

**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**  
**April 23, 2024**

Those present at the April 23, 2024 Planning Board meeting were:

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

Those absent were:

Those also present were: 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:**

Ms. Fariello moved, seconded by Mr. Ophardt, approval of the minutes of the March 12, 2024 Planning Board meeting as written. The motion was unanimously carried by all in attendance that evening.

Mr. Ophardt moved, seconded by Ms. Westrick, approval of the minutes of the April 9, 2024 Planning Board meeting as written. The motion was unanimously carried by all in attendance that evening.

### **Public Hearings:**

#### **#2024-007 99 Wood Rd Private Warehouse SUP and Site Plan**

SBL: 250.-2-48

Construction of a 3,000 square foot private warehouse building, 99 Wood RD

Zoned: L2 - Light Industrial 2, Status: Preliminary

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

Last Seen On: 02/13/2024

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 7:03 p.m. The Secretary read the public notice as published in the Daily Gazette on April 12, 2024.

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

Mr. Jason Dell from Lansing Engineering stated they were last here in February with a concept. He stated that they have submitted detailed engineering plans that have been reviewed by MJ Engineering (MJE). Mr. Dell stated the parcel is a 2.95 acre lot in the L2 zone and is currently vacant. Mr. Dell stated the applicant would like to develop 3,000 sf of warehouse/shop space and they have decreased the square footage from 4,000 since the last meeting, but may potentially go to 4,000 sf in the future. He stated that the site is not intended to be large and employee parking is now provided in the rear of the site and it is now being proposed as gravel. Mr. Dell stated the site would have private well and septic systems, and the stormwater would be managed on site. Mr. Dell stated the project is less than one acre and a full SWPPP is not required. He stated that he has received comments from MJE and feels the comments are minor in nature which the applicant can address.

### **Staff Comments:**

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

- The ECC recommends that appropriate town authorities investigate and as needed impose the maximum penalty or levy because this property was prematurely cleared without Town authorization.
- The ECC also recommends that the Planning Board not proceed with any more consideration of this site plan until the problems with premature clearing of the site are resolved.
- The ECC is concerned about the proposed utilization of this site as a truck maintenance facility as it pertains to potential automotive fluids into the adjacent NYSDEC wetlands. The application should provide plans to mitigate any potential hazards and or spills to the wetlands.

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

- This Special Use is permitted per Town Code 208-64 B. (13)(d) identifies Equipment Maintenance, subject to the requirements of Article XIV and Article XVI as a special use pursuant to chapter 208-79. Before granting approval to any special use, the Planning Board shall determine whether the proposed special use will, among other things, satisfy the the considerations listed under 208-79 E. (1) (a-k).

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

- This application is a vehicle maintenance facility. It appears that some of the maintenance will be done outside on the gravel surface. Stormwater that falls onto the area where vehicular maintenance will take place cannot be allowed to infiltrate untreated into the groundwater. The applicant will need to include in their stormwater narrative on how this will be achieved.
- The ECC has raised concerns with the clearing of this site prior to any site plan approvals by the Planning Board. I have visited the site and noted that the limits of disturbance were delineated by flagging on site, the disturbance area is below an acre in size. Trees were cut, the majority of the stumps were left in place, and there was no water quality runoff issues at the time of the visit. As the Stormwater Management Officer there are no violations to Town Code Chapter 86-7 Storm drainage D. Administration and enforcement (1)(a)[1].
- During my site visit on April 18th, 2024, I did find disturbance of a old tire dump area. Per the XAR GEIS study...

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

- The Saratoga Co. Planning Board noted in a letter dated February 16, 2024, that the project would have no significant county wide or inter community impact
- My prior comment requesting building elevations has been satisfied with documents provided under the current submittal. I have no additional comments regarding the proposed site plan. The proposed development of this lot is less than contemplated with the build out scenario for the prior approved XAR Subdivision which contemplated SEQR based on future build out scenarios for the project

### **Professional Comments:**

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

STATE ENVIRONMENTAL QUALITY REVIEW

1. No further comments at this time.

SITE PLANS

2. The applicant is currently preparing the traffic analysis and will submit upon completion.
3. The proposed septic system appears to meet the horizontal separation distances from the building of 20 feet per Table B-2 of the NYSDEC New York State Design Standards for Intermediate Sized Wastewater Treatment Systems”, however the future expansion area for the building if built will encroach within that 20-foot buffer of the absorption field. Consider moving the septic absorption field to meet the required separation for any future building expansion.
4. The applicant should confirm if the vehicle maintenance will take place in the garage or on the gravel.

STORMWATER NARRATIVE

5. The narrative indicates a dry swale will be implemented as part of the stormwater management controls, however it appears that an infiltration basin is proposed, revise accordingly.
6. The model developed indicates that a small infiltration facility will be required that will control the rate of flow from the site as a result of the increased impervious surfaces on the site. The site will continue to discharge to the east to the existing wetlands.

**Public Comments:**

Anthony LaFleche – 21 Wheeler Drive – Mr. LaFleche stated that he would also like an easement along Wood Road for a possible future trail. He stated that since it is lightly traveled he is in favor of an on road trail and that they would have enough room to widen the road if needed. Mr. LaFleche asked if plantings could be back far enough that if the easement is developed on the plantings would remain. Mr. LaFleche asked why the LI needs a SUP for a warehouse. Mr. Dell stated that it is needed due to the maintenance of vehicles and it was also suggested by Mr. Reese. Mr. Dell stated that there is a note on the plan to provide an easement.

James Ruhl – 168 Wood Dale – Mr. Ruhl stated that the ECC has made comments and asked the Board to read papers handed to them. Mr. Ruhl stated that the land was cleared without approval and near wetlands. He stated that he rides by this site regularly and the applicant has bulldozed the site and this is a precedent that should not be honored and is a violation. Mr. Dean LaFond stated that this is his son’s property and they got permission to mow the land and clean the area by Mr. Scavo. He stated that they cut trees, mowed the lawn and some of the trees fell on their own. Ms. Bagramian asked if it was more than an acre. Mr. LaFond stated no. Mr. Lippmann stated that Mr. Reese is fully aware of the concern and did a site visit. Mr. Dell stated that Mr. Reese said there is no violation.

There being no additional public comment, Mr. Ophardt moved, second by Mr. Martin, to close the public hearing at 7:20 p.m. The motion was unanimously carried.

### **Planning Board Review:**

Mr. Dell stated that the Board has asked about floor drains and he stated that there will not be any and that all work will be done inside of the building and there would only be small mechanical work and storage.

Ms. Bagramian asked if all oil changes and fluid changes would be done inside. Mr. Dell stated they would all be done in the building and only maneuvering and parking is to be done outside. Ms. Bagramian asked if floor drains would be provided inside of the building. Mr. LaFond stated that there will not be as he does not plan to rip apart vehicles and use this for mostly storage like a typical garage.

Mr. Ophardt asked what the trucks that they will be working on would be carrying. Mr. LaFond stated the trucks are used for paving and they only use soap and water to wash the trucks and they do not clean the holders there. Mr. Ophardt stated he feels vehicles could leak and there are constrained lands in the area. Mr. LaFond stated this is true but any vehicle could leak fluids and they do not use diesel and the vehicles currently show no signs of leakage of fluids. Mr. Ophardt asked what would be stored outside of the building. Mr. LaFond stated that equipment would be stored inside as he does not want to store things outside and leave them unsecure and unlocked. He stated he does not plan to purchase more equipment and wants to stay a small business; only trucks would be parked outside. Mr. Ophardt asked if waste would go on the property. Mr. LaFond stated no, everything would go back to the plant, has a place in Albany, and they do not store there either. He stated that asphalt plants are common so they are not far from these locations.

Mr. Martin stated that he has concerns about the clearing of the land and asked for clarification. Mr. Lippmann read from comments offered by Mr. Reese and stated that his findings are final determination. Mr. Martin stated that Wood Road has a meadow like clearing and a long stretch of tires and hubs that that had been referenced as well and would like clarification. Mr. LaFond stated this is not his property but there is a hump to the rear of his property that were found to have tires but this is beyond the clearing zone that they are working in. He stated that he had hit it with a skid steer thinking it was sand. Mr. Martin stated that he feels a condition of approval should be for the applicant to remove tires off the site even if they are off of the building envelope.

Ms. Bagramian stated she favored the removal of the tires as a condition.

Mr. Andarawis stated he also likes the condition but wants to see the disturbance stay under one acre and to remove the tires without removing trees.

Mr. LaFond stated that he is willing to abide by the conditions and that he is awaiting approval to pay NYSEG for installation of poles. He stated that he has 30 days to pay this so timing is essential.

Mr. Andarawis stated that this is an environmentally sensitive area so the Board needs to clarify what they will or will not want done there and condition the SUP.

Mr. Ophardt offered Resolution #08 of 2024, second by Ms. Westrick, to waive the final hearing this application and to grant preliminary and final approval of the special use permit, conditioned upon satisfaction of the comments offered by the Planning Board, Planning Department, and Town Designated Engineer, including submitting the landscaping plan for approval to the Planning Department prior to the stamping of the Special Use Permit.

**Roll Call:**

D. Bagramian - Yes

E. Andarawis - Yes

E. Ophardt - Yes

H. Fariello - Yes

K. Martin – Yes

J. Gleason – Yes

M. Fantini - Yes

L. Westrick - Yes

Ayes   7  

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 99 Wood Road SUP and Site Plan, and to grant preliminary and final site plan approval conditioned upon satisfaction of all comments provided by the Planning Department, Town Designated Engineer, and all items listed in the final comment letter issued by the Planning Department.

Ayes:   7  

Noes:   0  

The motion is carried.

**Old Business:****#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 RD

Zoned: TNGB - Neighborhood General Business, Status: Revised Preliminary

Applicant: Consultant: EDP – G. Vuillaume

Last Seen On: 11/14/2023

**Consultant/Applicant Presentation:**

Gavin Vuillaume – EDP – Mr. Vuillaume stated that he was last here in February 2024 and the applicant received comments at that time. The applicant has sense met with the Highway Department stating he was appreciative for Highway Superintendent Dahn Bull taking the time to meet and reviewing the plans with him. Mr. Vuillaume stated Mr. Dahn Bull found the plan favorable so an easement will be put in place. He stated that they would be widening the road to 18' as it was suggested as well. He stated there is minor wetland disturbance which is 0.02 acres to mitigate highway run off. Mr. Vuillaume stated that the planting plans show additional screening along I-87 with evergreens. He stated the lighting plans have been updated and there are minimal lights used for security. Mr. Vuillaume stated the utilities are not changing from the prior meeting, stormwater would be managed underground on site but deeps tests still need to be done. He stated a geo-tech will be coming to the site to help with retaining walls. Mr. Vuillaume showed renderings on the screen for all in attendance to view and stated that most buildings are one story. He stated they made a late submittal for the traffic study and it showed 48 total trips for a.m. and 49 total trips for p.m. at peak hours. Mr. Vuillaume stated the traffic study suggested adding a stop sign as well as a yield sign and stop bars to the intersections.

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

- The ECC notes that the applicant has not responded sufficiently to the ECC comments made on February 21, 2024.
- The ECC requests a photometric plan that stresses the light spillage that would impact traffic and safety of the Northway.

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

**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. On Sheet 4 of 10, 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.
3. Verify the finished floor elevations of each building as they are between one and two feet lower than the finished spot elevations provided outside the building for ADA accessibility.
4. Indicate on the plans if the sidewalk in front of each building will have a curb or be flush with pavement.
5. Construction fencing should be placed along the southerly property line to ensure all construction activities (grading, retaining wall construction) will remain on the owner's property.
6. For any steep slopes (3 horizontal to 1 vertical) there needs to be specific measures shown to ensure the slopes remain stable and achieve uniform ground coverage at project completion.
7. It is understood that the soil tests (test pits and infiltration tests) will be conducted when the initial grading cut is complete (approx. 10 feet cut). The final plans shall include this information. The applicant shall provide the test results to the Town for review to ensure the stormwater management design is adequate.
8. The Erosion and Sediment Control Notes shall be expanded to provide the required wintertime construction activities and additional stabilization requirements.
9. Guide rail is recommended along the proposed northern boundary of the entrance road and parking area as grading falls off in these locations.
10. The applicant indicated that responses to the traffic comments are forthcoming.
11. Old Plank Road between Old Route 9 and the proposed site appears to have insufficient pavement width to accommodate two-way traffic. Any off-site improvements should be included as part of the review process.

**STORMWATER POLLUTION PREVENTION PLAN**

12. The HydroCAD is utilizing a design infiltration rate of 12 inches per hour. The soil testing performed will need to be verified to ensure this assumption is still valid.

**Public Comments:**

No public comment.

**Planning Board Review:**

Mr. Ophardt suggested more “no parking” street signs for the roadway. Mr. Vuillaume stated that he would talk to the Town about adding this. Mr. Ophardt stated that he feels this is an improvement to the area and he would also like to see stop and yield signs to help with traffic. Mr. Vuillaume stated there will be a guard rail added to the end of the roadway for safety.

Ms. Bagramian asked when the plans were submitted to the ACOE. Mr. Vuillaume stated it was done within the last week but he is willing to make their approval a condition.

Mr. Andarawis asked what the rear of the building would look like. Mr. Vuillaume stated they would look similar to the fronts of the buildings with less doors and there are no mechanical systems proposed in the rear.

Ms. Bagramian asked where the mechanicals would be. Mr. Vuillaume stated they would be on the side of the building or on the rooftop.

Ms. Fariello asked if there is a new lighting plan and if the ECC has reviewed it. Mr. Vuillaume stated it has been updated. Mr. James Ruhl stated they have not had a chance to review it.

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.

Mr. Ophardt moved, second by Ms. Fariello, to waive the final hearing for this application for the site plan review of 15 Old Plank Road Commercial Site Plan, 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. “No Parking” signage for Old Plank Road, to be completed before first CO.
2. 2. Striping and/or Stop Bars installed at the Old Plank Road Intersections to be done before first CO

Ayes:   7  

Noes:   0  

The motion is carried.

### **New Business:**

#### **#2024-015 Route 9 Convenience Store w/ Fuel Site Plan**

SBL: 266.3-3-10.1,

Route 9 Convenience Store w/Fuel, Us Rt 9 , Zoned: B4A - Highway Business/Restricted Retail

Status: Concept

Applicant: N/A, Consultant: Bohler Engineering, PLLC – C. Mlodzianowski

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

Mr. Chris Boyea stated he is here tonight with Frank Hassari with Prestige Petroleum for this application. Mr. Boyea stated that the parcel for this application is currently vacant with no trees and the land is flat. Mr. Boyea stated this is about a 2 acre lot that is zoned B-4a and is located next to the Dodge dealership and is across from Parkway Music. Mr. Boyea stated the parcel has trees to the rear which abuts to the NYS DOT rest area. He stated this is for a 4,500 sf store with a drive through and fueling stations. Mr. Boyea state that is the project is zoning compliant and the owner has other locations in New York. He stated that they are looking for one curb cut, and 6 fueling dispensers under a canopy. He stated the front of the store would face the pumps and parking would be along the side of the building with room for larger vehicles and a drive through around the rear. Mr. Boyea stated public water and sewer are being proposed and the site has 50% green space.

### **Staff Comments:**

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

- The ECC notes that this proposal is located over the Colonie Aquifer and therefore will require significant planning to ensure the protection of this vital underground resource.
- The ECC requires that the applicant meet the latest NYSDEC and Federal Standards for the proposed gas and diesel tanks.
- The ECC notes that the plans do not permit for appropriate escape lane / emergency egress around the drive thru and diesel pump island.

#### **John DeSimone, Fire Marshall, issued a memo stating:**

- Please provide rendition showing turning radius of fire apparatus
- Please provide no parking fire lane on south side of building. Painted on pavement in compliance with the 2020 NYSFC.
- Please show location of existing hydrant locations and distance from proposed building.
- See proposed postal verification map in documents.
- Proposed postal verification is 1776 Route 9
- Postal verification will be finalized with Saratoga County Emergency Services after final planning approval is granted.

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

- Per Town Code Chapter 208-50.2 B. Automobile service stations are an allowed use in the Highway Business / Restricted Retail (B4-A) Zone.
- Per Town Code Chapter 208-50.2 A. Convenience food stores are an allowed use.
- Per Town Code Chapter 208-93 C. - No gasoline pumps shall be placed closer to any property line than 50 feet. An area variance will need to be granted for the proposed location of the gas pumps.
- Per Town Code Chapter 208-98 Special setback lines, show the 130 foot building setback line from the center line of New York - US Route 9.
- Per the Table of Permitted Signs Town of Clifton Park Chart 1 Commercial - Freestanding signs shall be setback a minimum of 15 feet from the front property line.

- When plans progress provide a landscape plan that addresses Town Code Chapter 208-50.5 Landscaping. "The property margins at the sides from the front building line to the rear property line shall be planted with trees and shrubs for a width of not less than 15 feet."

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

- It appears that this project will need a NYSDEC SPDES General Permit for Stormwater Discharges from Construction Activity. The fueling areas will need to follow NYSDEC Stormwater Management Design Manual Section 4.11 Stormwater Hotspots.
- Per NYSDEC Environmental Resource Mapper this parcel is located above a Principal and Primary Aquifer

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

- Project should include pedestrian access from front door to Route 9 public road frontage.
- Should include sidewalks along entire length of property frontage of Route 9 to allow for pedestrian access to the convenience store. Planning Board has requested applicants install new sidewalks along Route 9 frontage for all new projects including but not limited to these properties along the west side of Route 9: medical offices to the south, at 1766 /1768 US Route 9 (OrthoNY Urgent Care); at 1750 US Route 9 (along the frontage for Tractor Supply & Hannoush Square (commercial plaza with Schoolhouse Road Pediatrics, Hannoush Jewelers, Benjamin Moore Paint Store and Hunt Country Real Estate; at 1740 US Route 9 (Residence Inn by Marriott); at 1736 US Route 9 (Stewart's Shops); at Holiday Inn Express & Suites helping connect hotels to Peddler's Restaurant and the Stewart's Shop; and the 1712/1714 office plaza with Kitware, BSNB Bank, etc. The Planning Board has requested new sidewalks on the east side of Route 9: along 1785/1783 US Route 9 (CDPHP, Community Care Physicians, Albany ENT, etc.); 1751 US Route 9 (LaQuinta by Wyndham, Red Front Pizza, etc. shopping plaza)

**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. New York State Department of Transportation: Proximity to NYS Route 9
- g. 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 1. 13a. - The response indicates that a portion of the site or lands adjoining the site of the proposed action contains wetlands or other waterbodies regulated by a federal, state, or local agency. The applicant should provide documentation that confirms the presence or absence of federally regulated wetlands adjacent to the project site. Additionally, a 100' wetland buffer should be clearly shown on the plan to confirm the proposed action will not physically alter, or encroach into, any existing wetland or waterbody.
4. Part I. 17 – The applicant indicates that the action will disturb +/- 1.5 acres of land. The proposed action will create discharge from point or non-point sources. 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 addresses 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.
5. No further comments at this time.

#### SITE PLANS

6. The project is located within the Town's Highway Business/Restricted Retail (B-4a) zoning district. The proposal for an automotive service station with convenience store appears to be a permitted use as noted in Section 208-45 of the Town's Zoning. This should be confirmed by the Town's Zoning Officer.
7. In reviewing the proposed site plan, it appears to be deficient in regards to meeting the minimum bulk lot requirements outlined in Section 208-93 of the Town's Zoning. The noted deficiencies are as follows:
  - a. Section 208-93) All automobile service stations shall be so arranged and all gasoline pumps shall be so placed as to require all servicing on the premises and outside the public way, and no gasoline pump shall be placed closer to any property line than 50 feet. The applicant indicates that a variance will be required for the proposed 37.1 feet.
8. Subsequent submissions should provide contour lines at two-foot intervals, minimum United States Geological Survey datum.
9. Wetlands are identified on the rear of the property per the NYSDEC Environmental Mapper. The applicant shall provide a delineation of the wetlands and depict them on the plans. If a Jurisdictional Determination needs to be obtained, a copy of the official correspondence from the permitting agency should be provided to the town.

10. The pavement width on the south side of the pumps is approximately 55 feet wide. Consider narrowing this to better direct traffic and/or providing signage/pavement markings for better internal traffic flow.
11. Some of the parking spaces are a distance from the convenience store, consider moving closer.
12. Show where snow storage is being provided within the project site.
13. 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.
14. Show the new water and sewer laterals that will service the site and the connection to public mains adjoining the site.
15. The proposed entrance widths shall be reviewed by NYSDOT. Minor commercial driveways for one way traffic are typically 24 feet wide.
16. It is recommended that at a minimum the number of peak hour vehicle trips, including truck trips be provided.
17. Confirm that the new site drive will have adequate sight distance. The sight distance analysis shall utilize ASHTOO standards for the 85th percentile travel speed of NYS Route 9.
18. Provide notation on subsequent plans indicating that all work proposed within the NYS Route 9 right-of-way are subject to a highway work permit issued by the NYS Department of Transportation.
19. Indicate whether roof top mechanical units are proposed and how screening may be incorporated to shield them from the public view.
20. Provide anticipated water and sewer usage information.
21. 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.
22. 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.
23. Provide anticipated water and sewer usage information.
24. 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.
25. Subsequent submissions shall include the proposed lighting plan.
26. Show the location of and provide a detail for any exterior refuse areas.
27. 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.
28. 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.
  29. Subsequent plans should include architectural elevations of the building with a listing of the materials of construction for review by the Planning Board.
  30. 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 if the pumps would be double or single. Mr. Boyea stated they would be regular double pumps, 12 total, and there would be 3 diesel pumps off to the side so large trucks can fill both tanks at once. Ms. Bagramian stated this is beyond the maximum limit. Ms. Bagramian stated that she has concerns since this is over an aquifer. Mr. Boyea stated that the stormwater management and green space will assist in the preservation. He stated that Stewart's down the road has the same thing.

Mr. Ophardt asked how vehicles would circle around the drive through. Mr. Boyea stated that they are open lanes along the property line. Mr. Ophardt stated he feels the layout interrupts the traffic flow on the site. Ms. Bagramian stated she agrees with Mr. Ophardt's comments and the drive through should be closer to the building. Mr. Boyea stated he can mitigate with signage and look at changing the location of the exit. Mr. Ophardt suggested going from 3 diesel pumps to 2.

Mr. Andarawis stated he also sees conflict with the drive through and convenience store. Mr. Boyea stated he does not know what the owner would like. Mr. Andarawis stated that this has the potential to stack cars and large vehicles. He stated that there is a lot of paving as well and asked if the applicant could reduce some proposed pavement down along the side where the diesel pumps are. Mr. Boyea stated that this is a typical pull around for large vehicles but he will evaluate what might be able to be done as well as with other comments tonight.

Ms. Bagramian asked who the tenant would be. Mr. Boyea stated he does not know who the tenant is yet but the applicant would run the fueling and the convenience store.

Mr. Ophardt stated he also has concerns for parking and traffic driving behind it from the drive through lanes and the trucks. Mr. Boyea stated they can look at moving parking. Mr. Ophardt stated that they have parking 100' from the front of the building as well. Mr. Boyea stated the 14 parking spots that are around the building are prime parking. Mr Ophardt stated he would like to see some of the ones out front land banked.

Mr. Andarawis read from the code 208-50.5 and stated landscaping calls for 15' of plantings around the property and asked the applicant to keep this in mind as the project moves forward.

### **New Business:**

#### **#2024-016 87 Hubbs Road Professional Office Site Plan**

SBL: 258.-1-16.1

87 Hubbs Road Professional Office, 87 Hubbs RD , Zoned: CR, Status: Concept

Applicant: Witecki, Glenn , Consultant: N/A

**Mr. Andarawis recused himself from the application.**

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

Mr. Glen Witecki stated he is here tonight with his son as the applicants. He stated that he has gotten a use variance from the Zoning Board to use an existing barn as an office space. He stated that it is the 3<sup>rd</sup> building back on his property that is a 1,200 sf barn with a furnace, windows, and barn doors. Mr. Witecki stated he will need to provide 6 parking spots and he has a demo permit pending on another building on the property. Mr. Witecki stated they have a markup of a sign they would like to use and the driveway is currently crusher stone. He stated the land has been in the family for 98 years and no exterior changes are being proposed except for paving.

Mr. Henry Witecki stated he has spoken to Mr. Scavo and there are concerns with land stability of the surface of the parking and painted lines on the gravel were proposed but Mr. Scavo suggested paving.

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

- On March 19th, 2024 the ZBA granted a Use Variance for this parcel to allow the use of professional offices. The condition for this Use Variance is no additional building and no enlargement of current building footprint.

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

- Applicant to verify that any new parking areas / gravel surfaces are not within the 100 foot adjacent area of a NYSDEC Wetland or within a Federal Wetland Boundary.

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

- Add a striping and signage detail to the site plan for the accessible parking space and access aisle shown.
- 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.
- Add a note to the site plan stating, "The Clifton Park Zoning Board of Appeals granted a Use Variance (Permit No. VAR24- 000001) on March 19, 2024, conditioned upon no additional building or enlargement of the current building footprint."
- A letter documenting a notice of site plan application was sent on March 4, 2024 by Town Planning Staff to the Town of Ballston whose Town Boundary lies within 500 feet of this project's location.
- The site plan appears to be an Unlisted Action pursuant to SEQR. Coordinated review is optional, and the Zoning Board of Appeals has previously issued a negative declaration under their review of a use variance application.

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

## STATE ENVIRONMENTAL QUALITY REVIEW

1. The project underwent a SEQR Coordinated Review for the issuance of a Use Variance with the Clifton Park Zoning Board of Appeals acting as the Lead Agency. On February 6, 2024, the Zoning Board of Appeals issued a Negative Declaration for an Unlisted Action. On March 19, 2024, a condition was placed on the variance approval stating, "No additional building and no enlargement of the current building footprint."
2. Based upon our review of Part 617 of NYS Environmental Conservation Law, the project appears to be a "Type II" action. Per Part 617.5 (c)(2), the replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site, including upgrading buildings to meet building, energy, or fire codes unless such action meets or exceeds any of the thresholds in section 617.4 of this Part, is not subject to further environmental review. If the Planning Board concurs, no further SEQR action is required.

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:

3. Part 1. 5a. – The response indicates that the project is not a permitted use under zoning regulations. The application received a Use Variance from the Clifton Park Zoning Board of Appeals.

4. Part 1. 13a. - The response indicates that a portion of the site or lands adjoining the site of the proposed action contains wetlands or other waterbodies regulated by a federal, state, or local agency. The applicant should provide documentation that confirms the presence or absence of federally regulated wetlands adjacent to the project site.
5. Part I. 17 – The applicant indicates that the action will disturb +/- 0.0 acres of land. The proposed action will not create discharge from point or non-point sources. As such, it will not be subject to the NYSDEC Phase II Stormwater Regulations and General Permit GP-0-20-001. Therefore, a full SWPPP is not required.
6. No further comments at this time.

#### SITE PLANS

7. The project is located within the Town's Conservation Residential (CR) zoning district. The proposal for professional office is not a permitted use as noted in Section 208-16 of the Town's Zoning. The applicant was granted a use variance with conditions.
8. In reviewing the proposed lot layout in comparison to Section 208-16 of the Town's Zoning, it would appear all minimum bulk lot requirements are satisfied.
9. The site plans shall note the individual/firm that completed the wetland delineation and date of delineation being completed.
10. The Site Plans shall show the extent of the L-C boundaries pursuant to Section 208-69.1 of the Town Zoning.
11. Upon the illustration of the L-C boundary on the plans, should the proposed improvements reside within the L-C district, the applicant shall provide sufficient data to demonstrate that the proposed activity will not result in any of the changes noted in Section 208-69.3 of the Town's Zoning.
12. The applicant shall provide the Town with all permitting associated with work within the NYSDEC wetlands and adjacent areas if applicable.
13. The accessible aisle provided shall be a minimum of 8 feet wide per Section 1106.1.1 of the Building Code of New York. Appropriate signage at the accessible space and aisle shall be shown on the plan with appropriate details provided illustrating the content on each sign.
14. The parking lot is shown as gravel. This finished surface will be difficult to maintain compliance with ADAAG 2010 for irregular surfaces at the accessible space and aisle. The finished surface at these areas and along the accessible route shall be asphalt or concrete.
15. The area of ground disturbance appears to be less than 1-acre, therefore, the project does not require the preparation of a stormwater pollution prevention plan (SWPPP) or permit coverage under General Permit GP-0-20-001.
16. Considering that the plans submitted are conceptual in nature, we will reserve further comments until revised plans are submitted.

#### **Public Comments:**

No public comment.

#### **Planning Board Review:**

Ms. Bagramian asked if the applicant has any elevations for the project. Mr. Glen Weticki stated he does not have any but he has photos of the existing building. Ms. Bagramian stated she would like to see elevations and asked if the board and batten were being kept. Mr. Glen Weticki stated the barn would look exactly the same but double glass doors instead of barn doors from the exterior.

Mr. Martin stated he would also like to see preliminary elevations when the applicant returns.

Mr. Glen Weticki asked if he could come back with a public hearing. Ms. Bagramian stated that the applicant would have to ask Mr. Scavo if this is possible.

**Discussion Items:**

None

Ms. Fariello moved, seconded by Mr. Fantini, adjournment of the meeting at 9:05 p.m. The motion was unanimously carried.

The next meeting of the Planning Board will be held as scheduled on May 14, 2024.

Respectfully submitted,

*Paula Cooper*

Paula Cooper, Secretary