies, adjoin the project site, this is seen in the attached FEAF and EAF Summary Report. There is also a Class C(T), C(TS) stream (Dwaas Kill) located on or adjacent to the site. 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.
34. Part 1. E.2.(i-l): The applicant indicates that the project site is within the 100-year floodplain and located over, or immediately adjoining, a Principal and Primary Aquifer.
35. Part 1.E.2.o: The report indicates that the project site may contain species of animals or associated habitats, listed by the State or Federal government as threatened or endangered, including the Karner Blue and Frosted Elfin. The applicant will need to provide correspondence from the permit staff at the NYSDEC Region 5 Office to confirm the presence or absence of the listed species and for any permit considerations. The applicant should also provide correspondence from the NY Natural Heritage Program to confirm the presence or absence of rare plants or animals and significant natural communities as well as the US Fish and Wildlife Service IPaC database.
36. No further comments at this time.

SITE PLANS/SUBDIVISION

37. A portion of the project is located within the Town's Light Industrial District (LI-2). The proposal for warehousing is a permitted principal use within the LI-2 District as noted in Section 208- 64(B)(3) of the Town's Zoning.
38. The project also proposes a subdivision of three existing parcels to three reconfigured parcels.
39. A portion of the project resides within the Town's B-5, Corporate Commerce District. In our review of Section 208-53(9) of the Town's Zoning, it appears that the proposed warehouse/office is a permitted as of right use within the B-5 District.
40. In a review of Section 208-54 and 208-65 of the Town's Zoning, the proposed lots and placement of the building structures general appear to meet the minimum bulk lot requirements of the B-5 and LI-2 Districts.

41. Subsequent submissions shall include the metes and bounds of the affected lots and right-of-way. This plat shall be prepared by a surveyor licensed to practice in the State of New York.
42. Identify the date and by whom the wetlands shown were delineated. Based on the date of the delineation and/or prior NYSDEC correspondence, the wetlands may require a re-delineation if expired.
43. On the south side of the proposed development on Lot C (7r) it appears there are wetland fingers from the NYSDEC regulated wetlands. Please confirm, as a 100-foot buffer may need to be provided.
44. The site contains substantial wetlands which may or may not be impacted as a result of the planned improvements. Placement of the proposed stormwater facilities will need to be closely examined considering what may be a shallow groundwater table.
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Applicant Presentation:

Jason Dell – Lansing Engineering – Mr. Dell stated that both applications are being heard together tonight. He stated that this is a continuation of the Synergy project and that they are looking for initial feedback tonight. Mr. Dell stated that the parcel is 60.6 acres of land with 32.8 in the L-1 district and 27.8 in the B-5 Corporate Commerce District. He stated that the application is for 3 new buildings of 100,000 sf, similar to Synergy Phase 3. He stated that there are no known tenants yet, but flex space would be used, and the applicant would like the site shovel-ready. Mr. Dell stated that this site would be accessed from Roberts Lane from Phase 3 to Phase 4. He stated that loading docks and parking areas are being proposed and there are 462 parking spaces required but they are hoping to land bank some. Mr. Dell stated that they are asking to subdivide one of the existing lots from Phase 3 and a vacant lot adjacent to the application. He stated that they would hook up to the existing water and sewer and the stormwater management plan will meet requirements.

Public Comments:

No public comments.

Planning Board Review:

Ms. Bagramian asked if each building would be 100,000 sf and have loading docks. Me. Dell stated they would all be the, and the doors would be at ground level

Mr. Martin stated that he has concerns with the Dwaas Kill and the wetlands.

Mr. Ophardt what the separation would be from the buildings to the highway. Mr. Dell stated that they are 25' now but they can talk to the applicant about moving them further away. Mr. Ophardt asked about fire access mitigation. Mr. Dell stated that all of the buildings would be sprinklered. He stated that Mr. Reese's comment of the side yards can be looked at but they didn't have that for the previous 3 applications here either and that it would add impervious surfaces to the area and decrease the size of the buildings.

Ms. Bagramian stated that she would like to see a landscape plan for the highway side of the application and the elevations provided as well.

Discussion Items:

None

Ms. Fariello moved, seconded by Mr. Fantini, adjournment of the meeting at 10:07 p.m. The motion was unanimously carried.

The next meeting of the Planning Board will be held as scheduled on March 12, 2024.

Respectfully submitted,

Paula Cooper

Paula Cooper, Secretary