

**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**  
**May 14, 2024**

Those present at the May 14, 2024 Planning Board meeting were:

Planning Board: D. Bagramian, Chairwoman, E. Andarawis, H. Fariello, E. Ophardt,  
K Martin, M. Fantini (7:12 arrival), L. Westrick

Those absent were:

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:**

Mr. Ophardt moved, seconded by Ms. Westrick, approval of the minutes of the April 23, 2024 Planning Board meeting as written. The motion was unanimously carried.

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

SBL: 276.-1-34.2

Applicant proposes a 24 lot conservation subdivision on 100.3+/- acres. 23 new building lots will be created on a proposed public road. The existing farm houses and barns will retain the remaining plans to be utilized as private deed restricted open space, 68 Droms Rd, Zoned: CR - Conservation Residential, Status: Preliminary Applicant: Erik Kohler Homes LLC Consultant: EDP, J. Dannible Last Seen On: 3/12/24

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 subdivision application. Should it be determined that additional environmental review is required, SEQRA discussions will be re-opened and a decision will be rendered when deemed appropriate.

Mr. Scavo stated that there had been changes to case law for SEQR since 2008 (Matter of Kitteridge v Town of Liberty Planning Board), and it needs to be done before a public hearing and an official action. He stated there is protection to allow for the Planning Board to re-open the SEQRA process. Mr. Scavo read supporting findings and that a negative declaration includes but is not limited to a decrease in development area, traffic, noise, odor and light.

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

Ms. Bagramian called the public hearing to order at 7:14 p.m. The Secretary read the public notice as published in the Daily Gazette on May 3, 2024.

**Consultant/Applicant Presentation:**

Mr. Joe Dannible stated that he was representing the applicant for a public hearing and is hoping for preliminary approval. He stated the project location is approximately a 100 acre parcel on the south side of Droms Road in the CR zone. Mr. Dannible stated that there are 72.8 acres of unconstrained land, and zoning density allows for 24 residential lots on the property. He stated a Resource Conservation Analysis has been done and showed a map indicating DEC wetlands and slopes over 20%. Mr. Dannible also identified the existing structures on the property. He stated the orchard would remain with the existing owner and indicated the area that the existing home would stay on. Mr. Dannible stated an adjacent property owner has an apple farm and is protected as permanent open space. Mr. Dannible identified on the map the areas that are being

proposed as open space for this project and stated there is 25% of upland that the applicant did not want to disturb the existing orchard, and deemed that area inappropriate for development. Mr. Dannible stated they are proposing a single point of access from Droms Road. He noted that the Planning Board previously asked why the lots were so large? He noted that the applicant is trying to protect the remaining agricultural land and the view from Droms Road. He stated the Fire Marshall was consulted with the access, and noted that a single point of access was acceptable. Mr. Dannible stated that to the west and south the wetlands are protected so there is no other point of access besides the proposed curb cut that also keeps more open space. Mr. Dannible stated the layout has been revised since it was last seen in March of 2024; the width of the lots have been decreased to 90' and there is a 200' setback from Droms Road. He stated that the west side of the proposed entrance displays an orchard or possibly a crabapple farm to help with the orchard appearance in the area. Mr. Dannible stated lots have been consolidated, and the lands to the west and south will be permanent protected open space and they are proposing a head row from 100-50' and would be using a vegetative buffer there so all open space that is adjacent to the Town's open space will be preserved. Mr. Dannible stated all land area to the east towards Grooms Road will also be a protected area and they have intentionally put a curve in the roadway to increase the open space areas and preserve street trees. Mr. Dannible stated they would expand the public water and sewer to the site and have grinder pumps and a force main. He stated the water will be extended from an 8" main off of Grooms Road, and this would allow for further expansion. Mr. Dannible stated that he believes this project respects the view shed from Droms Road and is preserving lands and open space.

### **Staff Comments:**

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

- ECC notes that Town Code Chapter 208-16 E. (4) states "Conservation-based development design. Development of any parcels in the CR District shall comply with the requirements of this Code (conservation design layout), along with the development guidelines in the "Western Clifton Park Design Guidelines" attached hereto by reference." By incorporating the Western Design Guidelines by reference gives them the equivalent force and effect of law. The Western Design Guidelines state the following: (Please reference ECC Meeting Minutes Insert in Document folder.)
- Given the fact that Riverview Orchard is protected by NYS Right to Farm Law, the Planning Board should request the applicant to provide an adequate buffer between Riverview Farming Operations and the proposed residences.
- The ECC observes that agricultural activities such as spraying, and machinery noises are protected by the Agriculture District designation further justifying the requirement for an adequate buffer.
- Riverview Orchard is a permanently protected open space resource. The Western GEIS Design Guidelines state that one of the criterion for designing in Western Clifton Park is to "Buffer and protect the permanently protect the open space resources."

- 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.

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

- footings must be 2' above season ground water table

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

- Please read and follow all comments on first review. SUB24-000003
- Unable to provide proposed postal verification until street name is decided.

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

- This application is complying with Town Code Chapter 208-16 E. (2) (b). The Planning Board should be presented how this proposed project addresses the key conservation principals for Western Clifton Park as outlined in Town Code Chapter 208-16 E. 13 (c) [2].

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

- Provide the deep test hole data, with seasonal highwater elevations. Provide the percolation test results if infiltration practices will be used.
- Pocket Ponds are not an approved practice for the NYS Stormwater Management Design Manual 2022.
- Drainage Easements may be needed for lots 15-18.
- Lots 1-7 and lots 22-23 proposed basements appear to be below the seasonal high water table. The basement elevations need to be a minimum of 2 feet above the seasonal water table.

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

- Applicant should consider 15 feet right of way for a future all-purpose sidewalk or trail along Droms Road.

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

- Lot 24 should be shown with the existing house and barns footprint as existing conditions for the Planning Board to see in their review process.
- Lot 24 (shown as 48.5 acres) should also include a label directly on the lot on all sheets that states "No Further Subdivision Allowed" as the totality of the current 100-acre parcel will have maximized its density allowance with the construction of the additional 23 lots. It will help make it concrete for future property owners that even with a 48.5-acre lot -- there is no further subdivision. Also, please strike "Remaining Lands" from the note -- as again, it implies that these are vacant lands that could be further subdivided, which they cannot.
- Proposed Lot 1 shows a proposed orchard on what will be a privately owned lot. The Town of Clifton Park will not be responsible for enforcing or compelling any orchard use shown on this plan, as it is squarely on a private residential lot, and not located on the permanent open space portion of the lot. Will a future owner actually want to own and maintain an orchard? It is a great concept, but as shown would not be enforceable.

Rather, planting a generous number of native species, deciduous trees along Droms Road frontage, on both sides of the proposed new road, extending along the Droms Road frontage would provide shade and support rural character, and help sequester carbon.

- Along the Droms Road frontage, the project could include an off-road path, for public use, that would contribute to pedestrian and bicyclist movement along this scenic road corridor, and help provide a segment of transportation route for this new neighborhood to be able to access other neighborhoods, and Historic Grooms Tavern Complex to the east off of Grooms Road, the site of community events and activities.
- Please add a label "Permanently Protected Farm - Conservation Easement held by Town of Clifton Park" along the west boundary of the subdivision, and also on the south side of the subdivision, on the "Lands N/F of Isabel Barrett-Prescott". The Deed of Conservation Easement on this adjacent property is filed with Saratoga County.
- The project is noted as including a significant length of public water and public sewer infrastructure to the site. There is the potential for inducing development associated with extending the water and sewer lines to this site along Grooms Road and Droms Road, a potentially significant environmental impact of extending the water and sewer lines.

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

- The proposed subdivision complies with the Statement of Findings within the Western Clifton Park Land Conservation Plan and Generic Environmental Impact Statement. Specifically, finding E.5, which states that all new residential zoning, outside of the hamlets, is required to be designed as conservation subdivisions whereby important land features are identified and site layout is accomplished in such a manner to conserve open space. A minimum of 50 percent common open space is required. Depending on the size of the project area, this approach could allow continued farming on the remaining open space
- Attached is a draft SEQR Notice of Non-Significance for the Planning Board's SEQR consideration.

**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. As the applicant has indicated the wetlands will be delineated to verify the previous delineation that has expired. The re-delineation should be submitted to NYSDEC for review and issuance of jurisdictional determination letter. A copy should be provided to the Town.
3. The applicant should provide delineation (signage, fencing, etc.) in the rear of Lots 1 through 14 so the property owners understand the deed restricted open space.
4. The Planning Board should consider the street tree layout proposed along the roadway. Section 86-10 requires two new trees per living unit on the street side of new construction sites. The plan shows a total of 27 trees for 23 lots.

5. Subsequent plans shall show the Town's LC location and boundaries which are defined by Section 208-69.1 of the Town's Zoning.
6. Indicate on the plans if the orchards located within Lot 1 will be private to Lot 1 or an easement will be established for the entire neighborhood to utilize.
7. Dead-end streets shall not service in excess of 18 residential units if so a second means of access must be provided to the end of the street. This should be reviewed by the Planning Board and Town Highway Department.
8. The dead end of over 750 feet and turnaround should be reviewed and approved by the Town's Fire Marshall.
9. The site grading shows the infiltration practice without any test pit information to confirm depths to seasonal high groundwater. Soil data is required to confirm adequate separation. Pursuant to Section 6.3.1 of the NYSSMDM, the bottom of the infiltration facility shall be separated by at least three feet vertically from the seasonally high-water table or bedrock layer, as documented by onsite soil testing and four feet in sole source aquifers, which is applicable to this project site.
10. Provide the sizing of the sediment traps provided on the plans.
11. Provide an analysis of all segments of storm sewer pipe to show that the 10-year, 24-hour design storm freely discharges without backwater conditions occurring pursuant to 86-7(A)(1)(a) of the Town Code.
12. The offsite utility profile should also include the water main.
13. Water and sewer sheets shall be reviewed by the agency under the jurisdiction of Clifton Park Water Authority and Saratoga County Sewer District.
14. Show monument locations of sufficient number to control the subdivision, but as a minimum, they shall be located as necessary to provide visibility between adjacent monuments along one right-of-way line of each street pursuant to Section 86-5(D)(1) of the Town Code.
15. 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.

#### STORMWATER POLLUTION PREVENTION PLAN

16. The analysis assumes an infiltration rate of 8 in./hr. for the infiltration basin. In-situ testing shall include the infiltration tests and test pits pursuant to Section 6.3.1 of the NYSSMDM shall be provided as part of the subsequent submission.
17. The Soils section of the report shall be updated with the site-specific soil investigation required by Section 6.3.1 of the NYSSMDM for the proposed on-site stormwater facilities. Pursuant to Section 6.3.1 of the NYSSMDM, the minimum geotechnical testing is one test hole per 5000 sf, with a minimum of two borings per facility (taken within the proposed limits of the facility).
18. Provide the calculation spreadsheet for the stormwater management practices.
19. Attachment A in the Appendix does not contain any information.
20. The infiltration basin needs to include means to operate during wintertime conditions. This may include the installation of a series of drywells that penetrate the upper frost layers of the soil, which would permit infiltration even in cold/freezing weather.
21. Provide the 48 hour hydrograph to show the infiltration basin can be fully dewatered during that timeframe.

22. The SWPPP shall include documentation that the project is eligible for permit coverage pursuant to Part I.F.4 of GP-0-20-001 with respect to threatened and endangered species. This includes both listed state and federal species. Once correspondence is received it should be included as an Appendices.
23. The applicant indicated correspondence from SHPO with respect to historic properties was included in the SWPPP, however it could not be located.
24. The SWPPP shall include the operation and maintenance required of the installed stormwater management facilities pursuant to Part III.B.2.f of GP 0-20-001.

### **Public Comments:**

Isabel Prescott, 667 Riverview Road, stated she is adjacent to 68 Droms Road and her family has been there for 5 generations. She stated that her family has participated in Farm Fest and Winter Fest with the Town. She stated that she gave up the right to develop her property which is to remain a working farm or open space. She stated that the owners of 68 Droms Road need to understand certain rights are given up and new development needs to conform to the codes for this. Ms. Prescott stated that the impact needs to be looked at again as she feels the project will negatively impact the area. She also had concerns about her right to farm before others could purchase the homes noted the farm operates 6 a.m. and after 10 p.m. at times. She stated that they also have legal brush fires and that there is liability from the use of legal chemicals, theft of apples, and no barriers to keep others out. Ms. Prescott stated there is little to no buffer between the orchard and the development. She asked that they keep in mind the Town codes and respect each other and the heritage of the community.

Jen Wijtowitz asked whose lots were to the south of the project and stated that this could be developed as well. She stated she values Riverview Orchards and the open space in her community. She stated that she has similar concerns as Ms. Prescott and that local farms are important to food security. She stated that others need to be mindful of pesticides and feels this is a narrow boundary for residences.

Anthony LaFleche, 21 Wheeler Drive, stated that he backs up Ms. Viggiani's comments for an easement for a possible trail. He also backs the comment about notifying potential buyers of right to farm laws. Mr. LaFleche stated that he feels the site is squeezed to the max and that the homes feel close to the road. He stated he feels more width and frontage are important to help keep it as rural as possible.

Lin McGlichey stated she had concerns with kids in the backyards while the orchard is putting out pesticides and stated kids don't know buffers and asked if a berm would help as they did for the storage units on Route 146.

Daniel Mathias stated that he is a member of the ECC but he is speaking as a resident tonight. He stated he submitted comments for review and read his comments out loud. He referenced code

Chapter 208-16-B(3) and (4) stating guidelines specifically call out Riverview Orchards and putting future residents in jeopardy of disturbance. Mr. Mathias stated open space should be publicly owned and wanted Riverview Orchards and other similar parcels to be protected.

Michaela Corbett stated that she is familiar with pesticides and did work for them for a while. She stated she is concerned for children in the area as we don't know what is in the chemicals. She stated she feels children's skin is more permeable and chemicals can travel through it as well as in the air. She stated professionals should be consulted for this. She stated she had researched this personally and cannot provide a professional opinion.

Raymond Seymor, 7 Nadler Road, stated he sent 2 letters that the Boards saw from Open Space and Friends Of Open Space Clifton Park. He stated private deed restrictions don't work unless neighbors report neighbors. He stated he feels that a conservation easement would be better and would allow a 3<sup>rd</sup> party to inspect the property.

Frank Berlin, 980 Main Street, stated he has been in the Town since 1964. He asked how big of a buffer the Health Department requires for the pesticides. He stated he feels 50-100' buffer from streams is required but not here. He also noted people are allowed to cut trees down with no consequences. He stated that people need more knowledge of buffers and more enforcement of them.

Larry Syzdote, 43 Riverview Road, stated that they have farmed sheep for over 30 years and he has learned that people do not stay in place. He stated that children have bikes and ATVs now and go uninvited into others' properties. He stated that he feels this is dangerous even without the pesticides. He stated he is a retired atmospheric scientist, so he is also familiar with pollutants.

Mr. Dannible read from a letter from the current owners and stated that this will also be submitted to the Town for the record.

There being no additional public comment, Mr. Ophardt moved, second by Ms. Fariello, to close the public hearing at 8:18 p.m. The motion was unanimously carried.

### **Planning Board Review:**

Ms. Bagramian stated that she feels the buffer seems to be important in the project, and how it is important to prevent children from the pesticides and equipment, which needs to be mitigated. Mr. Dannible stated this is not the first time this has occurred and stated there is one in Halfmoon with a 100' buffer with the subdivision being built out for over 10 years. He stated he was a part of those hearings and has heard the same concerns with it still being approved. He stated that to his knowledge, there have been no issues. Mr. Dannible stated the closest home to the orchard from the rear of the home is 250' and the other subdivision mentioned is 150' at its closest. Ms. Bagramian asked what would happen if the owner cleared the land. Mr. Dannible stated that the

open space would be deed restricted and is commonly found around New York State; they would not create a public health issue.

Mr. Ophardt asked what is 100'. Mr. Dannible stated that the buffer is 100', and then there is a yard and the home. Mr. Ophardt stated that generally, there is an indication of a buffer area for a stream at the 100' mark. He stated he feels that signage may be appropriate here.

Mr. Fantini asked if the applicant would make the rear yard smaller and the buffer larger. Mr. Dannible stated that they could consider this.

Mr. Ophardt stated a split rail fence would be possible here but he does not want more interference with wildlife. Mr. Dannible stated there is a certain reasonability of homeowners for their family.

Mr. Andarawis stated there could be fencing or signage similar to what they do with streams and would be a long term reminder to residents. Mr. Dannible stated they are proposing signage to the rear yard to remind the residents of the buffer. Mr. Andarawis they should also be reminded of the farming that is being done there as well. He stated that this may be a buyer beware situation and can see the concerns of Ms. Prescott. The second and third owners and forward need to be notified of this right to farm.

Ms. Bagramian stated some simple verbiage added to the buffer sign may be warranted here. She asked who is responsible for up-keeping the frontage on Droms Road, as she feels this is a big responsibility. Mr. Dannible stated this is why they are proposing crabapple, to give an orchard look but to have little maintenance.

Ms. Fariello asked what would stop the homeowner from cutting the trees on the road frontage. Mr. Dannible stated the land would belong to lot 1 but they could deed restrict the frontage. Ms. Fariello asked if there would be an HOA associated with the subdivision. Mr. Dannible stated there is not one proposed.

Ms. Bagramian stated that an HOA would make sense here and having the responsible for the Droms Road frontage as well. She stated that there is a lot of policing that needs to be done. Mr. Dannible stated that the applicant is not looking for an HOA.

Mr. Ophardt stated that he feels physical barriers are needed without disturbing wildlife to stop ATVs.

Mr. Martin asked how big the lots are that are proposed. Mr. Dannible stated that on average, they are about 0.5 acres.

Ms. Bagramian asked how large the homes would be. Mr. Dannible stated they could be about 2,000-3,000 sf.

Mr. Andarawis stated that he would like maintenance accounted for to maintain the orchard look. Mr. Dannible stated that this would be in the deed and it would be a 2 acre lot. Mr. Andarawis stated deed restrictions should be on every lot on the west side and asked if it would avoid clearing or if lot 1 would own all of the western edge property. Mr. Dannible stated it may be a direction to look at but owning a narrow strip of land that back to other homes would be more troublesome. He stated that deed-restricted land is allowable in the CR zone.

Mr. Martin stated that the EAF item C.2(c) asks if the property is located partially or near a farmland protection plan, and it was answered no but he believes that it is in the GEIS that it is. Mr. Martin stated that on E.1, page 9 of 13, under existing land uses, he sees existing woods and non-rural farm land not checked off. He stated that this must be looked at further before SEQR is closed. Mr. Dannible stated that a SEQR negative declaration has been established. Mr. Martin stated that he had agreed to establish Lead Agency but not to approve SEQR or to declare the negative declaration, which was not done. Ms. Fariello and Ms. Bagramian stated that a negative declaration was established. Mr. Martin stated that he is requesting SEQR to be re-opened and in his opinion no final SEQR action was taken. Planning Board Members agreed to review the recording for clarity.

Mr. Dannible showed a map of Western Clifton Park and stated that it would be a lot if every open space needs to be evaluated. Mr. Martin stated it needs to be done if it is in the Open Space GEIS. He stated if SEQR is not done right, then they are wrong. Mr. Andarawis stated he can see the argument and they need to see if they are setting precedence. Mr. Martin referred back to C.2(c) and E.1(a), saying he still wants SEQR re-opened as there is new information regarding SEQR.

Mr. Dannible stated that he could add the forested area and the rural non-farming without issue, not affecting the negative declaration. Mr. Scavo pulled up the guidebook for Part I of SEQR and stated that if this is changed, he also does not see a change in the negative declaration. Ms. Bagramian stated that they can go back and make sure that everything is gone through and checked off as proper. Mr. Martin agrees to this.

Mr. Andarawis stated he agrees that the resource analysis was not done but he does not envision this to be on the east side of the property and asked what natural resources would be impacted here and would like comparisons. Mr. Dannible stated that using other areas would potentially remove other areas like the high ground areas and the orchard. He stated that further to the east are wetlands, slopes, and potential open space that would be removed if developed to the east. Mr. Andarawis asked if the applicant brought the road from the west with the other property. Mr. Dannible stated that wetlands would be impacted and they would need permits. He stated that steep slopes would have to be mitigated as well and that the upland area can be open space, but it counts as buildable land as well.

.Mr. Ophardt asked what the future of lot 24 is. Mr. Dannible stated it would be used for open space or agricultural use. He stated that this would currently be protected permanently and no future subdivision would be allowed.

Ms. Fariello moved, second by Mr. Ophardt to amend the EAF as previously recorded.

Mr. Andarawis stated that they need to maximize protection of the buffer and maybe move the road further to the east instead of centering between the 2 buffer areas. Mr. Ophardt stated they could give a 50' easement on Droms Road and asked if they would support it. Mr. Dannible stated they may not be against it but would have to go back to the applicant. He stated that on some portions, the roadway goes down 6-7' along the shoulder and is not conducive to a trail.

Ms. Bagramian stated that buffering needs to be looked at closer.

### **Public Hearings:**

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

SBL: 258.-1-16.1

87 Hubbs Road Professional Office, 87 Hubbs RD , Zoned: CR - Conservation Residential Status:

Preliminary Applicant: G. Witecki, Consultant: N/A Last Seen On:4/23/24

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

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 re-opened and a decision rendered when deemed appropriate.

Mr. Martin moved, second by Ms. Westrick, 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 9:10 p.m. The Secretary read the public notice as published in the Daily Gazette on May 3, 2024.

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

Mr. Witecki stated that this property is 77 acres and has 3 barns on it. He indicated the barn that is proposed to be converted to an office. Mr. Witecki stated that they have an area variance to convert the old barn into office space. Mr. Witecki showed renderings for the proposed office

site and the signage. He stated that they did not use a formula for signage but 19.82' they are proposing for the sign which is less than what they were given to work with which was 20sf; the sign would be 15' off the property line. He stated that this would be 1,200 sf office space. Mr. Weticki stated there are wetlands on the property 91' from the proposal so they would be in the buffer zone and need a permit. He stated that there would be an entrance in the front and back of the building and a loop road for deliveries.

### **Staff Comments:**

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

- Per my prior request, Fire access road needs to meet minimum requirements per 2020 NYSFC.
- Fire access road to be 20' in width with a clear height of 13'6"
- Fire access road constructed to withstand 75,000 lbs
- Fire access road shall not exceed 10% in grade

#### **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:**

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

### **Professional Comments:**

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

##### STATE ENVIRONMENTAL QUALITY

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:**

Anthony LaFleche, 21 Wheeler Drive, stated that he would like to see a trail easement for a future bike trail.

There being no additional public comment, Mr. Fantini moved, second by Ms. Fariello, to close the public hearing at 9:17 p.m. The motion was unanimously carried.

**Planning Board Review:**

Ms. Bagramian stated that she feels this is a nice use of the building.

Mr. Ophardt asked if the easement would be able to be given. Mr. Scavo stated he can send out plans for Dutch Meadows to allow the Board to review but it is under construction for the next year.

Mr. Ophardt offered Resolution No. 09 of 2024, seconded by Ms. Fariello, to waive the final hearing for this application for the Hubbs Road Professional Office Site Plan approval and to grant preliminary and final SUP approval condition 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.

**Roll Call:**

- D. Bagramian - Yes
- E. Andarawis - Abstain
- E. Ophardt - Yes
- H. Fariello - Yes
- K. Martin – Yes
- M. Fantini - Yes
- 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 the Hubbs Road Professional Office 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: \_\_6\_\_

Noes: \_\_0\_\_

The motion is carried.

**Mr. Andarawis returned to the meeting.**

**Old Business:**

**#2024-008 Route 9 Telecommunications Tower Special Use Permit (SUP)**

SBL: 266.3-3-20

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

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

Seen On: 2/27/24

**Consultant/Applicant Presentation:**

On behalf of Verizon, Dave Brennan stated that he is here tonight for a telecommunications tower to be called the Rusty Nail site but is on the west side of Route 9. He stated it would be a 120' tower in the B-3 zone and an apartment complex is also on the property. Mr. Brennan stated that the proposal is just after the rest stop heading north on I-87 and behind the woods behind the I Love NY sign. Mr. Brennan stated that the Planning Board took Lead Agency and he was before the ZBA for area variances as they are 440' from the rest area and code is 500'. Mr. Brennan stated the ZBA is willing to allow the Planning Board to take lead agency, but the applicant needs to go back to the ZBA for approvals afterward. He stated that Verizon Wireless is looking to do this to improve cell service in the area lacking adequate coverage and this location will do so. He stated that Professor Johnson was requesting different plots and they would get back to him. He stated that the location has lots of screening and visibility is low. Mr. Brennan stated the ZBA also looked at the 110% clear zone variance and stated they are not within 110% of the closest apartment building. Mr. Brennan showed a map of why this location makes the most sense and stated that they would not have to clear land and would be against DOT property. He stated that the tower is designed to break midway to avoid falling from the bottom. Mr. Brennan stated that this has been sent to the Saratoga County Planning Board, and he is looking for the Planning Board to take SEQR action tonight after having established lead agency.

**Staff Comments:**

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

- Assure gate has visible signage designating cell tower site, in addition postal number needs to be attached to gate #11
- Existing postal number will cover this project. 11 Meyer Road.

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

- Per Town Code Chapter 208-95 A. "the Planning Board is hereby authorized to grant special use permits for all new construction of communications towers and facilities within the Town of Clifton Park."

- All applicants for a special use permit for communication towers shall follow the procedure for site plan approval set forth in Town Code Chapters 208-113, as well as the procedures for special use permits as set forth in 208-95
- This project is being reviewed by the ZBA for two Area Variances. The first area variance being a 56' relief from the 136' required clear zone. The second area variance being a 60' relief from the 500' distance from a residential property line.
- Once the Planning Board has reviewed and declared on the SEQRA the application will be scheduled on the ZBA Agenda.

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

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

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

- Applicants should consider 15 feet right of way for a future all-purpose sidewalk or trail along NY Route 9

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

- The proposed building is required to meet the minimum requirements of the New York State Building Code. When applying for a building permit the applicant must also submit a written report certified by a New York State licensed structural engineer detailing how the 50 percent breakaway is achieved without compromising the required design of the monopole.
- A notice of application was mailed to the 23 surrounding property owners within 500 feet of the proposed site and invited owners to review the application and discuss any questions or concerns with Town Staff. Staff did not receive any comments or inquiries.
- The Saratoga Co. Planning Board issued a recommendation that the project would have no significant county wide or inter community impact.
- A negative declaration in accordance with SEQRA requirements will allow the applicant to proceed with a pending area variance application through the Zoning Board of Appeals. If variances are obtained, the applicant will then appear before the Planning Board for preliminary and final site plan and special use permit considerations.
- A preliminary review report, dated April 19, 2024, prepared by William Johnson, the Town's RF engineering consultant has been added to the project record and provides a report discussing the radio-frequency aspects of the proposed application. The summary of findings on pages 1-3 contains specific recommendations for consideration as consideration of the special use permit and site plan moves forward
- Attached, please find a Draft SEQR Negative Declaration Resolution for the Planning Board's consideration. The resolution is consistent with all applicable local and state requirements.

Mr. Scavo stated in the meeting the rest stop is working on installing EV charging stations and cell service is needed for the use of them.

**Professional Comments:**

No professional comments.

**Public Comments:**

No public comment.

**Planning Board Review:**

Mr. Andarawis asked what 110% tower height would allow for this to be within code and if it meets the requirements. Mr. Brennan stated he does not know what the 110% would be but if the tower were smaller it would not be as efficient and there would not be enough space for colocation, which is a requirement. He stated that he could bring this up to the ZBA to see if it may be an option. Mr. Andarawis asked if the apartment complex were to be redeveloped, would the tower location dictate where the buildings would go. Mr. Brennan stated that the variance would dictate the placement of the building and they would typically do a 25 year lease for the property.

Mr. Scavo stated that today's towers are different from those in the past when the code was created and the clearance zone would reflect the building permits.

Mr. Ophardt 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. A copy of the full resolution is on file.

**New Business:**

**#2024-018 Delmonico's Building Addition Site Plan**

SBL: 272.9-1-38.2

Delmonico's Building Addition, 3 Northside Dr (Pvt) , Zoned: TC3 - General Zone Status:

Preliminary Applicant: Delmonico's Consultant: EDP – G. Vuillaume

**Consultant/Applicant Presentation:**

Gavin Vuillaume stated they are here tonight with a project that was first seen in 2019 after they had received variances. He stated that the variances were for parking setbacks and green space. He stated that the concept meeting has been done and that all comments from MJE have been addressed and the site plan is the same as presented 4 years ago. Mr. Vuillaume stated this is for a building expansion and added parking and the building expansion would be used for additional dining and for a waiting area. He stated that he can get the floor plans for future submittal and that they would remove some parking but add more to the plan. Mr. Vuillaume stated that outdoor dining is proposed as well.

**Staff Comments:**

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

- The ECC notes that there is a significant reduction in greenspace and requests that the applicant provide a more detailed calculation and graphic presentations. (Note: the elimination of the above ground SMA is a significant reduction in greenspace that does not appear to be present in the calculations shown on the plan.)
- The ECC notes that the Colonie Channel Aquifer is present in this area. The applicant should present information which indicates where the water table is presently located in the underground infiltration chambers.
- Given the proposed infiltration system and the presence of the aquifer, the ECC requests that the applicant implements oil / water separation devices.

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

- Add no parking fire lane signs and pavement markings to meet 2020 NYSFC on north side of building. Reference document labeled, fire marshal review markup.
- Assure new landscaping doesn't obstruct existing Fire Department Connection. Additional signage may be requested upon completion

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

- The Overall Site Plan (sheet 1 of 4) lists the past ZBA Area Variance granted for this parcel for parking setbacks, landscape buffers, and greenspace requirements. This parcel has been rezoned to Town Center (TC3) General Zone. Proposed Site Plans in the Town Center the Planning Board now has the authority to modify dimensional standards Per Town Code Chapter 208-21 (3.) The applicant has provided a comparable list of the applicable Form Dimensions and proposed Form Dimensions on the Overall Site Plan for the Planning Board to approve, modify or decline.
- In the Bulk Standards table the Front Setback for Parking is listed at 36+/-'. The plans show a 30' feet dimension from the front property line to the proposed porous pavement.

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

- The proposed porous pavement is filling an existing stormwater management area that provided both water quality and water quantity for multiple properties in the area. Even though the basin rarely holds water as stated by the applicant's engineer, it should be proven by accepted NYSDEC criteria. The Stormwater Management Report Starbucks, Chili's & Country Inn & Suites Clifton Park, NY. Prepared by Environmental Design Partnership LLP dated July 2007, or last revised, shall be updated to reflect the proposed changes to show that water quality and water quantity are being met with the modification of the stormwater management area.

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

- Applicant should consider pedestrian walkway around the commercial parking complex

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

- Project should connect pedestrian circulation - sidewalks - or other demarcation - to connect to the adjacent to be redeveloped Fire Road Plaza that was just approved by the Clifton Park Planning Board. Please see attached excerpts of plans for Fire Road Plaza Redevelopment, please.

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

- The proposed project is subject to Section 239 of General Municipal Law and has been referred to the Saratoga Co. Planning Board for a recommendation.
- By slowing down stream runoff process, the proposed permeable pavement will cool down the temperature of runoff within our Exit 9 built environment, reducing the stress and impact on local stream environments.
- Another benefit of permeable pavement is the reduced need to apply road salt for deicing in the winter time. Researchers at the University of New Hampshire have observed that permeable asphalt only needs 0 to 25% of the salt routinely applied to normal asphalt (Houle and others, 2009).
- The proposed landscaping adjacent to the proposed parking area nearest Fire Road is an important aspect to minimize visual impacts of a parking field from Fire Road. The applicant should look to see if the potential to add street trees exists along the Fire Road Frontage adjacent to the ROW.
- The parking area does not prohibit future redevelopment and infill along the Fire Road Frontage in the future

**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. Saratoga County Planning: 239-m County Referral
  - c. 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. 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.
3. Part I. 17 – The applicant indicates that the action will disturb +/- 0.4 acres of land. As such, it will not be subject to the NYSDEC Phase II Stormwater Regulations and General

Permit GP-0-15- 002. Therefore, a full SWPPP is not required. Stormwater discharges will be directed to existing infrastructure.

4. No further comments at this time.

#### SITE PLANS

5. The project is located within the Town Center Districts TC3 - General Zone, the proposed expansion would be permitted under the prior approved principal use.
6. In reviewing the proposed site plan, it appears to be deficient in regards to meeting the minimum bulk lot requirements outlined in Section 208-22.1(B) of the Town's Zoning. The noted deficiencies are as follows:
  - a. Front Setback Parking. Parking should be a minimum of 60 feet from a property line, the plans indicate 30 feet is proposed.
7. Show any proposed free standing or building mounted lights for the patio and/or parking lot. If any are proposed, provide proposed footcandle values at pavement levels
8. The existing conditions drawing does not show the existing stormwater management areas along Route 146. These should be shown for a better understanding of the overall stormwater management system operations.
9. The proposed parking lot is being built over the top of the existing sediment basin as referenced by the 2007 Stormwater Management Report. How will the new configuration with the porous parking lot provide pretreatment of the 18-inch storm pipe prior to entering the 24" pipes towards Route 146.
10. Revise the porous pavement detail to reflect the exact depth of the reservoir layer based on the storage required.
11. The drainage west of the proposed parking lot is now proposed to drain towards Fire Road where prior this was directed into the stormwater management area along Northside drive. It appears the runoff in this location will be trapped along the west property line with nowhere to go.

#### STORMWATER REPORT

12. A revised HydroCAD model should be provided on the new routing of the stormwater system showing storage of porous pavement area and connection of the 18-inch storm in parking lot.

#### **Public Comments:**

No public comment.

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

Mr. Andarawis stated that the zoning has changed from a B-4 to TC-3 and asked if the applicant could make the addition work on the south side. Mr. Vuillaume stated that due to internal layout and site restraint they could not push towards the south and the current flow of traffic works with the circulation proposed. Mr. Bill Leer with Delmonico's stated they need the south side clear for curb side pickup parking and for keeping traffic circulation. Mr. Scavo stated they could move it forward and that zoning would not prohibit this.

Ms. Fariello asked if the applicant would be creating a new patio. Mr. Vuillaume stated that they would be and it would be visible from the entrance and roadway and would keep the parking from being encroached upon.

Ms. Bagramian asked the applicant to bring elevations when they return before the Board.

Mr. Ophardt asked if there would be pedestrian access here. Mr. Vuillaume stated there could be and they would look at making a connection.

### **New Business:**

#### **#2024-017 32 Wishing Well In-Law Apartment SUP**

SBL: 276.16-1-6

Construction of In-Law Apartment, 32 Wishing Well LN , Zoned: R1 – Residential Status: Concept

Applicant: Cory Fazioli Consultant: N/A

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

Michaela Corbett, the owner, stated that she is here tonight for an in-law apartment that would have a kitchen, washer/dryer room, and that they have variances granted by the ZBA. She stated this would be for parents who live here most of the year and she has notified the neighbors and they are fine with it. Ms. Corbett showed a layout of the proposal with a mudroom as shared access and stated there would be access from the rear yard and the driveway.

### **Staff Comments:**

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

- Code requirements will be addressed during the permit process

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

- No concerns at this time. Further review of fire walls and fire separations will be conducted during building review.
- Existing postal number will cover the in-law apartment. 32 Wishing well Lane.

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

- This proposal for an in-law apartment is permitted in the R-1 Zone with a Special Use Permit per Town Code 208-10 B. (10)(a)[7][a]. 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)
- On May 7th, 2024, the ZBA granted an area variance for this parcel to have a 2' relief from the 10' side property line setback for this proposed in-law apartment

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

- The Town of Clifton Park owns public park land directly behind the parcels in the Wishing Well neighborhood, including this parcel, 32 Wishing Well Lane. Please ensure

the construction and any construction and demolition debris is not placed on the Town lands, and rather, is removed offsite and disposed of following applicable regulations. Please note that there is an actively maintained, paved multi-use trail also located in the strip of public lands behind 32 Wishing Well.

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

- The minimum side yard setback is ten feet. It appears an area variance may be needed if the applicant cannot achieve the ten foot separation from the proposed addition to the side yard property boundary.
- The proposed project is subject to Section 239 of General Municipal Law and has been referred to the Saratoga Co. Planning Board for a recommendation

**Professional Comments:**

No professional comments.

**Public Comments:**

No public comments.

**Planning Board Review:**

Ms. Bagramian asked how big the addition would be. Ms. Corbett stated is about 700 sf. Ms. Fariello stated 750 sf and asked if there were elevations. Ms. Corbett stated that the addition would match the home.

Mr. Andarawis asked if the meets bulk requirements. Mr. Scavo stated that a common entry and connection to the main structure are appropriate and a cooking facility makes it an in-law. Mr. Scavo stated that the person residing at the in-law apartment has to be related family only up to third cousins.

**New Business:**

**#2024-019 1 Van Patten Rd Daycare Facility Site Plan (Creative Sprouts)**

SBL: 265.6-1-25.11

Daycare Facility Site Plan (Creative Sprouts), 1 Van Patten DR , Zoned: R1 – Residential Status:

Concept Applicant: Country Club Acres Consultant: EDP – B. Ragone

**Consultant/Applicant Presentation:**

Mr. Gavin Vuillaume from EDP stated that the application for a daycare center. He stated that the owner is here tonight and the use would be changing from an engineering office for the last 20 years to a daycare since being vacant. He stated the ZBA has approved a variance for the use

and the property has frontages on Van Patten Drive and on Carlton Road. He stated that they would better define parking and they would add a playground to the physical site.

Ms. Kayla Deshaur, with Creative Sprouts, stated there would be 4 classrooms, children would be 6 weeks old to 4 years old and the arrivals and pickups would be staggered. Ms. Deshaur stated that they would have approximately 11 teachers and 1 director on staff for the day.

**Staff Comments:**

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

- In keeping with the recommendations and goals of the Town Comprehensive Plan, the Applicant should retain existing vegetation to the maximum extent practical and/or the use landscaping and grading to provide visual and auditory buffering between the project and adjacent roadways or other properties.

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

- A Use Variance was granted by the ZBA on March 5th, 2024, to permit the use of a Day-Care Center on this parcel.
- Update the Site Statistics where, the existing zoning for this parcel is the Country Knolls West Planned Development District. The Front Yard Setback is 30 feet. The Rear Yard Setback is 25 feet. The Side Yard Setback is 10 feet.
- The applicant is modifying the parking and pavement in the front yard. Per Town Code Chapter 208-99 Off-street parking and automobile storage space A. General Provisions (1) No required front yard or portion thereof in any residence district shall be utilized to provide parking space required in this chapter." The Planning Board shall reserve the right to amend these requirements based upon local or unique conditions. [Such amendments will not, therefore, require a variance from the Zoning Board of Appeals but are subject to administrative review as provided in Chapter 208-109C(1) of this chapter

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

- The proposed project will disturb less than one acre. No stormwater water quality treatment or water quantity storage is required. The project shall use best management practices to control any sediments from leaving the site during construction.

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

- Proposed project is directly across Van Patten Drive from an existing, town-owned, multi-use trail. A crosswalk at the end of Van Patten Drive across to the multi-use path would be beneficial for the day care if they are equipped with buggies or strollers or are able to take the children for a walk along this trail - which is just across the street from the proposed new facility. Any crosswalk would need to be ADA accessible.

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

- Since construction circa 1985, the property has always been utilized as a non-residential commercial/office use.
- The applicant has obtained a Use Variance from the ZBA for converting the office space to a daycare use.
- Add striping and signage detail for the accessible parking space and access isle to the site plan.

**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. 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

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 I. 17 – The applicant indicates that the action will disturb +/- 0.5 acres of land. As such, it will not be subject to the NYSDEC Phase II Stormwater Regulations and General Permit GP-0-15- 002. Therefore, a full SWPPP is not required. Stormwater discharges will be directed to existing roadside infrastructure
3. No further comments at this time.

**SITE PLANS**

4. The project is located within the Town’s Residential 1 (R-1) zoning district. The proposal for daycare center is not a permitted per Section 208-10(B)(10)(a)(5) of the Town’s Zoning. This should be verified by the Town’s Zoning Officer. If a previous variance was granted, please provide information on the cover sheet.
5. In reviewing the proposed lot layout in comparison to Section 208-11 of the Town’s Zoning, it would appear all minimum bulk lot requirements are satisfied.
6. Provide the anticipated number of children that may be at the facility at one time.
7. Provide hours of operations
8. Show parcel setback lines on the plans.
9. Provide a delineation of the area of expected disturbance associated with the project along with the numerical value.
10. The applicant should verify the building meets the criteria contained in Part 418 of Title 18 of the New York Code of Rules and Regulations
11. Provide the breakdown and narrative as to how the number of parking spaces was determined for the uses proposed to determine the number of parking spaces are meeting the requirements of Section 208-99 of the Town Zoning.
12. Show existing water and sewer services. Indicate if any of these services will need to be upgraded to accommodate the daycare center use
13. The three parking spaces near the building with the ADA space are shown as 60-degree spaces with a 19-foot drive aisle therefore this drive aisle should be delineated as a one-

way drive. Signage and pavement markings should be provided so drivers understand the Van Patten driveway appears to be an exit only. It is also noted that at its narrowest the Van Patten driveway is 16 feet wide.

14. The plan does not show existing or proposed exterior lighting, indicate if any lighting is proposed.
15. The combination of 60-degree parking for the ADA spaces may limit vehicular maneuverability. 90-degree parking in this location may improve this condition
16. Show the proposed location of the garbage enclosure.
17. Provide locations of all egress doors.
18. 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:**

Mr. Andarawis stated he has concerns with parking as well as drop-off and pick-up concerns. Mr. Vuillaume stated they could add parking to the rear and land bank them. Ms. Deshaur stated at times of arrival and departure areas could be coned off. She stated that the hours would be 7 a.m.-5:30 p.m. Monday through Friday. Ms. Deshaur stated that the most parking would occur during the 9 a.m.-3 p.m. hours with 11 teachers and some may be later or earlier depending on numbers. She stated that they can also accommodate children being in and out of the cars by staff. Mr. Vuillaume stated that they could look at a loop access as well.

Ms. Bagramian stated that she has concerns that people may park on Van Patten Drive or that there may be stacking onto it. Mr. Dean Taylor, the broker, stated pick-up and drop-off are important, and they can look at concerns.

Ms. Fariello stated that times were assigned to her when her children were in daycare and asked if this would be similar as she felt it worked well. Ms. Deshaur stated they use a communication app with families and parents can be notified at any time and the family can notify the business as well and have drop-off times scheduled.

Mr. Andarawis stated that parking is a concern here, and it needs to be addressed as it is a big part of approvals.

Mr. Martin asked if there would be a fence for the children's safety and keeps them away from the intersection. Ms. Deshaur stated that the children would only be let out in the fenced area with teachers and they also use a lead system for when they are moving about the site.

Ms. Bagramian asked if there would be multiple entrance doors. Mr. Vuillaume stated there would be a single door.

**Discussion Items:**

Mr. Scavo stated the next meeting will be on a Wednesday due to a Monday holiday.

Mr. Scavo stated Bass Pro Shops will be coming back for a hearing at the next meeting. He stated the application has not been seen for a while because the drainage ditch on the property was classified as wetlands and they needed to get this cleared up with the Army Corps of Engineers.

Ms. Fariello moved, seconded by Ms. Westrick, adjournment of the meeting at 10:28 p.m. The motion was unanimously carried.

The next meeting of the Planning Board will be held as scheduled on Wednesday, May 29, 2024.

Respectfully submitted,

*Paula Cooper*

Paula Cooper, Secretary