

**Town of Clifton Park Planning Board**  
**One Town Hall Plaza**  
**Clifton Park, New York 12065**  
**(518) 371-6054 FAX (518)371-1136**

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 26, 2024**

Those present at the March 26, 2024 Planning Board meeting were:

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

Those absent were: K. Martin

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

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:**

None – Consideration of the March 12<sup>th</sup> Meeting Minutes was deferred until the April 9<sup>th</sup> Planning Board meeting.

**Public Hearings:****#2024-003 481 Moe Road 2 Family SUP**

SBL: 271.15-2-1

Construction of an In-Law apartment , 481 Moe RD , Zoned: R1 - Residential, Status: Final

Citizenserve File Number: 23-002659, Application Number: SUP24-000005

Applicant: R. Caruso, Consultant: Joseph M. Metzger Architect

Last Seen On: 01/23/2024

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

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

Ms. Bagramian called the public hearing to order at 7:02 p.m. The Secretary read the public notice as published in the Daily Gazette on March 15, 2024.

**Consultant/Applicant Presentation:**

Donald Little stated that he was here with Ronald Caruso for an addition to the rear of the garage to a one story apartment. He stated that they are asking for a Special Use Permit for a duplex instead of an in-law addition, as to not be restricted to the living area attached directly to the main dwelling. He stated that he has received word today that the library will grant the easement requested to allow for the owner to connect to public water and sewer. Mr. Little states that he has this in writing in an email form for documentation.

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

- Each structure shall conform with the minimum land area requirements per dwelling unit as prescribed by 208-11. Currently the parcel has on-site water and sewer and does not meet the minimum land requirements for a twofamily dwelling. The applicant is in the process of gaining an easement from the Clifton Park-Halfmoon Library to access public sewer. The applicant is applying for a permit to Clifton Park Water Authority to connect to public water. If this site has both public water and public sewer it will meet the minimum land requirement of 40,000 square feet. At the least the approvals to connect to the public sewer and public water for both dwellings should be a condition of planning board approval. If the applicant does not get approval to connect to one or both public

utilities, the applicant would need to obtain an area variance for this application prior to planning board approval.

**Professional Comments:**

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

**Public Comments:**

No public comment.

There being no additional public comment, Mr. Ophardt moved, second by Ms. Fariello, to close the public hearing at 7:07 p.m. The motion was unanimously carried.

**Planning Board Review:**

Mr. Andarawis asked if anything was happening roadside as the additional dwelling looks to be to the rear of the home attached to the garage. Mr. Little stated that nothing will be done roadside and that the improvements are not visible from Moe Road.

Mr. Ophardt thanked the applicant for looking into getting the easement from the Library as public water and sewer to the property is a benefit. He stated that there is a duplex across the roadway from this application, so he feels it would stay within the neighborhood's character and is appropriate.

Mr. Andarawis offered Resolution #06 of 2024, second by Mr. Fantini, to waive the final hearing the 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 before the stamping of the Special Use Permit.

**Conditions:**

1. The applicant will connect to public water and sewer as a condition of the building permit and provide evidence to do such prior to stamping the final plan.

**Roll Call:**

D. Bagramian - Yes

E. Andarawis - Yes

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

Ayes 6 Noes: 0 The resolution carried.

Ms. Fariello moved, second by Mr. Ophardt, to waive the final hearing for this application for the site plan review of 481 Moe Road 2 Family 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:

2. The applicant will connect to public water and sewer as a condition of the building permit and provide evidence to do such prior to stamping the final plan.

Ayes: 6 Noes: 0 The motion carried.

**Old Business:**

**#2024-001 King of Kings Church Entrance Portico**

SBL: 283.-2-20

Applicant is proposing to construct an Entrance Portico to an existing church, 1593 Crescent RD

Zoned: R1 - Residential, Status: Revised Preliminary

Citizenserve File Number: 23-002613, Application Number: SPR24-000013

Applicant: King of Kings, Consultant: EDP – G. Vuillaume

Last Seen On: 01/09/2024

**Consultant/Applicant Presentation:**

Joe Dannible – EDP – Mr. Dannible stated that the application is on Crescent Road to the east of Moe Road and that the applicant is looking to construct a new portico over the existing drop-off area, clean up the parking lot, redoing sidewalks, and restriping the entrances. Mr. Dannible showed elevations in the meeting and stated that stormwater modifications will also be completed.

**Staff Comments:**

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

- No additional comments, the applicant has worked with Planning Staff and Saratoga Co. Public Works to address all our outstanding technical issues.
- The project appears to be a Type II action under NYCRR Part 617.5, which states, “construction or expansion of a primary or accessory/appurtenant, non-residential structure or facility involving less than 4,000 square feet of gross floor area and not involving a change in zoning or a use variance and consistent with local land use controls, but not radio communication or microwave transmission facilities.” Therefore, no additional SEQR review is required.

**Professional Comments:**

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

STATE ENVIRONMENTAL QUALITY REVIEW

1. No further comments.

SITE PLANS

2. Provide on the plans the previous variances granted from February 7, 1989.
3. Sheet 4 of 8 provides a callout for a proposed crosswalk, however the crosswalk is not shown. Revise accordingly.
4. Provide a site-specific illumination plan that shows foot-candle values at pavement level for review to ensure no spillage onto neighboring properties.

STORMWATER MANAGEMENT NARRATIVE

5. No further comments.

**Public Comments:**

No public comments.

**Planning Board Review:**

Mr. Andarawis asked where the additional 9 parking spots are being proposed. Mr. Dannible showed the location of the new parking spots on the map shown in the meeting and stated that there would be a slight change in the pavement.

Ms. Bagramian asked if there would be a change in the façade color. Mr. Dannible stated that the applicant is possibly looking to change the façade. The applicant, Mr. Gary Kluvall stated that they would like to change the siding to Hardy Board due to the existing cedar siding’s current condition.

Mr. Andarawis asked if there would be crosswalks as they are not seen in the aerials of the application and asked what are the closest to the application. Mr. Scavo stated there is a multi-use path by I-87. Mr. Dannible stated that there is a crosswalk at Moe Road and Crescent Road.

Mr. Ophardt asked if there are any trails or sidewalk plans in the area. Mr. Scavo stated there are but not in the near future.

Ms. Fariello moved, second by Mr. Fantini, 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. Andarawis, to waive the final hearing for this application for the site plan review of King of Kings Church Entrance Portico 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 carried.

### **Old Business:**

#### **#2024-012 1780 Route 9 Building Addition**

SBL: 266.3-3-10.21

3,350 sf addition to existing car dealership, 1780 Us Rt 9, Zoned: B4A - Highway Business/Restricted Retail, Status: Revised Preliminary

Citizenserve File Number: 24-000129, Application Number: SPR24-000016

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

Last Seen On: 2/27/24

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

Joe Dannible – EDP – Mr. Dannible stated that the application is for 2 small additions to the Dodge, Chrysler, Jeep Dealership on Route 9. He stated at the last meeting they needed to submit building elevations, a photometric plan, and they need outside agencies to respond to the application. He stated each is now completed and documented within this submittal. Mr. Dannible stated this is a 7.6 acre lot and the proposed site plan has variances that the ZBA has granted. He stated the southeast portion addition is for sales of the Jeep brand and the rear area will be for expanding the service area. Mr. Dannible stated that the storefront addition would be for the Jeep portion only, and it would have a new sidewalk with minimal changes to the rest of the property. New new grading and pavement would be within the areas of the two additions. Mr. Dannible stated that variances were granted for greenspace with conditions to plant street trees along the property line where impacts have occurred by the prior owner. He stated 2 new wall-mounted lights are proposed on the existing building and all other outdoor lighting would

remain. Mr. Dannible stated the overall façade will remain and elevations were submitted showing the Jeep showroom addition different than the rest of the building. Mr. Dannible called out the different materials to be used for the addition in the front.

**Staff Comments:**

**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."

**Professional Comments:**

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

STATE ENVIRONMENTAL QUALITY REVIEW

1. No additional comments.

SITE PLANS

2. No additional comments.

**Public Comments:**

No public comment.

**Planning Board Review:**

No comments by the Planning Board.

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

Ms. Fariello moved, second by Mr. Fantini, to waive the final hearing for this application for the site plan review of 1780 Route 9 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 carried.

### **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: 02/27/24

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

Andy Brick, Esq. stated he is here tonight with Bret Steenburgh. Mr. Brick stated last time the application was seen the Board had questions that needed to be answered and that he followed the timeframe established at that meeting for receiving and addressing concerns of the Board. He stated that he sent out the contract for the HOA with the C&Rs that had changed due to the feedback. Mr. Brick stated that the applicant is keeping the HOA due to the open space needing to be owned by someone. He stated that the Sponsor and the HOA are responsible for hiring a third party for property management to ensure the businesses and residents comply with the HOA contract. Mr. Brick stated that he feels the applicant and himself have addressed concerns to the best of their ability and that this can be managed effectively. Mr. Brick stated that office space has been changed from 18'x20' and will be no less than 11% and no more than 15% of the total square footage of the home. He stated changes were made to remove medical and dental professional offices as an allowable use, and that illuminated or digital signs are not allowed. Mr. Brick stated meal delivery businesses is also not an allowed use to operate from the site. Mr. Brick stated that he believes the board's concerns have been addressed and he has met the concerns of the Town staff and MJE. He stated that any additional comments that were made by MJE and Town staff would be followed as a condition of approval.

### **Staff Comments:**

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

- From February 23, 2024 comments: Show the existing property boundary between tax map parcels 265.-1-81.1 & 265.-1-72.11 (see Van Patten Property Line.jpg in the projects documents)

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

- From September 27, 2022 comments: Future plans shall show the location of the existing culverts under the existing railway and their present condition, since the majority of the project area slopes toward that direction. From April 24, 2023 comments: Show the locations and sizes of the existing drainage culverts under the railroad where the proposed drainage will be flowing to
- From September 27, 2022 comments: There appears to be depressions on Lots 1, 2, 6, 7, & 8 that retain runoff from the existing drainage culverts under Van Patten Drive. The proposed SWPPP should address on how the existing runoff is detained on the project site and how the proposed stormwater management areas will account for both the existing and proposed runoff volumes. (See comment #3).
- From July 31, 2023 comments: The stormwater drainage calculations do not take in consideration of off-site runoff from the development to the north. The proposed Infiltration Basin #2 will be impacted by this runoff and the additional flow should be included in this report. (The off-site drainage area to this location is approximately 28 acres in size which is more than twice the size of the on-site drainage that is being modeled. How is the basin outside of I-2 sized to handle the off-site runoff? The same concern is by infiltration basin 1 where approximately the off-site drainage area is approximately 60 acres that drains to this location. This off-site drainage area needs to be taken in consideration for this projects stormwater report.) From April 24, 2023 comments: Include all watersheds that drains onto the property in the drainage analysis.
- The stormwater maintenance access to Infiltration Basin #3 exceeds the 15% maximum slope per the NYS Stormwater Management Design Manual Chapter 6.1.6. All maintenance access shall be designed to allow vehicles to turn around.

**Professional Comments:**

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

**SITE PLANS**

1. No additional comments.

**STORMWATER POLLUTION PREVENTION PLAN**

1. On Page 2 of the eNOI the DEC Region should be revised to 5 not 4.
2. 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. Applicant is currently working on this and will provide once received.
3. 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. Applicant is currently working on this and will provide once received.
4. The SWPPP text needs to provide/list the 24-hour rainfall intensities utilized in the analysis of the 1-year, 10-year and 100-year storm events as well as identifying the

source of the data (NYSDEC Manual or Northeast Regional Climate Center's Extreme Precipitation tables).

5. There is a reference to providing silt fence on each lot along pre-treatment swale. All proposed silt fence should be shown on the plans.

**Public Comments:**

No public comment.

**Planning Board Review:**

Ms. Bagramian asked the applicant if he could go through the list of allowed professions. Mr. Brick read from the list on page 26 of the document. Ms. Bagramian stated that she feels chiropractors and eye doctors fall under medical. Mr. Brick stated he agrees and it can come out of the list of allowed professions.

Mr. Andarawis stated he agrees with extra protection added with the statement to not allow in person visitations but agrees with Ms. Bagramian about the allowed professions.

Ms. Bagramian stated she still feels that the size of the office is a concern but appreciates the applicant for bringing it down to 15%. She asked if the home was under 2,000 sf if the percentage could be less than 11%. Mr. Brick stated that the homes would be between 1,800 and 2,000 sf with the majority being around 2,000sf and asked if the applicant would be ok with 13-11%. Mr. Scavo stated that zoning requires a minimum of 11% office space.

Ms. Fariello stated that the letter "s" needs to be revised on page 8 to reflect changes for office space. Mr. Brick stated that they can change this and offer at least 11% but no more than 13%. Ms. Fariello asked at what point does the professional management comes into play. Mr. Brick stated that by law the HOA and 3<sup>rd</sup> party management need to be in place before the first home closing.

Ms. Bagramian asked if the HOA would have lead over the 3<sup>rd</sup> party management company. Mr. Brick stated it would be until full build-out and until then the builder or developer would have the HOA.

Mr. Ophardt asked what the HOA Board would have for operators. Mr. Brick stated they would have a president, vice president, secretary, and a treasurer, and they are elected by the homeowners once the HOA is taken over by the property owners from the builder.

Mr. Fantini asked how the HOA would ensure the proper use of the office space if the professional becomes deceased. He stated that he did not see changes to address this in the contract. Mr. Brick stated that they are protected by the 3<sup>rd</sup> party and would have to monitor and investigate future use of the space. Mr. Brick stated that it would also trigger a change of use with the Town.

Mr. Fantini asked if the applicant could change the wording to ensure licensed professionals only could purchase these homes. Mr. Brick stated that the HOA is the restriction for the home buyers. Mr. Brick stated the list of allowable businesses would state the resident needs to be recognized to do business in the State of NY.

Mr. Andarawis asked if there would be an issue if someone bought this property and left the 11% unused and as vacant space. Mr. Scavo stated that for example, engineers keep records when they retire as well as their license due to possible liability. Mr. Brick stated that unlicensed professionals like roofers or other contractors could utilize this office space. Mr. Scavo stated transparency is required at the time of purchase or with purchase and a hand of restrictions and conditions is required to be given prior to the closing of the sale. Mr. Brick stated that this can be added to page 26 of the contract and that all future use of the office must comply with the declaration.

Mr. Fantini stated he would like the applicant to require proof of an LLC, DBA or actual business license before the sale of the home. Mr. Brick stated that if this is not done, then it would be in direct violation of Town Code. Mr. Scavo stated Mr. Rese would call it out when the management company, insurance company, or mortgage Company verifies with the zoning status and any known violations with the Town. Mr. Brick stated this can also be called out in the HOA documentation that a violation of the use is a Town violation as well as the HOA.

Ms. Westrick asked what would be done if a spouse passes and the living spouse wants to keep the home. Mr. Scavo stated that this is like any other life-changing event and would be treated as vacant office space.

Mr. Fantini verified that the HOA would belong to the builder until full build and asked who regulates this. Mr. Brick stated the HOA is the builder, then it gets turned over to the residents after the full build-out.

Ms. Bagramian asked if there is a budget plan for the HOA. Mr. Brick stated that there is no budget yet and that the HOA needs to be established first and explained the steps to setting up the HOA and budgeting.

Mr. Fantini asked what would happen if none of the residents want to be on the Board for the HOA. Mr. Brick stated that it would have to stay with the sponsor because the SWPPP needs to be owned by someone. Mr. Scavo stated that the HOA is responsible for the stormwater management, residents may not be familiar with the requirements and reinforces the value of a 3<sup>rd</sup> party to provide for maintenance oversight.

Mr. Fantini asked if the board of the HOA could dissolve the HOA. Mr. Brick stated that the sponsor could not dissolve unless more than ½ agree but this is unlikely due to open space and stormwater ownership, and a dissolution may only be able to happen if the Town takes over. Mr.

Scavo called out the stormwater regulation violations that would likely occur with a dissolution and stated that the Town needs to be notified if the vote to dissolve is contemplated.

Mr. Andarawis asked if the 3<sup>rd</sup> party management would still be required if the HOA is dissolved. Mr. Brick stated if the HOA dissolved, the 3<sup>rd</sup> party would still remain in place.

Mr. Ophardt asked if the HOA fees would be fixed or flexible. Mr. Brick stated they would be flexible from year to year and based on budget and would charge accordingly, divided by 19 homes over a 12 month period.

Mr. Andarawis stated he feels it is almost important to get buyers “cliff notes” along with the 30 page document for the HOA. Mr. Brick stated that condos have “special risk” documents and he can mimic this for the HOA. Mr. Scavo stated that the key points need to include section 7.4 to the end of the document.

Mr. Ophardt offered Resolution #07 of 2024, second by Mr. Andarawis, to waive the final hearing for the application for the 19 lot subdivision of Van Patten Drive (Concord Development), and to grant preliminary and final subdivision 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. Size of office space changed to 11-12%
2. The business must be legally registered to run a business in the State of New York.
3. Any SWPPP acceptance from the Town.
4. The approval from review of the Planning Board Attorney.
5. signoff from Town staff comments.

**Roll Call:**

D. Bagramian - Yes

E. Andarawis - Yes

E. Ophardt - Yes

H. Fariello - Yes

K. Martin – Absent

M. Fantini - Yes

L. Westrick – Yes

Ayes:   6  

Noes:   0  

The motion is carried.

**New Business:**

None

**Discussion Items:**

None

Ms. Fariello moved, seconded by Mr. Fantini, adjournment of the meeting at 8:24 p.m. The motion was unanimously carried.

The next meeting of the Planning Board will be held as scheduled on April 9, 2024.

Respectfully submitted,

*Paula Cooper*

Paula Cooper, Secretary