

**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**  
**March 12, 2024**

Those present at the March 12, 2024 Planning Board meeting were:

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

Those absent were: M. Fantini

Those also present were: J. Scavo, Director of Planning  
W. Lippmann, M J Engineering and Land Surveying, P.C.  
R. Wilcox, Counsel – via Zoom  
P. Cooper, Secretary  
J. DeSimone, Fire Marshall

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 Ms. Fariello, approval of the minutes of the February 27, 2024 Planning Board meeting as written. The motion was unanimously carried.

**Public Hearing:****#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: Preliminary

Citizenserve File Number: 24-000075, Application Number: SUP24-000004

Applicant: Helmut Gerstenberger , Consultant: Michael E Miele, PE

Last Seen On: 2/13/24

Ms. Bagramian explained the review and approval process to those present, stating that the Board was required to render a determination pursuant to SEQRA (State Environmental Quality Review Act) prior to conducting a public hearing on this application. She explained that the Planning Board would assume Lead Agency status for the project and issue a negative declaration as a “formality” which neither granted nor implied approval of the SUP application. Should it be determined that additional environmental review is required, SEQRA discussions will be reopened and a decision rendered when deemed appropriate.

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

Ms. Bagramian called the public hearing to order at 7:03 p.m. The Secretary read the public notice as published in the Daily Gazette on March 1, 2024.

**Consultant/Applicant Presentation:**

Courtney Roberts from Empire Solar stated this is a 2 pad residential solar application to be used on the property. She stated that the arrays are 1,247 sf in total and that the property has ample screening to the neighbors and roadway now, so it will not be visible.

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

- The ECC requests that the applicant includes a visual buffer to screen the solar panels from adjacent properties and adjacent public thoroughfare. If the applicant feels that the existing buffer is sufficient, the ECC requests that the applicant provides visual impact photos that the buffers are adequate.
- Given the increasing prevalence of solar installations, the ECC recommends that the planning board require the applicant to provide a detailed decommission plan that includes financial mechanisms for assuring post closure decommissioning.

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

**John DeSimone, Fire Marshall, issued the following memo:**

- No concerns or comments for this residential solar project. Just assure that residential permit is obtained by contractor prior to start of work.
- Postal verification not required for this project. This array will fall under the existing postal number. 591 Riverview Rd.

**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 considerations listed under 208-79 E. (1) (a-k)

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

- I recommend the project be classified as an Unlisted Action pursuant to SEQR and the Planning Board issues a negative declaration to complete the SEQR process.

**Professional Comments:**

No professional comments.

**Public Comments:**

Anthony LaFleche – 21 Wheeler Drive – Mr. LaFleche asked Mr. Scavo if the current or future owner can remove the buffer and if so what will have to be replaced. Mr. Scavo stated that this can be put in the condition of the notice of decision, so the property owner would have to return to the Planning Board for Site Plan if screening is removed.

There being no additional public comment, Mr. Ophardt moved, second by Ms. Fariello, to close the public hearing at 7:10 p.m. The motion was unanimously carried.

**Planning Board Review:**

Ms. Bagramian asked if the applicant was using buffering from the adjacent land to help screen their lot. Ms. Roberts stated that are but they have enough on their own property. Ms. Bagramian asked how much do they have from the panels to the property line. Ms. Roberts stated that there is only one small potential area that may have visibility if something happens on the adjacent lot but then the homeowner would have to replace what is gone if the condition is held.

Mr. Ophardt stated that he feels that the panels are far from the roadway and with the natural berm there the panels would not be visible coming from the corner. Ms. Roberts stated that they are about 160' from the property line and 170' from the roadway.

Mr. Martin asked if there would be standard language for the condition. Mr. Scavo stated if the trees are removed south of the array the owner would be remanded back to the Planning Board for consideration.

Mr. Andarawis stated that he feels that this is a reasonable condition for the application. He stated that the owners could build a barn in the location and mount the panels on the roof or even on the home but feels this works well. He stated that he feels that it protects the buffer and provides ground mounted protection. Mr. Scavo stated residential solar arrays are limited to a capacity of 110% of the average for the homeowner's existing electric usage.

Ms. Fariello asked if the buffering is taking into account storms that may knock down buffering trees. Ms. Bagramian stated that she agrees and would like the buffer to stay regardless of what takes down the buffer. She stated she is in favor of the application but that they need to establish proper screening and the Board follows the proper process.

Mr. Andarawis asked about the ECC comment and who would handle the decommissioning process. Ms. Roberts stated they would continue to service the property, regardless of owner, and that the home is the customer, not the owner.

Mr. Ophardt asked who would remove the panels in 3 years, who would replace them if they needed to be replaced, and who would remove them if the new homeowner does not want them. Ms. Roberts stated that they would. Mr. Ophardt asked if there would be an amount of replacement trees if this buffer should come down. Mr. Scavo stated that it would be up to the discretion of the Board when they are required to come back.

Mr. Martin stated that he feels that they are a comfortable distance from the home and others.

Mr. Andarawis offered Resolution #04 of 2024, second by Ms. Westrick, to waive the final hearing for this application and to grant preliminary and final approval of the special use permit, conditioned upon satisfaction of the comments offered by the Planning Board, Planning Department, and Town Designated Engineer, including submitting the landscaping plan for approval to the Planning Department prior to the stamping of the Special Use Permit.

Conditions:

1. If conditions change for buffering on the south side of the property, the applicant shall be remanded back to the Planning Board for site plan review

**Roll Call:**

D. Bagramian - Yes  
 E. Andarawis - Yes  
 E. Ophardt - Yes  
 H. Fariello - Yes  
 K. Martin – Yes  
 M. Fantini - Absent  
 L. Westrick - Yes

Ayes   6  Noes:   0  

The resolution is carried.

Ms. Fariello moved, second by Ms. Westrick, to waive the final hearing for this application for the site plan review of 591 Riverview Rd Residential Dwelling Ground Mounted Solar Array, and to grant preliminary and final site plan approval conditioned upon satisfaction of all comments provided by the Planning Department, Town Designated Engineer, and all items listed in the final comment letter issued by the Planning Department.

Conditions:

1. If conditions change for buffering on the south side of the property, the applicant shall be remanded back to the Planning Board for site plan review.

Ayes:   6  Noes:   0  

The motion is/is not carried.

### **Public Hearing:**

#### **#2024-013 17 Bear Brook Ct In-Law Apartment SUP**

SBL: 265.19-3-30.1

In-law addition on existing home, 17 Bear Brook CT , Zoned: R1 - Residential, Status: Concept  
Citizenserve File Number: 24-000162, Application Number: SUP24-000003

Applicant: Capital District Contractors Inc. - Phil Brayman, Consultant: N/A

Ms. Bagramian explained the review and approval process to those present, stating that the Board was required to render a determination pursuant to SEQRA (State Environmental Quality Review Act) prior to conducting a public hearing on this application. She explained that the Planning Board would assume Lead Agency status for the project and issue a negative declaration as a “formality,” which neither granted nor implied approval of the subdivision application. Should it be determined that additional environmental review is required, SEQRA discussions will be reopened and a decision will be rendered when deemed appropriate.

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

Ms. Bagramian called the public hearing to order at 7:28 p.m. The Secretary read the public notice as published in the Daily Gazette on March 1, 2024.

**Consultant/Applicant Presentation:**

Mr. Phil Brayman with Capital District Contractors stated that he is here tonight with the homeowner, Ms. Annette Moreau for an in-law apartment behind the existing home and that it would be attached to the main dwelling. Ms. Moreau stated she would like to move into the in-law apartment and release the home over to her daughter as she does not want to live alone due to health and she would like to help with her daughter's family.

**Staff Comments:**

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

- The ECC will provide review and comment once they have received a site plan

**John DeSimone, Fire Marshall, issued the following memo:**

- After planning/zoning approval, apply for building permit. Assure copy of survey is attached to building permit to assure all setbacks are not being impeded.
- Existing postal number will apply to in-law apartment. 17 Bear Brook Court

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

- Proposed In-Law addition appears to meet Town Code Chapter 208-7 A. definition of In-Law Apartment for size and attachment. The location appears to meet Town Code Chapter 208-11 for side property line and rear property line setbacks. The location appears to be outside from the 25 foot wide easement along the side property line.

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

- The parcel is zoned R-1 Residential, and an in-law is permissible under the special use permit review process within the zoning district.
- Building Department staff will ensure the setback requirements of the zoning district are met at the time of building permit application. All setback requirements are most likely met based on the existing improvements and the size of the proposed addition.
- The separate cooking accommodations with a stove and oven trigger the need for a special use permit to construct an in-law apartment. Approvals should be conditioned upon compliance with the definition of an in-law apartment as written in Section 208-7 of the Clifton Park Town Code.
- Resolved: I recommend the project be classified as an Unlisted Action pursuant to SEQR and the Planning Board issues a negative declaration to complete the SEQR process.

**Professional Comments:**

No professional comments.

**Public Comments:**

No public comment.

There being no additional public comment, Ms. Fariello moved, second by Mr. Ophardt, to close the public hearing at 7:34 p.m. The motion was unanimously carried.

**Planning Board Review:**

Ms. Bagramian asked for the square footage of the application. Mr. Brayman stated that it is 800 sf but the application says 1,100 sf. Ms. Bagramian stated that it needs to be correct on the plans.

Mr. Martin stated that he visited the site and that it is at the end of a cul-de-sac and believes that it will be practically invisible from the roadway.

Mr. Ophardt asked if the addition would be white or match the existing home. Mr. Brayman stated it would match the existing home.

Mr. Martin offered Resolution #05 of 2024, second by Mr. Andarawis, to waive the final hearing of this application and to grant preliminary and final approval of the special use permit, conditioned upon satisfaction of the comments offered by the Planning Board, Planning Department, and Town Designated Engineer, including submitting the landscaping plan for approval to the Planning Department prior to the stamping of the Special Use Permit.

**Roll Call:**

D. Bagramian - Yes

E. Andarawis - Yes

E. Ophardt - Yes

H. Fariello - Yes

K. Martin – Yes

M. Fantini - Absent

L. Westrick - Yes

Ayes   6   Noes:   0  

The resolution is carried.

Mr. Ophardt moved, second by Ms. Fariello, to waive the final hearing for this application for the site plan review of 17 Bear Brook Ct In-Law Apartment, and to grant preliminary and final site plan approval conditioned upon satisfaction of all comments provided by the Planning Department, Town Designated Engineer, and all items listed in the final comment letter issued by the Planning Department.

Ayes:   6   Noes:   0   The motion is/is not carried.

**Old Business:****#2024-006 1147 Route 146A Building Addition Site Plan**

SBL: 257.16-1-9

Add a 50'x65' addition to an existing building at 1147 Route 146A to operate their business, 1147

Rt 146A Zoned: HM - Hamlet Mixed Use, Status: Preliminary

Citizenserve File Number: 24-000079, Application Number: SPR24-000014

Applicant: JTM Development, LLC. - Jonathan Matala, Consultant: GVG Surveyor, PLLC – K.

Weed

Last Seen On: 2/13/24

**Consultant/Applicant Presentation:**

Pat Jarose – Gilbert Van Guilder – Mr. Jarose stated he is here tonight to answer any further questions that the Board may have. He stated that all prior comments have been addressed.

**Staff Comments:****John DeSimone, Fire Marshall, issued the following memo:**

- Current postal address will cover this building addition. No additional postal numbers required.

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

- 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.

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

- Owner will direct runoff from proposed impervious surfaces, via gutters or grass swales/berms, so it does not impact adjacent properties.

**The Trails and Open Space Subcommittee issued a memo stating:**

- 15 feet Easement should be provided for future all-purpose trail along Route 146A

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

- Parcel is less than 1/2 mile to the hamlet and Ballston Veterans Trail -- which is a former trolley trail that is open to the public. A future pedestrian connection to the hamlet would be ideal in the future. If the property owners were willing to consider an easement along their frontage, or at least an indication on the site plan of future willingness to participate in a sidewalks or trail initiative, that would be welcomed.

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

- Based on a response letter provided by the applicant that is dated February 20, 2024 all my prior comments have been adequately satisfied.
- Under Section 617.5(9) Type II Actions, 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. Therefore, the Planning Board is authorized under SEQR to issue a negative declaration for completing the SEQR review process.

**Professional Comments:**

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

## STATE ENVIRONMENTAL QUALITY REVIEW

1. No further comments at this time.

### SITE PLANS

2. The applicant indicated that an architectural rendering of the building will be provided to the Town for review.

### **Public Comments:**

No public comment.

### **Planning Board Review:**

Mr. Andarawis asked if there was an ability there to have a multiuse path in the future. Mr. Jarose stated that there are 22.5 feet from the steps to the right of way a 15' path is tight. Mr. Andarawis asked if the applicant would be willing to agree to an easement if it does come into play.

Mr. Martin asked how much right of way there is. Mr. Scavo stated that there is open ditch drainage along Route 146A and without a design he is unsure. He stated that the ditch is in the State highway right of way. Mr. Martin asked how many feet are between the edge of the pavement and the property line. Mr. Jarose stated about 8' so it may be possible to expand. Mr. Scavo stated that there is also room on the other side of the road.

Mr. DeSimone – Fire Marshall, stated that it has been a pleasure to work with someone who cares about their community and stated that he feels that 5 employees on location are not large.

Ms. Bagramian asked if the elevations could be shown and asked if there would be any storage on the site. Mr. Jarose stated that there would be no storage materials on the site. He stated that the applicant has 3 employees working for him now and that he is expanding to 6. Mr. Jarose stated the parking lot will be gravel with hardy plank siding and the parking would be in the rear.

Mr. Martin asked if the applicant has a landscaping plan. Mr. Jarose stated that he is not aware of one, but the site is pretty open.

Mr. Andarawis stated that this is a Hamlet Mixed Use zone, so some street trees are appropriate. Mr. Jarose stated that as trees grow in that area, it may encroach on the building due to the limited frontage.

Mr. Martin stated that there are tight sites around Town where there is some sort of landscaping provided, preferably street trees. He stated since this is in the Hamlet Mixed Use zone he feels there should be something but he is unsure on how to resolve it but agrees with Mr. Andarawis' concerns with the zoning requirements.

Mr. Scavo stated that small dwarf ornamental plantings that flower would be an option here such as a crabapple or flowering dogwood. Mr. Jarose stated he will talk to the applicant about it, but the site will have plantings anyway.

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

Mr. Ophardt moved, second by Mr. Martin, to waive the final hearing for this application for the site plan review of 1147 Route 146A Building Addition, and to grant preliminary and final site plan approval conditioned upon satisfaction of all comments provided by the Planning Department, Town Designated Engineer, and all items listed in the final comment letter issued by the Planning Department.

Ayes:   6                        Noes:   0                        The motion is/is not carried.

### **Old Business:**

#### **#2023-016 1019 Route 146 Gas Station and Convenience Store Site Plan**

SBL: 271.-1-11

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

Zoned: B3 - Neighborhood Business, Status: Concept

Citizenserve File Number: 23-001545

Applicant: Surinder Cheema                      Consultant: Nolan Engineering, PLLC

Last See On: 6/28/23

### **Consultant/Applicant Presentation:**

Jason Singer – Nolan Engineering – Mr. Singe stated that this is for a gas station and convenience store around the circle at Route 146 and Route 146a to the east. Mr. Singer stated that it is currently being called M7M fuels. He stated that it currently has 4 pumps a convenience store, and a repair shop that is not in operation. Mr. Singer stated that the applicant would like to remove the building and pumps and replace it with 12 pumps and a convenience store. He stated that they have been to the ZBA for variances and they were granted with conditions. Mr. Singer stated that there are 2 entrances now and a future public road that they would like to tie into in the future and remove one of the current ones. He stated to do so this needs to become a public road. Mr. Singer showed a map of the site and described the landscaping along the Dwaas Kill. Mr. Singer stated that he was speaking to the adjacent owner of the road to establish an easement for access to a private drive. He stated that stormwater is being worked on and a survey is being

done for a conceptual stormwater plan but there will be basins for infiltration and a separator. Mr. Singer stated that the land does still need some grading work.

**Staff Comments:**

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

- The ECC notes that some of our previous requests have not received a response. The ECC reiterates the following comments:
  - a. The ECC recommends that the future submission address how applicable EPA & NYSDEC regulations and standards for this application will be followed. The ECC requests the applicant to supply the removal plan for the existing underground fuel storage tanks. The proximity of these tanks to the Dwaas Kill necessitates that the ECC examine soil and ground water conditions for historic fuel leakage. Therefore, the ECC requests that the applicant provides all such information related to the tanks in your possession.
  - b. The ECC requests that the applicant shows the 50-foot buffer from the highwater mark of the Dwaas Kill on the plan. The applicant shall ensure that the new underground storage tanks do not intrude into this buffer. No new ground disturbance shall occur in the 50-foot buffer area.
- Due to the nature of the operation, the ECC recommends that the catch basins are installed with oil /water separation.

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

**John DeSimone, Fire Marshall, issued the following memo:**

- Existing postal number will remain the same for this project. 1019 Route 146, Clifton Pak NY 12065.

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

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

**The Trails and Open Space Subcommittee issued a memo stating:**

- Thank you for the sidewalk connection that is shown connecting to the side street on the west side of the parcel. A sidewalk connection could also be included more directly to the future sidewalks on 146 (for pedestrians arriving from the east).

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

- Applicant has connected an internal sidewalk to the side road to the west side of the property. Please consider a direct sidewalk connection to NY 146 sidewalks -- to provide a pedestrian access route for pedestrians traveling from the east and heading west towards the site.
- Property is adjacent to a parcel to the east that has the Dwaas Kill stream flowing through it. Please ensure all stormwater drainage is managed onsite and does not negatively impact or drain directly into this Priority Waterbody Listed, C(T) trout stream.

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

- The Saratoga Co. Planning Board issued a recommendation on November 8, 2023, stating the project would have no significant county-wide or intercommunity impact.
- A NYSDOT work permit will be needed regarding the access improvements to NYS Route 146.
- Area variances issued by the Zoning Board of Appeals appear to have been conditioned upon the applicant establishing an easement for ingress/egress to the site from the newly constructed roadway to the west that intersects with NYS Route 146. Any final approval should be conditional upon the applicant establishing the easement before stamping the final plan.

**Professional Comments:**

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

**STATE ENVIRONMENTAL QUALITY REVIEW**

1. No further comments at this time.

**SITE PLAN**

2. The applicant has indicated on the revised plan the variances granted by the ZBA for the following items:
  - a. Section 208-38(C) Front yards. There shall be a minimum front yard of 80 feet, into which space there shall be no encroachment of structures other than a fence, a wall or a sign not larger than 20 square feet and no encroachment of commercial usage other than parking space. There shall be no parking allowed within 30 feet of the front lot line granted 23'. The gas canopy was granted at 30 feet
  - b. Section 208-38(D) Side yards. No automobile parking space shall extend nearer to a side property line than 20 feet. The parking along the western parcel boundary was granted at 10 feet.
  - c. Section 208-38(E) Rear yards. No building shall be placed closer to the rear property line than 30 feet with no encroachment by structures or parking if the adjacent district is any other class of district. The proposed building is granted 10 feet
  - d. Section 208-38(G) requires a minimum of 35% greenspace. The plan was granted 29%.
3. Accessible parking spaces and access aisles shall be level with surface slopes not exceeding 1:50 (2%) in all directions pursuant to Section 4.6.6 of the ADA 2010 Standards. Provide spot elevations at these locations to confirm conformance.
4. Show topographic contours of the site on existing and proposed plan sheets.
5. Subsequent plans should show the Town's LC location and boundaries which are defined by Section 208-69.1 of the Town Zoning
6. Show the size of the sanitary sewer service and potable water service on the plans. This information will be required for review of the Clifton Park Water Authority and Sewer County Sewer District No.1.
7. The driveway to the west does not appear to be owned by the applicant. Provide an easement agreement for ingress/egress to the Town to ensure this is feasible.
8. The Route 146 driveway appears to be adequate for cars to enter and exit from both eastbound and westbound directions. What does the applicant plan to achieve by having the secondary driveway.

9. The rear wall of the proposed convenient store may need to have a deeper foundation to protect from future replacement of 18" storm line. The wall appears to be offset from the storm pipe by 4 feet.
10. An easement should be in place for the 18-inch storm sewer pipe in the rear of the building.
11. Show all egress doors on the plans.
12. Provide an erosion and sediment control plan with existing and proposed contours and with the proposed site plan to demonstrate that the erosion control measures shown are appropriate and being placed correctly.
13. The plan shows 8 parking spaces, 6 less than required pursuant to Section 208-99, of the Town Zoning (1 for each 200 square feet). The applicant indicated that they would like to count the gas pump spaces for parking. The planning board should determine if this is acceptable to meeting the parking requirement.
14. 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.
15. 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.
16. The landscaping plan proposed predominately deciduous trees. To provide some blend of species and to have continual green outside of the normal growing season, it is recommended that coniferous species be considered.
17. The plans need to indicate how roof drainage from the building will be collected and conveyed to the on-site stormwater management system.
18. Future submissions shall include detailing and supporting specifications for the following:
  - a. CDS Unit
  - b. Guiderail
19. There needs to be in-situ testing for the proposed detention to ensure appropriate separation exists to groundwater is achieved.
20. Show on drainage plan the proposed restriction device to provide a 9-inch orifice from the 12- inch pipe.
21. Should there be a plan for exterior storage of propane for sale, show its location. Depending upon its location, appropriate barrier protection shall be shown.
22. With the proposed use of a convenient store, the applicant may need to install an oil/water separator prior to discharging to the sanitary sewer system. If one is needed it should be shown on the plans.
23. Provide the engineering calculations of the hydraulic analysis to support the stormwater design.
24. Indicate whether roof top mechanical units are proposed and how screening may be incorporated to shield them from the public view.
25. While a site-specific traffic impact statement may not be warranted because the 100 peak hour vehicle trips may not be achieved by the proposed use, it shall be determined what the peak hour vehicle trips will be for the site to determine potential increase is traffic

expected from the development. Input from the Region 1 office of the NYSDOT should be obtained by the applicant on the proposed development.

26. Provide a turning template analysis for the gas fueling truck and/or largest emergency vehicle whichever is bigger to ensure circulation around site if secondary access is not granted.

### **Public Comments:**

No public comment.

### **Planning Board Review:**

Ms. Bagramian stated that the applicant is 6 parking spots shy of what is required but asked if they were planning on counting the pumps for parking. Mr. Singer stated that they would be using the pumps for the parking count and that the ZBA took away 2 other spaces as a requirement for variance approval.

Mr. Ophardt stated that this is typical of gas stations and it makes sense. Mr. Andarawis asked if there were spaces used for air or a vacuum. Mr. Singer stated they would not have those 2 things.

Ms. Bagramian asked where tanks are for fuel Mr. Singer showed on the map where it was indicated. He stated that they need to work on the buffer but they have already done soil testing and are following the process required by DEC.

Mr. Ophardt asked if they have private drive access now and if the applicant has elevations to show the Board. Mr. Singer stated that the applicant is working on getting an easement for the private drive and showed pictures of another building that the applicant owns and stated it will be similar, having hardy board siding with a stone base and asphalt roof. Mr. Ophardt asked what the placement for the fire suppressant system would be. Mr. Scavo stated that this is no longer a requirement and that different means are used now and in the state building code.

Ms. Bagramian asked what would happen if the easement for access to the private road is not established. Mr. Singer stated that some pumps would have to be removed.

Mr. Ophardt stated that Stewart Shops built their canopy to match the building and asked if the applicant would be doing the same. Mr. Singer stated that he is unsure of the canopy design.

Mr. DeSimone asked if 13.5 would be the height of the canopy. Mr. Singer stated that the minimum is 13.6 and they would follow code.

Mr. Andarawis asked if there would be diesel on site. Mr. Singer stated that there would be a pump for diesel, but was unsure of the exact location.

Ms. Bagramian asked if they have a turning radius for a 35' truck coming in for diesel fuel. Mr. Singer stated that he could come back with this and show it on the map. Ms. Bagramian stated that she needs to see easements and resolve technical issues before she is comfortable considering action. She asked if the applicant knew the temperature of the water going into the stream as it is a trout spawning stream and this could affect the trout. Mr. Singer stated that he would bring this up to his stormwater technician to address. Mr. Lippmann asked if there would be a holding tank for the water before it is released. Mr. Singer stated there would be.

### **New Business:**

#### **#2024-014 68 Droms Rd 24 Lot Subdivision (Dingley)**

SBL: 276.-1-34.2

Applicant proposes a 24 lot conservation subdivision on 98+/- acres. 23 new building lots on a proposed public road and the existing farmhouses and barns will retain the remaining land on Lot#24 68 Droms RD , Zoned: CR - Conservation Residential, Status: Concept

Citizenserve File Number: 24-000180, Application Number: SUB24-000003

Applicant: Erik Kohler Homes LLC , Consultant: EDP – J. Dannible

### **Consultant/Applicant Presentation:**

Joe Dannible – EDP – Mr. Dannible stated this application is for a 24 lot subdivision on Droms Road to the west of the intersection of Grooms Road and Droms Road. He stated this is a 100.03 acre subdivision in the CR zone and the subdivision being proposed has gone through the Comprehensive Resource Analysis exercise. Mr. Dannible stated that this property is an older farm with a home, barns, fields, and wetlands. Mr. Dannible stated that the wetlands were delineated in the 2000's and they are waiting for confirmation on a new delineation. He stated that there are steep slopes on the property and that they are shown on the map. Mr. Dannible stated that wetlands and slopes over 20% are removed from the buildable land calculation. He stated that there is approximately 72.53 acres of buildable land and 27.5 acres are constrained. Mr. Dannible stated that the density is 23.9 units which the code allows to round up to 24 dwelling units. He also noted that the permanently protected open space is 50 acres, of which 18 acres are unconstrained pursuant to the CR Zoning requirements. He stated that the application is to develop in the open farm fields with a single road to access. Mr. Dannible stated open space is shown on the map and that the existing owner would retain 45 acres. Mr. Dannible stated there would be a single access road and may have a Boulevard entrance with mail kiosks. Mr. Dannible stated that the lots would be three times the minimum land requirements and that aesthetics would be added to existing farmland. He stated setbacks would be 30'-25' and water and sewer would be extended to the project based on preliminary conversations with Clifton Park Water Authority. Mr. Dannible stated that traffic and sight distance have been looked at,

and they have confirmed the project's ability to meet the minimum requirements. Mr. Dannible stated there are 18 lots permitted for the access road but the Planning Board can waive this. He stated that the lots are about 120' wide and the International Fire Code allows 30 lots for one access, and the cul-de-sac for this project would be larger than standard Town requirements for the maneuverability of fire trucks. He stated that they had initially looked at land connections from the orchards but found that the orchard is under a permanent land conservation easement so such a connection is not possible. Mr. Dannible stated that to the south, there are slopes and wetlands, and to the east is open space associated with development so they are looking for a waiver rather than constructing a second roadway access onto Droms Road

**Staff Comments:**

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

- The ECC requests the applicant to clarify if the permanent open space will be privately or publicly held.
- ECC observes that Lot 24 is included in the calculation of unconstrained land justifying the number of buildable lots. Thus, Lot 24 should be restricted from further subdivisions in the future. Therefore, the planning board should require the applicant to put a deed restriction on lot 24.
- The ECC observes that Lots 10-15, & 23 includes the 100-foot adjacent area to the NYSDEC Wetlands that also has the Land Conservation overlay. The planning board shall require the applicant to put this information on the deed.
- The ECC requests that the Wetland Delineation be recorded on the plans regarding who the delineation was done by and when.
- The ECC notes that this property was formally active agricultural land. The applicant should demonstrate that there are no residual pesticides or other hazardous chemicals in the soil

**John DeSimone, Fire Marshall, issued the following memo:**

- Does the applicant propose hydrants for this project?
- Street needs a name to complete postal verification.

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

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

**The Trails and Open Space Subcommittee issued a memo stating:**

- 15 feet Easement should be provided for future all-purpose trail along Droms Road

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

- 68 Droms Road property has been operated as a small farm and small orchard in the past, with a local farmer cultivating crops on the property. NOTABLY for Planning Board Members to please carefully consider is the proximity to permanently protected, active farmlands. The 98 acre property is immediately adjacent to Riverview Orchards along its western and southern borders, a permanently protected farm in Clifton Park for which the Town of Clifton Park holds a Deed of PERMANENT Conservation Easement on 87

acres of Riverview Orchards, that is on file with the Town Clerk, Saratoga County Clerk, and NYS DEC. 68 Droms Road is also within 500 feet of a second, permanently protected farm in town: King Crest Farm, located on the north side of Grooms Road, of which 41 acres is protected through a Deed of Permanent Conservation held by the Town of Clifton Park, filed with Town Clerk, Saratoga County Clerk and NYS DEC. PLEASE consider moving the road and homes slightly easterly -- to give more buffer to the working apple orchards at Riverview Orchards immediately next door. The 68 Droms property is within the Town's Western Clifton Park Land Conservation Plan area. Please kindly consider the proximity to active farms, and the presence of prime farmland soils on this subject property, in conducting Conservation Analysis on this property -- as the first step prior to reviewing proposed house and road layouts. A Conservation Analysis should show all the resources -- WITHOUT the houses as a first graphic, to provide the Planning Board with the view of the layers of resources to consider, and then show a separate graphic overlaying a proposed, conservation design onto the site. It really would help to see a Conservation Analysis Map without the roads and houses, and that includes adjacent farms as context, as well as adjacent historic properties. Thank you for considering this important step that may help with an improved conservation design layout. Please also correct that the base density is 3 acres. The Base Density is not the same a lot size under CR Zoning. Please also include the proposed calculation for Permanent Open Space that is required to be a minimum of 50% Permanent Open Space per the CR zoning. The location of the permanent open space to be shown on the plans will be more readily able to be added -- once the applicant hears back and discusses the Conservation Analysis.

- The SEQR Sections C and D: should be amended as follows: Under C.2.c. Adopted land use plans: YES, the project site is within an area listed in an adopted Town of Clifton Park Open Space Plan (adopted 2003 by Town of Clifton Park Town Board), which includes community vision and goals for the protection of farmland. The project site is also within the purview of the Western Clifton Park Land Conservation Plan and GEIS, (which also includes Conservation Design Guidelines), and was adopted by the Town Board. SEQR form: D.2. Project Operations: how much material will be removed from the site? The location of the proposed footprint of the roads and houses is on prime farmland soil. Please see attached Agricultural Soils Map for Conservation Analysis which shows the prime farmland soils. How much excavation /removal of prime farmland soils? Where will these prime soils go? ALSO: UNDER E3. Designated Public Resources on or near the Site: E.3.b: Are agricultural lands consisting of highly productive soils present? I would argue YES based on the prime farmland soils mapping available through Saratoga County Parcel GIS viewer (see document attached). Please revise the response.
- SEQR -- WATER & SEWER EXTENSIONS: Regarding proposed public water supply extension: please describe and show the proposed layout, location and total route of the proposed water supply line extension, including all off-site locations. Regarding the proposed public sewer line extension, please describe and show the proposed layout, location, and total route including off-site route to reach this property.
- SEQR -- STORMWATER & TRAFFIC: The SEQR stormwater impervious surface number of 2 acres of impervious surface to be created seems low. Regarding Traffic: It

would be worthwhile to quantify the traffic impacts anticipated to be generated from 23 new homes and their traffic impacts on a local, rural town road and adjacent Grooms Road (County); and Riverview Road.

- The parcel is adjacent to the Historic Grooms Tavern Complex, and the Mohawk Valley Grange Hall; and less than a mile from the Mohawk Towpath National Scenic Byway (that is an approximately Riverview Road Corridor experience, but includes the experience of the Historic Grooms Tavern Complex).
- The Agricultural Data Statement should also include the following additional owners of active farming operations within 500 feet: Thomas J. King, 845 Grooms Road, Rexford, NY 12148; George A. King, 831A Grooms Road, Rexford, NY 12148; and Betsy Lynn Cotton, 234 Sugar Hill Road, Rexford, NY 12148

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

- Add a note to the plan stating: No further subdivision is allowed according to bulk and density standards prescribed under Section 208-16 of the Clifton Park Town Code. Any future subdivision request will require additional Town review to determine the applicability of the zoning regulations at that time.
- Add a note to the plan stating: This parcel is located in an area where aviation activity occurs. Such activity may include, but is not limited to periodic noise, vibration, hours or operation, and other associated activities. A study describing this impact in detail is available for inspection in the offices of the Albany International Airport.
- Add a note to the subdivision plan which states, "Existing roadway drainage shall not be altered by the proposed subdivision. Property owner should be aware of the existing roadway drainage onto the land within the proposed subdivision which is at a lower elevation than the adjacent town right-of-way.
- 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.
- Add a note to the plan stating: Underground utility connections to a dwelling unit are not allowed to be constructed underneath a private driveway. Such utilities include but are not limited to water laterals, sewer laterals, gas, electric and storm/foundation drains. A Certificate of Occupancy will not be issued without all utilities complying with this requirement.
- Sec 179-28 Utilities. It shall be the responsibility of the owner to provide waterlines, storm drains, sanitary sewers and street pavement to the limits of the subdivision. It shall also be the responsibility of the owner to provide appropriate streetlighting at the intersection of a proposed street with an existing arterial street in accordance with all Illuminating Engineering Society, NMPC and NYSEG requirements. These facilities shall be constructed as required for inclusion in future town systems. Each owner shall be responsible for the complete construction even though larger than normal sizes may be required.
- Add a note to the plan stating: All traffic control signs shall conform to the 2009 Manual on Uniform Traffic Control Devices and current New York State Supplemental.
- Contact the Town Highway Superintendent to determine if a driveway culvert pipe and drainage ditch within the Town's Right-of-Way will be required. If required along Droms Road where the new road proposes to connect.

- Provide for a cluster mailbox design detail and location on the plan or other acceptable layout and provide verification that it is to the satisfaction of the Rexford Postmaster.
- Add a note to the plan stating: The Town of Clifton Park is not responsible for the snow removal in front of and around the cluster mailbox. It shall be the responsibility of the either a homeowners' association or the property owners within the subdivision to clear and maintain the area around the cluster mailbox for postal deliveries. The Town of Clifton Park is neither the owner of nor responsible for the designated cluster mailbox, mounted post, and concrete pad.
- A note must be added to the plat indicating any work within the Prior to work commencing within the public right-of-way, the property owner shall obtain a curb-cut permit from the Town of Clifton Park Highway Department.
- Add a note to the planning stating the 23 new dwelling lots shall be included within the Settler's Hill Park District.
- Provide a note requiring cleaning/removal of any sediment on public or private roadways.
- In accordance with Section 86-10 of the Town Code: The applicant shall be required to plant two new trees per living unit on the street side of new construction sites. As such please add the required trees to the Subdivision Plan prior to final stamping.
- Add a note to the plan stating: Clifton Park is a Right to Farm Community. Residents should be aware that farmers have the right to undertake farm practices which may generate dust, odor, noise, smoke and vibration associated with farming practices.
- Add a note to the plan stating: Allowable uses within the permanent Open Space shall be pursuant to those prescribed within Sec208-16(2) of the Clifton Park Town Code.
- 10 NYCRR Part 97 is the NYSDOH regulation implementing SEQRA - Article 8 of the ECL. Section 97.14(b)(2)(ii) requires that a realty subdivision be classified as a Type I action. It requires completing either a full environmental assessment form (FEAF) or a draft environmental impact statement (EIS). Therefore, the applicant's design professional has provided a Full Long Environmental Assessment Form for the Planning Board's consideration. The Clifton Park Planning Board should declare its intent to act as Lead Agency for the SEQR review process which requires a coordinated review for a Type I action. The FEAF is a decision-making tool for the Planning Board to review all environmental consequences associated with the proposed subdivision and to identify all agencies involved with the project.

**Professional Comments:**

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

**STATE ENVIRONMENTAL QUALITY REVIEW**

1. Based upon a review of the proposal, it is considered a realty subdivision under Environmental Conservation Law (ECL) Part 74. In accordance with 10 NYCRR Part 97 in the NYSDOH regulation implementing SEQRA (Article 8 of the ECL), Section 97.14(b)(2)(ii) requires that a realty subdivision be classified as a Type I action. Coordinated review is required for Type I actions. 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. Saratoga County Sewer District #1: SCSD Connection
- d. Saratoga County Planning: 239-m County Referral
- e. New York State Department of Environmental Conservation: Stormwater Permit
- f. NYS Historic Preservation Office: NYS Heritage Area
- g. NYSDOH: Realty subdivision approval

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

The applicant has submitted Part 1 of the Full Environmental Assessment Form (SEAF). Based upon our review of the submitted Part 1 FEAF, the following comments are offered:

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 10+/- 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.c – The response indicates the project will connect to an existing public water supply. The applicant will need to prepare the appropriate technical studies to confirm adequate capacity exists to service the project. It is recommended that the Town be furnished with documentation that the CPWA is willing and capable of service this project.
5. Part 1. D.2.d – The response indicates that the project will connect to existing wastewater facilities. The applicant will need to prepare the appropriate technical studies to confirm adequate capacity exists to service the project. It is recommended that the Town be furnished with documentation that the SCSD No. 1 is willing and capable of servicing this project.
6. 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. 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.
7. Part I.E.3.a: The response indicates the project the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304 district name/number SARA002. Applicant provided Agricultural Data Statement and Control Form.
8. Part I.E.3.e – 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 or archeologically sensitive resources.

9. No further comments at this time.

#### SUBDIVISION

10. The project is located within the Town's Conservation Residential District (CR). The proposal for single family homes is a permitted principal use within the CR District as noted in Section 208- 16(D)(1)(b) of the Town's Zoning.
11. The project consists of twenty-four (24) single family home lots in which an existing house will remain on one lot and two proposed (2) stormwater lots.
12. It is noted that one of the stormwater management areas indicate dedication to the Town of Clifton Park. The Town of Clifton Park, in lieu of a maintenance agreement, at its sole discretion, may accept dedication of any existing or future stormwater management facility, provided such facility meets all the requirements of Section 86-7 and includes adequate and perpetual access and sufficient area, by easement or otherwise, for inspection and regular maintenance. The applicant should have a discussion with the Town to see if this would be acceptable.
13. In reviewing the proposed lot configuration, the created lots appear to be deficient in regard to meeting the minimum standard requirements outlined in Section 208- 16(E)(2)(b) of the Town's Zoning. The noted deficiencies are as follows:
- Development on 10 acres or more. A parcel consisting of 10 acres or more may be developed at a density of one residential dwelling unit per 10 acres, provided there is at least one acre of unconstrained land available to accommodate a residential use, including any required well and septic system. In lieu of development at said density, such parcel may be developed at a density not to exceed 0.33 unit per acre of unconstrained land, provided 50% of the area of the development site is designated as permanent open space pursuant to the other conditions set forth herein. 98.0 acres minus 27.5 constrained acres equals 70.5 acres of unconstrained land. This 70.5 acres multiplied by 0.33 results in a maximum allowable base density of 23.26 (23) units. Following the requirements of 208- 16(E)(1) of the Town's Zoning for determining base density, the maximum number of lots that would be permitted is 23, not 24 as stated in the plans submitted.
14. The project proposes 17.63 acres (or 25 % of total open space) of unconstrained open space, which meets the 25% minimum required of Section 208-16(E)(3)(a).
15. The density calculations provided on Sheet 1 or different from Sheet 2. Please verify the correct density calculations.
16. Based upon a review of Section 208-16(E)(5) through (10) of Town Zoning, it appears the proposed lot configurations standards listed in the table do not represent the bulk lot requirements of the CR Zoning District for the proposed layout. The bulk lot table on the plan should be revised per Section 208-16 of the Town's Zoning.
17. Subsequent plans shall show the Town's LC location and boundaries which are defined by Section 208-69.1 of the Town's Zoning.
18. Subsequent submissions shall include the metes and bounds of the affected lots, right-of-way and easements.
19. Identify the date and by whom the wetlands shown on the plat were delineated.

20. The proposed points of access to Droms Road should be verified to ensure proper site distance is achieved. There should be indication on the plan what the required and provided turning site distances are based upon the posted speed limit of Droms Road.
21. At a minimum, the applicant shall provide the peak hour vehicle trips expected from the development.
22. Any new access proposed onto Droms Road is subject to the review, approval and permitting from the Town of Clifton Park Highway Department. Provide notation on the plat to that effect.
23. Pursuant to Section 86-10 of the Town Zoning, the applicant shall be required to plant two trees per living unit on the street side of new construction sites. Provide planned species to be planted for review.
24. The project proposes to service each new lot with public water from the Clifton Park Water Authority via extending a new public water main from Wooddale Road. The applicant shall provide the Town documentation of the CPWA's ability and willingness to service the project with potable water.
25. The extension of public water mains to the project is subject to NYSDOH plan approval and potentially the NYSDEC for the taking of additional water. As part of the project's regulatory review, the applicant will have to apply for the referenced plan approvals. Any action on the subdivision application should be conditioned upon receipt of plan approval from the NYSDOH and/or NYSDEC for the additional taking of water.
26. The project proposes to service each new lot with public sewer from the Saratoga County Sewer District. The applicant shall provide the Town documentation from SCSD#1 ability and willingness to service the project with sanitary sewer.
27. The extension of public sewer mains to the project is subject to NYSDEC plan approval. As part of the project's regulatory review, the applicant will have to apply for the referenced plan approvals. Any action on the subdivision application should be conditioned upon receipt of plan approval from the NYSDEC.
28. The project will disturb more than 1-acre of land and 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.
29. Provide information on the plans to indicate how potential sump pump laterals may be positioned which shall be in conformance with Section 86-7(A)(6) of the Town Code.
30. Section 86-6(E)(5) of the Town Code requires that street lighting be provided at the intersection of subdivision streets and an existing arterial or collector street. Subsequent plans may need to show a street light at the intersection with Droms Road, if deemed appropriate for the existing setting.
31. Prior to approval or filing of the subdivision plat with the Saratoga County Clerk, the appropriate 911 emergency response numbers must be obtained for and assigned to each lot created and placed on the filed plat.
32. Considering this plan is conceptual in nature, subsequent comments will be provided with a preliminary plan submission.

**Public Comments:**

Ms. Prescott stated she owns Riverview Orchards and has a comment tonight. Ms. Bagramian stated that the public hearing has not been opened and that if the public would like their comments heard before then they should submit it in writing to the Planning Department for the Board to review. Ms. Bagramian noted that written comments allows the board members time to consider the points raised while comparing thoughts and concerns with the plans and Town code regulations.

### **Planning Board Review:**

Ms. Bagramian asked how the applicant came up with the number of developable lots. Mr. Dannible ran through the math based on Bulk Standards and addressed Mr. Lippmann's comment. Mr. Dannible stated that they are still looking at wetlands and believe they have decreased from the time of delineation 20 years ago.

Mr. Andarawis thanked the applicant for going through the site and he stated he thinks this is a challenging site. He stated that he has rarely seen a lot that scores so high on the natural resources according to the Siena Study that was done. He stated that the applicant must be careful with buffering and placements. Mr. Andarawis stated that the Western Clifton Park GEIS statement of Findings specifically calls out Droms Road as part of the Town's Visual Resources and that this also does not consider the vista from Droms Road, questioned what can be done on that side of the land, and if the applicant can reduce more to increase buffers to Droms Road and Riverview Orchard. Mr. Andarawis stated he would like to preserve the scenic vista as much as possible, so to push back the homes and decrease the lot size seems beneficial to him.

Mr. Ophardt stated that more than 18 lots get IFC requirements and asked if there could be smaller lots to preserve and potentially have a community area. Mr. Dannible stated that 30,000 sf lots are as small as the developer would like to go. Mr. Ophardt asked why a cluster has not been looked at. Mr. Dannible stated that there are not as many estate lots in Clifton Park so they are trying to increase this to help with diversity and that they are meeting code with the designs. Mr. Ophardt all the open space will be in private hands so the community would not benefit. Mr. Dannible stated that they are looking to decrease the impact to wildlife as well as the adjacent farmland. Mr. Ophardt suggested possibly cutting 100' behind the homes as a common area. Mr. Dannible stated that the applicant is not looking for community areas but that they would provide a permanent deed restriction for the protected lands.

Ms. Bagramian asked what the size of the homes would be. Mr. Dannible stated he is unsure but they would sell for \$700,000 - \$800,000 range and that there would be 4-5 footprints for the homeowners to choose from and customize from there. He stated that existing lot lines will remain to help buffer as well. He stated that the current homeowner wants to maintain the remaining lands and give them to their children in the future. Mr. Dannible stated that it would

be protected from further residential development and the habitat trail corridor would be protected too, as identified in the rear of the property on the map.

Mr. Andarawis stated that the code calls for land conservation. Mr. Dannible stated that 2 duplexes recently built at the corner of Droms and Grooms are not in character. Mr. Martin stated that they are not as large as this application, which they need to consider. Mr. Scavo also noted that those approvals and lots predated CR Zoning regulations.

Ms. Bagramian stated that she would like to see elevations looking into the sight with lighting and landscaping. Mr. Scavo asked if there would be a landscaped berm. Mr. Dannible stated the homes would be 5' lower than the road.

Mr. Martin stated some members are looking for this to be more in line with a cluster; having smaller lots and emphasizing greenspace, connectivity, maintaining wildlife corridors, and preserving the rural aesthetic, so if the applicant can look into some common ground, this would be beneficial.

Mr. Andarawis stated the challenge is the vista being an open field and he understands what the applicant is trying to do. However, he believes that further downsizing of the lots might be necessary to move the proposed houses further from the road and create sufficient visual buffering between the road and the proposed project, but he is unsure what the roadside view would be. Mr. Dannible stated he is looking to protect the scenic area more than the lot sizes. There is a market for smaller lots but this is a market for a different lifestyle and more of an estate lot that meets CR Zoning requirements.

Ms. Bagramian agreed that there needs to be housing diversity. She stated that extending the orchard may be nice. Mr. Dannible stated they may be able to accomplish that.

Mr. DeSimone asked if the restrictions leave room for sheds or pools because if not, they would have the residents go to the ZBA for relief.

Mr. Ophardt 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.

**Discussion Items:**

None

Mr. Ophardt moved, seconded by Mr. Martin, adjournment of the meeting at 9:34 p.m. The motion was unanimously carried.

The next meeting of the Planning Board will be held as scheduled on March 26, 2024.

Respectfully submitted,

*Paula Cooper*

Paula Cooper, Secretary

DRAFT