

7/9/24

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
July 9, 2024

Those present at the July 9, 2024 Planning Board meeting were:

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

Those absent were: K. Martin

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

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

Minutes Approval:

None approved.

7/9/24

Public Hearing:

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

SBL: 276.-1-34.2 Droms Rd 24 Lot Subdivision, 68 Droms Rd, Zoned: CR - Conservation
Residential Status: Preliminary Review w/ possible Final determination Applicant: Erik Kohler
Homes LLC, Consultant: EDP – J. Dannible Last Seen On: 05/14/2024

Ms. Bagramian called the public hearing to order at 7:02 p.m. The Secretary read the public notice as published in the Daily Gazette on June 28, 2024.

Consultant/Applicant Presentation:

Joe Dannible stated he is here tonight representing Kohler Homes for a 24 lot subdivision with 23 new homes. He stated that he is aware of the sensitivity of the location of the project and it is in the CR zone and close to Riverview Orchards. Mr. Dannible stated that CR zone allows for residential uses but the applicant is also conserving resources with changes from the plan presented in May. Mr. Dannible noted the changes include greater buffering from the farm to keep the community and the farm safe. He stated the frontage on Droms Road has changed and a resource analysis has been done with looking at agricultural properties, historical areas, open space areas, wooded areas, and wildlife. Mr. Dannible stated that they came to the conclusion that conserving portions of the land is the best layout, leaving the wetlands open and having open space near the Dingley's remaining property. Mr. Dannible showed a map of the area's most likely to be developed and stated they looked at constraints and code specific regulations such as 208-16. He stated they looked at the goals of the property owner as they are remaining to own and stay on a portion of the land as well. He stated the developer wants a community with larger lots and hope the residents visit the local community. Mr. Dannible stated the owner will maintain barns and some of the existing farm with 5 acers of farm fields to be preserved and 30 acres to be deed restricted for permanent open space and farming only. He stated that the application is adjacent to historical properties such as Grooms Tavern and King Crest Farm. Mr. Dannible stated to the west and south of the property is Riverview Orchard and private lands. He stated to the rear of the property is Windover Farm and Rolling Meadows. Mr. Dannible stated they were proposing a single access road with an orchard at the entrance. He stated due to feedback from the Planning Board the rear of the homes were moved approximately 200' from the orchard to the side while eliminating some of the orchard at the entrance. He stated they heard public concerns also and the road was moved 75' away from the private orchard as well and the setback is now 275', the frontage of the property will now be proposed as a 2 acre lot with a farm. Mr. Dannible stated that the front home facing Droms Road has a setback now proposed at 100' and there will be no direct access to Droms Road. He stated the design of the home would be modern farmhouse architecture with a barn, Mr. Dannible showed a rendering. Mr. Dannible stated the bend in the proposed roadway would go behind this front home and would help to screen the other homes from Droms Road. He stated that the subdivision would be visible from Droms Road but they are doing their best to accommodate concerns and to keep in

the character of the zone. Mr. Dannible stated the hedge row is being proposed at its thickest along the Dingley property and narrowest along Riverview Orchards, at 87' and increasing to 171' and from 63' to 114' from the property line. Mr. Dannible stated they will be no closer than 100' from the closest apple tree and they found multifocal rose along the orchards buffer, it is hard to walk through as well as other hard to maneuver with dense plant growth. Mr. Dannible stated there is likely no large wildlife passage through is the thickest area of the hedgerow and they are looking to permanently protect and deed restrict this area. He stated it can be enforced by the Town and signage will be set in the ground noting the restricted area. Mr. Dannible stated he has read through a lot of resident letters and some referred to professionals with different layouts but this would disturb more land due to increase of pavement, create keyhole lots, and would create narrow lots that would bisect the orchard that they are trying to preserve on the land. Mr. Dannible stated that water and sewer would be extended from Grooms Road and grinder pumps would be installed. Mr. Dannible showed grading plan and stormwater management areas. He stated that they would work through MJE comments. Mr. Dannible stated that Mr. Dingley wants to keep a hobby farm for himself and is willing to exchange his farm for funds to help protect the land.

Staff Comments:

The Environmental Conservation Commission and issued a memo recommending:

- Given the conflicts that other orchards in the area have experienced with bordering residential developments as included in the project file, the ECC recommends that the buffer area be one contiguous lot owned by either the TOCP or deeded to Riverview Orchard via lot-line adjustment with deed restrictions prohibiting any development (i.e. Clearing, expansion of the orchard, etc.). This approach will protect the wildlife corridor as well as avoiding future conflicts with neighboring property owners.
- Per the Federal Workers Protection Standards Law of the EPA, the application exclusion zone must be 100 feet horizontally in all directions when the pesticide is applied by an air blast application method. This Health and Safety requirement should be incorporated into the buffer in order to protect all property owners in the vicinity of the spray plume. The ECC notes that the current proposed plan does not incorporate this standard throughout the entire buffer. The ECC recommends that this requirement be implemented in the buffer of the proposed design. This recommendation is consistent with Town zoning and the Western Clifton Park Design Guidelines.
- The ECC notes that both Rainbow Orchards (Devoe) and Knight Orchards experienced a deviation from their approved plan whereby the houses were built closer to the buffer than approved. The Planning Board should require an inspection by the building department when each foundation is excavated to ensure that the construction conforms to the approved plan.
- Per the Agricultural Markets Law a local reviewing agency shall review the impact of the proposed action on the functioning farm operation. The local reviewing board should ascertain present and future farming conditions to ensure the proposed land use does not conflict with current or future farming activities. The ECC notes that there has not been

any report of any review contained in CitizenServe and this shall be conducted prior to any approval.

John DeSimone, Fire Marshall issued a memo stating:

- No additional concerns at this time. Please follow all conditions from first review on 3/4/24.
- Still need street name to complete postal verification. Requested this during 1st submittal

Scott Reese, Zoning Administrator issued a memo stating:

- This application is complying with Town Code Chapter 208-16 E. (2) (b). The applicant has provided a letter to John Scavo, Director of Planning dated June 17, 2024, that responds to 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:

- The basement elevations need to be a minimum of 2 feet above the seasonal water table. There is a Grading Note #3 on the Grading Plan that states “Foundations will not be allowed in standing water.” Provide a written response on how this will be achieved.
- There is a concern with the high ground water table and how that may impact the stormwater management areas. If the foundation drains and the underdrain of the roadway are intercepting the groundwater that may constantly flow into the stormwater system and possibly affect at least the water quality treatment of the practices. Provide a written response on how this will be avoided or addressed.

The Trails and Open Space Subcommittee issued a memo stating:

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

John Scavo, Director of Planning issued a memo stating:

- I agree with the comment by Friends of Clifton Park Open Space in their April 2024 letter that states: The eastern boundary of the 40-acre “homestead” portion borders on town-owned land (Mohawk Valley Grange Hall and Blacksmith Shop). The eastern boundary is also very close to the Historic Grooms Tavern. The Friends group correctly asserts that the town has expressed interest in the 5-acre parcel between the Grange Hall and the Tavern and is in talks with representatives for the property’s estate. Friends also correctly note that if successful, this acquisition would create a significant historic heritage area for the town as it looks forward to the bicentennials of the Erie Canal (2025) and the town (2028).
- The April 2024 letter from the Friends of Clifton Park Open Space also asserts that experience with private-lot deed restrictions has shown that enforcement difficult and rare. I agree with that assessment when the deed restriction is ambiguous and refers to and simply states that all covenants, conditions, and restrictions of the approved subdivision map bind the property. However, per the attached letter as an example, experience with the Permanent Conservation Zoning requirements within the CR Zone requires greater detail prescribed by the Town Code rather than a notion on a map for authority beyond the zoning code and agreed to by an applicant. The attached demonstrates enforcement of the restrictions on a subdivision and explicitly articulated in the property deed since the GEIS and CR Zoning’s adoption in 2005. Therefore, the applicant should provide draft deed language that reflects the requirements within Section 208-16.F. titled, Proof of Preservation in Perpetuity of Permanent Open Space for Private-Owner Sites. Under 208-16.F.5, The Planning Board may not approve a final

plat until the proof is presented at a Planning Board meeting. I recommend the applicant provide the Town Attorney and Board Members the aforementioned draft language prior to a scheduled Planning Board Meeting. The attorney drafting the instrument language for the Open Space Land to be held in private, noncommon ownership should also address Section 208-16.G.1.a & b, which allows for open space land held in noncommon ownership.

- Pursuant to the Western Clifton Park GEIS Statement of Findings: E.5. All new residential zoning, outside of the hamlets, is required to be designed as conservation subdivision 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 should allow for continued farming on the remaining open space. E.6. The purchase of agricultural conservation easements (PACE), also know as the purchase of development rights, remains the primary recommendation for farmland protection. Based on the above findings statement excerpts, please review with the board the ability of the current design layout to meet E.5. Also, pursuant to E.6. Purchase of Development Rights, on adjacent farmland, review how farmland protection may be impacted by this project and how such concerns may be mitigated.

Professional Comments:

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

STATE ENVIRONMENTAL QUALITY REVIEW

1. No further comments.

SITE PLAN

2. The applicant indicated the re-delineation took place in May 2024 and will be submitted to NYSDEC for review and issuance of jurisdictional determination letter. A copy should be provided to the Town. The receipt of the NYSDEC JD letter should be a condition of approval.
3. As indicated by Town staff, proposed basements need to be a minimum of 2 feet above the seasonal water table. This should be shown on the plans
4. Provide documentation that the Town Planning Board and Highway Department has reviewed the plan for a dead-end street servicing in excess of 18 residential units without a second means of access is acceptable.
5. On Sheet 9 of 13 starting at Sta. 12.25 the street grades is less than 1%. Street grades shall not be less than 1.0% per Section 86.6(D)(2).
6. Detail 9 on Sheet 10 of 13 shows an underdrain in the pavement. This should be shown on the plans.
7. The sanitary sewer system has not been reviewed and is subject to the review and approval of Saratoga County Sewer District No. 1 (SCSD No. 1).
8. The water system has not been reviewed and is subject to the review and approval of the Clifton Park Water Authority.

STORMWATER POLLUTION PREVENTION PLAN

9. There are several references in the SWPPP to pocket ponds and wet ponds utilizing the label of P-1, however P-1 is a micropool extended detention pond, revise accordingly.

10. The stormwater model should take into account the underdrain in the pavement that may have a constant flow due to the level of the groundwater.
11. The borings completed at the proposed pond location indicate a seasonal water table at approximately 12-14" below existing grade. The pond is an 8 feet cut in this area. It would seem that this base flow must be addressed, otherwise it will impact the stormwater basin design. During the wet time of year the base flow will fill the stormwater basin volume, and the basins will not have volume for the typical design storms. Perhaps a liner is utilized to prevent the groundwater from penetrating the basin.
12. The SWPPP, Section II (A) indicates that the overall disturbance area is 5-acres, however the drawing indicates 24.41 acres, revise accordingly.
13. The limits of disturbance on Sheet 8 of 15 should be shown to not exceed 5 acres of disturbance at one time. The plan needs to be further updated to delineate each phase and describe the sequencing of work for further review. If over 5-acres, written authorization from the MS4 is required and a 5-acre waiver request shall be provided to the Town for review.
14. The SWPPP shall include documentation that the project is eligible for permit coverage pursuant to Part I.F.4 of GP-0-20-001 with respect to threatened and endangered species. This includes both listed state and federal species. Once correspondence is received it should be included as an Appendices.

TRAFFIC

15. No further comments.

Public Comments:

David Miller, 12 Hidden Valley Lane, provided a letter from the Friends of Open Space and stated that the concerns here have not been addressed. He stated that he feels the current design does not meet the Western Clifton Park CR zone and is being improperly implemented. He stated he feels that Riverview Orchards needs to be protected as well as Kings Crest Farm and they wanted a 300' buffer. He stated that the rear portion of the yard was meant to be protected and open space and should not be used as a back yard. He stated that he understands the owner wants to keep some of his farm but it should be protected as well and appreciates the hedge row provided. Mr. Miller stated that he likes the design of Bill Connor and feels the applicant has more work to do. He asked the Planning Board to send the applicant back for more work.

Jen Witchovich, 84 Riverview Road, asked why the building lots are so small. She stated that when she built her home there were requirements for acreage and this looks crammed. She stated that she has seen open space eroded in the Town and she has concerns with Riverview Orchard and the development in her opinion does not fit and has health and safety concerns for children, the pregnant and elderly. Ms. Witchovich quoted from a study that was published and stated that the people left dealing with the consequences would be the orchard and resident of this proposal. She also noted the Town would have some responsibility for associated health consequences.

7/9/24

Don Harris, 26 Orchard Park Drive, read from a letter submitted to the Town on behalf of Raymond Seymore. He stated that he has been a resident since 1968 and has seen much growth in the Town with many organizations forming such as the Friends of Open Space. He stated that he was asked to work on the Open Space Committee and their plan for the Town was adopted. He stated that solar power has opened up these areas for development and the Town is looking to open a new Farmland Protection Plan now. He stated he feels the Planning Board needs to make sure the applicant stays within the zoning code.

Frank Berlin, 98 Main Street, stated he has been involved with an organization to try to regulate buffers but they cannot. He stated that this happened with the Cooley Kill and feels this land should belong to the Town. He stated that applicant should take photos in bare condition and see that there are animals in the area.

Thomas Proctal, 49 Ralph Road, stated that he lives in the home across from the application. He stated he has concerns with the traffic that would be generated there and that deer do come out of the proposed buffer area daily. He stated he likes the idea of looping the water for emergencies as wind loops through the area so it would be important.

Joanne Coons, 4 Carlson Way, quoted from the conservation law and stated that she did the math and came to 13 buildable lots, not 24 like the applicant. She stated that she had known an individual that was exposed to the mosquito spraying in the area and died of non-Hodgkin's lymphoma. She stated that she feels chemicals are harmful and exposure is dangerous. Ms. Coons stated she feels this is not in character with the area and not what the land was intended for.

Dave Knox, 47 Droms Road, stated he lives across from the application and stated he feels this will cause traffic at the Grooms Road and Droms Road intersection. He asked what could be done as this is a weird intersection. He stated that he is about 4' down from Droms Road so people coming onto the road from the application would have their headlights shining in his home if there is a steep grade. Mr. Knox asked if the water and sewer would be extended out if the proposal and if they as current residents would be able to connect. Mr. Knox stated that he is a hunter but does not hunt in this area but the buffer is full of animals and he feels this is not wide enough for them. He asked if the front of the property would be a wet area and if they will have fencing for safety.

Barbara Zimmons, 195 Sugar Hill Road, stated she is a lifelong resident and has farmed in the past. She stated she has neighbors whom farm as well and she feels the buffer is not enough and is in violation of multiple Sections of Chapter 208 of the Clifton Park Town Code. She stated that she feels this will affect the quality of Riverview and if they need proof then she requested the Board to look up what happened to Burhmaster Farm in Glenville. She stated she feels the noise will also be a concern with the residents being close to a farm and pets could be harmed or

7/9/24

killed as well. Ms. Zimmons stated she has concerns for the school district as well as the schools are full now and she feels they are not able to support more families moving into the district.

Daniel Mathias, 7 Birch Hill Road, stated he is a member of the ECC but is speaking as a private citizen tonight. Mr. Mathias stated that there have been problems with other subdivisions in the area similar to this such as DeVoe's with noise and spraying of chemicals. Mr. Mathias handed out 4 examples of where he feels there is authority to make buffers. He stated that he feels if the applicant moves the homes forward 75' it would make more room for the buffer and that the buffer should be open public space. Mr. Mathias stated that people have trouble remembering buffers on their own property so this is why he is suggesting it be public. Mr. Mathias quoted Native Americans and stated that the Boards of Clifton Park need to make a commitment to open space.

Mark Heinz, Sugar Hill Road, thanked Mr. Dannible for the presentation. He stated he has his own opinion but he grew up in Colonie and he feels that they too took much of a good thing and took it away making it too suburban with no open space. He stated that his home burnt down recently and the community came out to help without asking and this is why he is here. He stated that the decision here will set precedence for the Town.

Anthony LaFleche, 21 Wheeler Drive, stated that whatever is approved for this he would like to see an easement for a bike path and or a wider roadway, but would rather see enough of an easement for both. Mr. LaFleche stated he feels that the subdivision would triple the number of homes on Droms Road. He stated he would like to see the buffer in public hands as well, to be able to maintain it better. He stated he feels that the narrow lots and the urban look does not fit in the rural area and this feels out of place. Mr. LaFleche stated he would like to see non-rectangular lots and the homes further back from the road. Mr. LaFleche suggested 18 lots instead of 24.

William Connor, 17 Vista Court, stated he has been a resident since he was 10. Mr. Connor handed out documents to be uploaded to the file. Mr. Connor showed a zoning map indicating the CR zoning to be a first priority to protect with farming and he open space. He stated there is a large green belt in the area and this sits next to it. Mr. Connor showed a photo of agricultural on goings in the area and stated the soil qualities show that this is prime farm land. He stated that he feels the winds come from the adjacent orchard so this will impact the possible residents with this application.

Albert Dingley, 68 Droms Road, stated he is the co-owner of the application. He stated that this was formerly a 2 family and he had brought the land back to farming the orchard. He stated that he is getting older and the area has been cut many years ago as it was thick. He stated that the land is no longer being farmed and Kings Farm is changing as well. Mr. Dingley stat he used to live in the Midwest and loves farming so he is aware of what happens and protocols that need to

7/9/24

be followed. Mr. Dingley stated he feels the buffer is more than adequate and that solar had looked at coming to the location but there was a lot more coverage area with that.

Suzanne Dingley, 68 Droms Road, stated that she knows there are concerns with historical areas on Riverview Road but everything is protected. She stated that they spoke with DEC and they had stated that if the orchard uses pesticides they need to be safe and comply with regulations. She stated she feels Grooms Road is dangerous to bike on so she is unsure of creating a bike path, she likes the idea and other paths but does not feel it is right here.

Kevin Bowman, Bowman Orchards, stated he is a resident as well as the chair of the Vischer Ferry Fire Department. Mr. Bowman stated he feels that this needs a new layout due to the power lines through the property and thought 18 lots were allowed before 2 access points were needed. He stated that the increase in the buffer area is good for the project but he would like to see more. Mr. Bowman stated he is not against development; he would just like to see it make sense.

Isabelle Prescott, Riverview Orchards, stated she feels this needs to be a balanced community for the future and this needs to be based on how to retain as much farm land as possible as well as open space. She stated she feels a cluster may be better here as there are 3 farms in the area and there is a NYS Right to Farm Law that protects them and respects them. Ms. Prescott stated that they need to be able to keep farming and feels the Board has an obligation to the code. She stated that her family has been here for 5 generations and has seen the Town grow but wants protection. She stated she feels that the decision of the Planning Board will affect the Town for years to come.

Judy Morley asked why there seems to be a discrepancy between the Fire Marshall and the Fire Department. Mr. Scavo stated there is no public water source along Droms Road and there is a wide ingress and egress, he stated that he is not sure about state code spacing of hydrants but there will be hydrants and the Planning Board can waive the 18 lot max for one point of access.

Mr. Dannible stated there have be lots of public comments tonight about pesticides and concerns from the neighbors to the east he stated that the water and sewer will be brought into the area and surrounding neighbors are able to tie in at their own cost. Mr. Dannible stated that a traffic analysis has been done and MJE agree with the report. He stated that the application has 72.3 acres to develop which comes out to 24 lots and the Town has received these calculations and agree with them. Mr. Dannible stated he is proposing a plan that is compliant with the CR zoning code per Mr. Reese's memo and they meet all 13 key principals and issued a memo stating so. Mr. Dannible stated that they are at 50% open space with the proposal and over 50% or 50 acres of privately or publically owner space. He stated that 50 acres of the open space needs to be unconstrained and they meet this as well. Mr. Dannible stated the orchard being proposed is not in the open space and when they looked at the adjacent land, 36 Droms Road had no buffer and you could walk to the orchard from 3 homes at 230', 180', and 209' away with no

7/9/24

buffers. He stated that the buffer proposed is almost all on the applicant's property so he feels it is substantial.

There being no additional public comment, Mr. Ophardt moved, second by Mr. Fantini, to close the public hearing at 8:48 p.m. The motion was unanimously carried.

Planning Board Review:

Ms. Bagramian stated that the attorney was supposed to submit deed restrictions for review. Mr. Dannible stated he will submit them. Ms. Bagramian stated outstanding concerns need to be addressed such as the discrepancy with the Fire Department letter. Mr. Dannible stated they will look at the numbers and water pressures but there is no issue with the Water Department and they are not asking for approval tonight. Ms. Bagramian stated that Mr. Reese had made a comment of the Town owning the buffer instead of the homeowner and this could help with enforcement if needed. Mr. Dannible stated that this could be considered but he feels that there may be public intrusion with this as 8 of 23 lots are adjacent to the orchard.

Mr. Ophardt asked if the applicant feels that headlights from the subdivision would interfere with the neighbors. Mr. Dannible stated the entrance of the subdivision will be elevated so they will not shine directly up into adjacent homes. Ms. Bagramian read from Mr. Reese's comments and asked what was going to be done. Mr. Dannible stated that they would have to ask Mr. Reese for clarification and the ECC. Mr. Dannible stated as part of the SEQOR procedure, agricultural law was discussed and a negative declaration was issued. He stated that the right to farm will be included in the deed.

Mr. Fantini asked if the applicant was willing to give an easement for the possible future trail. Mr. Dannible stated that an easement was already given.

Mr. Andarawis stated that he appreciates the applicant moving the road and he had spoken with Riverview Orchards to better see the concerns here. Mr. Andarawis stated that some of the concerns have to do with the right to farm and it protects the orchard from nuance lawsuits and the law does not mean that the orchard needs to change how they farm due to development. Mr. Andarawis stated he struggles with how much of a buffer is enough and how to get it right. He stated he feels it needs to be looked at as 100' of no entering zone (exclusion zone) at a minimum because no one knows when the orchard will spray. He stated that things are still allowed in a deed restriction and there needs to be a no enter area that goes beyond the regular deed restriction verbiage. He stated he feels that one way to protect this is to have it owned by someone other than each lot but not necessarily the Town.

Mr. Fantini asked how the applicant got to 24 lots. Mr. Scavo stated that page 2 of 13 has calculations and they are on file in the chart displaced on that subdivision page. Mr. Scavo explained the open space calculations as we'll. Mr. Fantini asked if the applicant would consider the buffer being owned by a different entity. Mr. Dannible stated that they could consider this

7/9/24

but then this opens the land to all taxpayers if the land goes to the Town. Mr. Fantini asked if the applicant would consider a larger buffer now that they have heard concerns. Mr. Dannible stated that they feel the 100' buffer is adequate and there is 20-30' on the neighbor's parcel as well which they want. Mr. Fantini stated the buffer should be on the applicant's property and not start from the closest apple tree. Mr. Fantini asked if the conservation principals have been met here. Mr. Dannible stated they agreed to the 100' buffer from the property line and it would be deed restricted. He stated that it needs to be looked into as to whom will own it and the right to farm language will be in the deed, setting a new precedent.

Ms. Bagramian stated that the applicant cannot control other peoples land.

Mr. Andarawis stated that the orchard has the right to spray up to their property line and it does not interfere with the Right to Farm Laws. Mr. Ophardt stated there will always be conflicts with neighbors. Mr. Andarawis stated that homes should not dictate where they can farm so if the orchard wanted to add trees they would be able to spray closer to the buffer. Mr. Scavo stated that agriculture use is exempt from zoning setbacks and the land can be used in the entirety.

Ms. Fariello stated the land could be given to the Orchard to be maintained as a buffer. Ms. Fariello asked if the land could be further subdivided after this. Mr. Scavo stated it could not be for additional density due to code restriction. Mr. Dannible stated there will be no further subdivision on the land. Ms. Fariello asked if they could get clarification on 18 vs. 24 homes on the cul de sac. She asked how grading would change from MJE comment stating page 9 of 13 shows the street grade less than 1% and how changing the road would change headlights. Mr. Dannible stated that the grade is close to 1% and an increase would make it closer to 1%.

Mr. Ophardt stated he feels this application is setting a good precedent due to homes be set back from the property lines, the buffer being provided, and the Right to Farm and permanent conservations being out into place. He stated that this is less of an impact from Droms Road than the previous design. He stated that he knows the current owner has rights as well as the orchard and can develop his land as he see fit and is working to comply with the Town. He stated he feels this is a reasonable and rational approach for all while they are trying to iron out details to satisfy concerns; this is going in the right direction.

Mr. Fantini stated the CR zone has protocols to follow with adequate buffers and the applicant is trying.

Ms. Bagramian stated that she feels when public utilities are brought into an area it is beneficial and farmer's life could improve here as well. She stated that pesticides were brought up tonight a lot and she would like to circle back and mitigate concerns with the applicant.

Public Hearing:

7/9/24

#2023-018 377 Moe Rd 10 Single-Family Residential Lots Subdivision

SBL: 277.-2-16 377 Moe Road 10 lot subdivision, 377 Moe Rd, Zoned: R1 - Residential, Status: Revised Preliminary Applicant: Erik Kohler Homes, LLC, Consultant: EDP – J. Dannible Last Seen On: 09/12/2023

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. Ophardt, 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 9:51 p.m. The Secretary read the public notice as published in the Daily Gazette on July 4, 2024.

Consultant/Applicant Presentation:

Joe Dannible, EDP, stated he is here tonight for a 10 lot subdivision in the R-1 zone. He stated he was here about a year ago with a 9 lot subdivision as 2 family homes and one single family. He stated at that time there was land that was in an unclear title as who owned the area which has been cleared at the expense of the applicant. He stated they spent 6-7 months finding the owner of the property. He stated they obtained a clear title so the land is now a total of 6.6 acres and it helped the Town. Mr. Dannible stated a conventional 10 lot subdivision looks out of place here so a cluster is being proposed and they submitted a plan while being seen by the ZBA. He stated the ZBA granted a variance to allow a cluster with lots less than 20,000 sf. Mr. Dannible showed the design and stated the lots are 80’ wide, the front yard setback is 25’ and the side yards are 10’. Mr. Dannible stated the lots would be about 12,000 sf with single access road and a turnaround. Mr. Dannible showed the stormwater areas and stated that the conditions set by the ZBA are screenings with plants, dying trees be cut down, and planting additional trees where dead ones are removed. Mr. Dannible stated a portion of the property backs up to Town land, and access runs to it so the applicant will dedicate a portion of the land to give the Town access. Mr. Dannible stated they were able to move the homes forward to help the neighbors as well with this layout and there is no SUP needed anymore as these will be single-family homes. Mr. Dannible stated they worked with the Town to preserve open space and worked with the neighbors to help make this work for everyone.

Staff Comments:

The Environmental Conservation Commission and issued a memo recommending:

- The ECC reiterates that the building proposed for demolition was constructed in 1960. Per 208-78 F. (1) prior to issuing any demolition permit on a building or structure more than 49 years old, the Town Building Department shall notify the Historic Preservation Commission. The ECC recommends prior to issuing a Special Use Permit that the building department issues such notice.
- The ECC recommends that the Planning Board require the applicant to install split rail fencing to delineate the privately held buffer zone on each lot.

John DeSimone, Fire Marshall issued a memo stating:

- Need a hydrant installed at the entrance in addition to the one hydrant at the end of the cul-de-sac road.
- Still need name of proposed road to finalize postal verification.

Scott Reese, Zoning Administrator issued a memo stating:

- This parcel was granted an area variance by the Zoning Board of Appeals on May 21st, 2024 to allow for a cluster subdivision on a 6.6 acre parcel. Per the Town Code 20 acres is required for a cluster development.
- The Site Statistics on sheets 1 and 2 label the parcel area at 6.2 acres. the Existing Conditions Plan labels the parcel at 6.661 acres, please correct.
- It appears that the Land Conservation District Overlay may overlap this parcel and should be shown.
- There is an overhead utility line with poles that run along the northern property line. There is a note that points to Utility Pole NM3 that states “Easement - Right to maintain utility poles and overhead lines (see deed reference No. 4)” Is there a minimum distance a structure should be from this overhead line?

The Trails and Open Space Subcommittee issued a memo stating:

- 15 feet Easement will be existing, if not it should be provided for future all-purpose trail along Moe Road. All purpose trail should be provided along the new lots and connected to existing trail on Moes road.

John Scavo, Director of Planning issued a memo stating:

- The final plan must display the new street name and assigned lot 911 addresses.
- Pursuant to Town Code a parkland mitigation fee of \$1,250.00, per new dwelling lot is due at the time of stamping the final subdivision plan.
- Draft language for the deed restricted private open space area should be provided to the Town Planning Board Attorney for review and approval prior to stamping the final plan
- I updated the attached project description for the LEAF Part I, initially submitted in July of 2023. The applicant should review certain sections for relevant updates as the plans have evolved to reflect current information. Specifically sections: D.1. Proposed and Potential Development D.2. Project Operations – e.[i.] E. Site and Setting of Proposed Actoion – E.1. Land uses on and surrounding the project – Table b. Land uses and cover-types on the project file.
- The Planning Board is lead agency for the SEQR review process which is a Type I Action pursuant to the NYS DOH requirements for a Realty Subdivision.
- A draft Notice of Non-Significance is attached, supporting a possible negative declaration issued by the Planning Board. The Negative Declaration should reference the decision based on information in the Notice of Non-Significance and project file.

Professional Comments:

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

STATE ENVIRONMENTAL QUALITY REVIEW

1. The applicant should submit a revised Part 1 of the Full Environmental Assessment Form (FEAF) for review based on the new proposed single-family subdivision.
2. No further comments at this time.

SITE PLAN

3. On Sheet 1 of 10, indicate the area variance number and approval date
4. A cluster subdivision layout has been provided following a ZBA variance of less than 20-acre parcel (Sheet 2 of 10) utilizing the bulk lot requirements reductions as stated in Section 179-37 of the Town's Subdivision Regulations and shows 10 residential lots. In addition, a variance has been granted for a minimum lot width of 80 feet. The previous submission was for duplex units utilizing the conventional layout.
5. The applicant shall provide a narrative on the proposed use of the open space. Open space uses shall be appropriate to the site, including but not limited to passive and active recreation, forestry and agriculture. If the open space is being utilized as a buffer, additional plantings should be considered as the majority of the existing trees are deciduous trees.
6. The applicant should provide the Town with correspondence from the Army Corp of Engineers in regards to the proposed wetland disturbance.
7. Show the existing wetland north of the proposed roadway on the erosion and sediment control drawing (Sheet 7 of 10) and provide wetland protection fencing
8. Sheet 9 of 10 provides details specific to the on-site water system. These details are subject to the review and approval of the Clifton Park Water Authority.
9. Sheet 10 of 10 provides details specific to the on-site sanitary sewer system. These details are subject to the review and approval of the Saratoga County Sewer District No. 1.
10. Sheet 10 of 10 provides a typical road cross section. Sheet 8 of 10 provides two wing gutter details with different dimensions. Clarify which detail is being proposed for this project.
11. On Sheets 11 of 10, the sediment marker of 2' tall is indicated in the forebay of the pond. Indicate the permanent pool elevation to determine if the sediment marker will not be submerged. If so, consider extending the height of the sediment marker so they are visible above the water level of the permanent pool.

STORMWATER POLLUTION PREVENTION PLAN

12. The figures (pre/post water shed maps) and attachments (WQv calculation and HydroCad model) as indicated in the table of contents in the Stormwater Management Narrative are missing from the report.
13. Prior to signing the MS4 Acceptance form correspondence from SHPO once received should be included in the SWPPP.

The applicant stated in the meeting that they have submitted a letter from The ACOE stating they have no wetlands on the property.

Public Comments:

7/9/24

Anthony LaFleche, 21 Wheeler Drive, thanked the applicant for single-family homes; he feels this is a better fit. Mr. LaFleche asked how wide the road would be in the cul-de-sac and asked if there would be a trail link to the Town property. He stated that he opposes clear-cutting for construction and asked the applicant to allow the land owner to decide what gets cut.

Randy Rosette thanked the applicant for the single-family homes. She asked what the distance was from the road to her property line, if they would be 1 or 2 story, and if there were basements being proposed. Ms. Rosette asked if tree trimming could be done as well.

Debbie Harrington, Acorn Ave, thanked the applicant for listening to and working with the neighbors on this project. She stated that this fits in better than the other options. She asked if the trees on lots 6,8,10 along Acorn Ave want trees as she would like them taken down and for more to be replanted with new ones as the stability of them she feels is compromised. She asked what would keep the new residents from clear-cutting their land, and if there would be deed restrictions. Ms. Harrington stated that behind 12 Acorn Ave is a mess and asked if it could be cleared, it would be better to replace them with healthier trees.

There being no additional public comment, Mr. Ophardt moved, second by Mr. Fantini, to close the public hearing at 10:15 p.m. The motion was unanimously carried.

Planning Board Review:

Mr. Fantini stated he appreciates not having an SUP with the application anymore.

Ms. Bagramian asked what the size of the homes would be. Mr. Dannible stated there would be full basements with fill brought to the site and most would be one story but there would be a mix of one and two story homes. Mr. Dannible stated there would be garages on the homes as well, with home sizes about 1,800-2,000 sf.

Mr. Andarawis asked what the limit of disturbance would be with fill. Mr. Dannible stated that sheet 7 of 10 shows the clearing limits and where new plantings would go.

Mr. Ophardt asked if the applicant was proposing the shared use path that was talked about previously. Mr. Dannible stated he is unsure if this was discussed earlier, but they are not proposing any from the roadway. Mr. Ophardt stated he would like a connection just from the cul-de-sac. Mr. Dannible stated they could provide a gravel trail from the road to the path.

Mr. Ophardt offered Resolution No.12 of 2024, seconded by Mr. Fantini to waive the final hearing for this application for the 377 Moe Road 10 Single-Family Residential Lots Subdivision,, and to grant preliminary and final subdivision 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:

7/9/24

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

Ayes _____ 6 _____

Noes: _____ 0 _____

The resolution is carried.

Ms. Fariello moved, second by Mr. Fantini, to waive the final hearing for this application for the site plan review of 377 Moe Rd 10 Single-Family Residential Lots Subdivision, and to grant preliminary and final site plan approval conditioned upon satisfaction of all comments provided by the Planning Department, Town Designated Engineer, and all items listed in the final comment letter issued by the Planning Department.

Ayes: __ 6 __

Noes: __ 0 __

The motion is carried.

Old Business:

#2024-018 Delmonico’s Building Addition Site Plan

SBL: 272.9-1-38.2 Applicant is proposing to construct a 925 sf restaurant building addition along with 25 new parking spaces and a small patio area on 1.86 acres, 3 Northside Dr (Pvt) , Zoned: TC3 - General Zone Status: Revised Preliminary Applicant: Delmonico’s, Consultant: EDP – G.Vuillaume Last Seen On: 05/14/2024

Consultant/Applicant Presentation:

Gavin Vuillaume, EDP, Stated he was last here in May for a 900sf addition to the rear of the building and a patio to the front. He stated the existing stormwater management basin will be filled with coarse pavement and 25 parking spots will be added. Mr. Vuillaume stated MJE comments have been addressed, and labels have been added to the plan for the porous pavement areas. Mr. Vuillaume stated soil testing was done but they may need to redo them after the fill is brought in. He stated they are proposing street trees on the road and no parking signs for fire access and the path. He stated the path would connect to the plaza on Fire Road.

Staff Comments:

The Environmental Conservation Commission and issued a memo recommending:

- 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. The applicant has responded that “A water quality treatment device has been added to the stormwater management design”. The applicant is again requested to indicate where the water table is presently located in the underground infiltration chambers.
- The ECC reiterates that the applicant implement oil / water separation devices to protect the Colonie Channel Aquifer.

John DeSimone, Fire Marshall issued a memo stating:

- Please keep in mind patio will increase current occupant load. Bathrooms may or may not need to be modified based off the NYSBC 2020.
- Existing postal number will remain the same for this project. 3 Northside Drive

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.

The Trails and Open Space Subcommittee issued a memo stating:

- Walking trail to be provided in proposed area and connected with nearby business.

John Scavo, Director of Planning issued a memo stating:

- The Saratoga Co. Planning Board offered a recommendation noting that the project will have no significant county-wide or intercommunity impact.
- I appreciate the addition of a proposed pedestrian connection to the Fire Road Plaza, whose installation is to be coordinated by the Property Owner.
- The landscaping and plantings along Fire Road are essential to minimize visual impacts from a parking field where our building code encourages a build-to-line for future in-fill buildings and structures.
- The project appears to be an unlisted action pursuant to SEQR. Areas for site improvements to accommodate parking and the building addition appear within areas of prior soil disturbances. The applicant has shown stormwater to be treated and managed on-site to avoid significant adverse environmental impacts.

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 requesting a waiver from the Planning board for the front setback parking. Parking should be a minimum of 60 feet from the property line, 30 feet is proposed.

3. On Sheet 3 of 4 it appears the new crosswalk from the rear of the Fire Road parcel would be eliminating two additional parking spaces.
4. Show on the plans if any test pits or infiltration tests were performed in the porous pavement area.
5. Pursuant to Section 3.5 of the New York State Stormwater Management Design Manual (NYSSMDM), the proposed stormwater practices need to have a conspicuous and legible sign posted. The plans need to provide the standard sign with the applicable language as well as the location to be installed.

STORMWATER REPORT

6. The HydroCad model referenced in the stormwater report is not included in the submission.
7. The proposed porous parking is being constructed on approximately 6-feet of fill. Provide notation regarding the type of fill material, method of placement and appropriate in-situ testing of the soil to ensure the assumed infiltration rate of the soil will be achieved.
8. The SWPPP shall include the operation and maintenance required of the installed hydrodynamic separator, porous pavement and soil restoration pursuant to Part III.B.2.f of GP 0-20-001.
9. Since the proposed project is modifying an existing stormwater management area, updated RRv and WQv calculation should be provided to ensure especially with the increase in impervious area.
10. Provide the design calculations for the proposed hydrodynamic separator.
11. The project is a redevelopment with an increase in impervious. For the new impervious areas, the design shall follow Chapter 4 of the NYSSMDM. There appears to be no discussion of how RRv will be met for the new impervious areas and is necessary to conform with Chapter 4 of the NYSSMDM.
12. It appears the project was at one time subject to the NYSDEC General Permit and a site-specific maintenance agreement may have been prepared. If that is the case, then any new or modified facilities proposed with these plan amendments should be incorporated into the agreement.

Public Comments:

No public comment.

Planning Board Review:

Ms. Fariello asked if the bathrooms had been evaluated and if it would be enough for the extra patrons that would be visiting. Mr. Vuillaume stated they have not, but it will be looked at with the building permit.

Mr. Andarawis stated that this application is appropriate here but future applications will need to fall under the TC3 zoning regulations.

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

7/9/24

Mr. Ophardt moved, second by Mr. Fantini, to waive the final hearing for this application for the site plan review of Delmonico's Building Addition 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.

Old Business:

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

SBL: 265.6-1-25.11 Applicant is proposing a new daycare use that includes 19 parking spaces and a playground area 1 Van Patten DR, Zoned: R1 - Residential, Status: Preliminary

Applicant:Country Club Acres, Consultant: EDP– G. Vuillaume Last Seen On: 05/14/2024

Consultant/Applicant Presentation:

Gavin Vuillaume, EDP, stated this is a small project putting to good use an existing building at the corner of Carlton Road and Van Patten Drive. Mr. Vuillaume stated the applicant, put together a drop off/pick up schedule for the Board and parking needed for the day. He stated this was added to the file for review. Mr. Vuillaume stated there are 19 parking spaces proposed current conditions are 15 and they are keeping the overall design of the pavement and he showed stacking scenarios for all to see. He stated there will be a bypass lane and one way signage will be provided. Mr. Vuillaume stated handicapped parking would be to the left of the building.

Staff Comments:

The Environmental Conservation Commission and issued a memo recommending:

- The ECC notes that the proposed plan includes a dumpster visible to surrounding neighbors therefore the ECC recommends the applicant provide screening to improve the aesthetics for the surrounding neighborhood.

John DeSimone, Fire Marshall issued a memo stating:

- Assure driveway meets fire access requirements per FCNYS 2020. Width 20' and able to hold 75,000 lbs.
- Existing postal number will cover this project. 1 Van Patten Drive

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.
- 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.

John Scavo, Director of Planning issued a memo stating:

- The applicant has addressed my prior comments regarding site plan additions that included accessible parking spaces, access isle, and related signage.
- The applicant's submittal includes a pick-up and drop-off management plan that provides information regarding the circulation of vehicles and pedestrians to and from the daycare facility.
- Add the attached Site Plan CADD File Approval Stamp to the Final Plan.
- The project appears to be an Unlisted Action Pursuant to SEQR. Planning Staff recommends a Negative Declaration for the Action based on a review of the criteria within Parts (, II, and III of the SEAF.

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. Show the accessible route from the ADA aisle to entrance, additional sidewalk may need to be added.

Public Comments:

No public comment.

Planning Board Review:

Mr. Fantini asked if the applicant could accommodate the ECC comments on the plan. Mr. Vuillaume stated that they are already running a fence so they can extend it as the ECC suggested. Ms. Fariello asked if the parking lot would be accessible from Carlton Road. Mr. Vuillaume stated it would be full access from there.

Mr. Fantini stated the traffic arrangement is much better and beneficial to the neighborhood.

Mr. Andarawis thanked the applicant for the parking and asked how to codify the number of parking spots and stacking. Mr. Ophardt stated that if the parking does not work it would not be beneficial to the applicant so they need to make it work. Mr. Scavo stated they generally don't remand applicants back for this but the issues will be worked out quickly within the first 2 weeks of school. Ms. Fariello stated she feels this is a self-correcting problem. Mr. Andarawis stated that he does not want to see stacking on the sides of the road.

7/9/24

Mr. Ophardt 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. Fariello moved, second by Mr. Andarawis, to waive the final hearing for this application for the site plan review of 1 Van Patten Rd Daycare Facility Site Plan (Creative Sprouts), 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.

New Business:

#2024-026 Miller Road 3 Lot Subdivision (Boni)

SBL: 276.-2-33 Proposed 3 lot Subdivision of a 5.169+/- Acre lot with existing home into 3 lots, Miller Rd Zoned: R1 - Residential, Status: Concept Applicant: KLB Enterprises, LLC, Consultant: GVG Land Surveyor, PLLC – K. Weed

Consultant/Applicant Presentation:

Pat Jersoe, Gilbert VanGuilder, stated this application is for a 3 lot subdivision in the R-1 zone on a 5.69 acre lot. He stated the proposed subdivision meets all bulk requirements and public water and sewer would service the lots.

Staff Comments:

The Environmental Conservation Commission and issued a memo recommending:

- The ECC notes the presence of NYSDEC Wetlands on the proposed subdivision property. In order to properly assess the impact of this subdivision the ECC requests that the applicant show the delineation of the wetlands, including the 100-foot adjacent area of the wetland boundaries on the subdivision plan. No approval shall be given until such information is provided and reviewed by the ECC. The ECC observes that the proposed septic area is in close proximity and may be in the NYSDEC Wetlands and the 100-foot adjacent area.

John DeSimone, Fire Marshall issued a memo stating:

- Assigned postal numbers will be 305 & 307 Miller Road. Please see approved postal verification in documents. Saratoga County Emergency Services will be updated upon final planning and zoning approval.

Scott Reese, Zoning Administrator issued a memo stating:

- The application appears to meet all space and bulk standards as described in Town Code Chapter 208-11.
- Per Town Code Chapter 179-8 A. (3) The boundaries of environmental areas to be left undisturbed and/or protected through conservation easements or other agreements shall be shown on the Concept Plan.

- Per Town Code Chapter 179-8 B. A site analysis map shall be provided with contours, wetlands, etc.

Scott Reese, Stormwater Management Technician issued a memo stating:

- This subdivision may qualify for a larger plan of development with the Miller Road 9-Lot Subdivision where it may require coverage under the NYSDEC SPDES General Permit and require a FULL SWPPP or be included with the existing SWPPP of the 9-Lot Subdivision.

The Trails and Open Space Subcommittee issued a memo stating:

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

John Scavo, Director of Planning issued a memo stating:

- The proposed project is subject to Section 239 of General Municipal Law and will be referred to the Saratoga Co. Planning Board for a recommendation. The property is within 500' of Grooms Road, a county highway and while not within 500 feet of an active farm it is adjacent to Saratoga Co. Consolidated Agricultural District No. 1.
- Add a note to the plan that states - This parcel is located in an area where aviation activity occurs. Such activity may include, but is not limited to periodic noise, vibration, hours or operation, and other associated activities. A study describing this impact in detail is available for inspection in the offices of the Albany International Airport.
- Within the site statistics table please also note the project is within the Vischer Ferry GEIS Study Area and subject to the findings statement.
- The applicant should contact the Town Highway Superintendent to determine if a driveway culvert pipe and drainage ditch within the Town's Right-of-Way will be required. If required, the property owner shall coordinate such installation with the Town's Highway Department and update the plan to show the appropriate culvert sizing.
- A parkland mitigation fee in the amount of \$1,250 per new building lot will be due at stamping of the subdivision plan.
- Mitigation fees established in the Vischer Ferry GEIS and Capital Improvement Plan must be satisfied when stamping the final subdivision plan. To calculate the applicable GEIS fee, the applicant should provide the PM Peak Hour Trips associated with two new equivalent dwelling units created from a 3-lot subdivision. The ability to build one single-family dwelling on the existing parcel is not included in the EDU calculation for fees.
- The applicant should determine if a specific property listed on the National Register of Historic Places is in the vicinity of a property. The applicant is advised to use the Geographic Information System for Archeology and National Register tool on OPRHP's website.

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.

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 is not necessarily limited to the following:

- a. Town of Clifton Park Planning Board: Plan approval
- b. Clifton Park Water Authority: Water Connection
- c. Saratoga County Planning: 239-m County Referral
- d. New York State Department of Environmental Conservation: Stormwater Permit
- e. NYS Historic Preservation Office: Archeological sensitive area

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. – The response indicates that the project site is located within or adjacent to an area designated as sensitive for archeological sites on the NY State Historic Preservation Office (SHPO) archeological site inventory. The applicant should provide a correspondence letter from SHPO to confirm the presence or absence or archeologically sensitive resources.
3. Part 1 13.a. – The response indicates that wetlands or other waterbodies regulated by federal, state or local agencies adjoin or are contained within the project site per the EAF Summary Report. The applicant should provide documentation that confirms the presence or absence of federally regulated wetlands adjacent to the project site. Should this change as the project design progresses, additional approvals and permits may be required.
4. Part I.17 – The response indicates that the proposed action will create stormwater discharge. A Stormwater Pollution Prevention Plan SWPPP may be required
5. No further comments at this time.

SITE PLANS/SUBDIVISION

6. The project is located within the Town's Residential District (R-1). The proposal for single family homes is a permitted principal use within the R-1 District as noted in Section 208-10(B)(2) of the Town's Zoning.
7. The site statistics table shall be revised to reflect the minimum lot width of 100 feet at the building line per Section 208-11.
8. The Saratoga County GIS indicates that both NYSDEC and NWI wetlands exist on the parcel. These wetlands should be delineated and depicted on the subdivision plat.
9. It appears that the house on Lot C is currently being built. These disturbances should be included in overall disturbance as it would be considered a larger common plan of development. An erosion and sediment control plan should at least be prepared for the site.
10. Provide contour lines at a minimum of two-foot intervals to United State Geological Survey datum within the parcel pursuant to Section 179-8 of the Town Subdivision Law.
11. Subsequent plans shall identify whether driveway culverts will be required at Miller Road to adequately convey roadside drainage.
12. Grading should be provided to show that the new septic systems on Lot A and B do not drain into each other.

13. The applicant proposes to service the lots with an on-site septic system. The proposed septic system shall be designed by a New York State licensed professional engineer and conform to the requirements of the New York State Department of Health (Section 208-91) for review and approval by the Town Building Department.
14. Percolation tests and deep test holes should be performed prior to final subdivision approval to ensure that the on-site septic system is feasible at the location indicated. Percolation testing shall be in accordance with the NYSDOH Residential Onsite Wastewater Treatment Systems Design Handbook.
15. Show the proposed 50% expansion area for the septic system.
16. 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.
17. Show the existing CPWA watermain and proposed water services for each lot
18. Provide notation on the plan as follows: a. No Utilities shall be installed beneath the proposed driveways. b. Any work required within the Town right-of-way shall be subject to any permitting from the Clifton Park Highway Department (driveway, culvert, water service).
19. Pursuant to Section 86-10 of the Town Zoning, the applicant shall be required to plant two trees per living unit on the street side of new construction sites. Provide planned species to be planted for review.
20. Prior to approval or filing of the subdivision plat with the Saratoga County Clerk, the appropriate 911 emergency response numbers must be obtained for and assigned to each lot created and placed on the filed plat.
21. Considering this plan is conceptual in nature, subsequent comments will be provided with a preliminary plan submission.

Public Comments:

No public comment.

Planning Board Review:

Mr. Andarawis asked if there was a septic system on the existing home. Mr. Jarose stated there is.

Mr. Fantini asked if the applicant would be willing to provide an easement on Moe Road. Mr. Jarose stated that they could do this. Mr. Scavo stated that if they provide an easement, they could waive the public parkland fees.

Ms. Bagramian stated that the application looks straightforward and she would like a letter from DEC stating there are no wetlands on the property.

New Business:

#2024-027 1523 Crescent Road Commercial Site Plan (The Landings at Crescent Road)

SBL: 284.-1-5 Proposed commercial site plan with a convenience store/gas station and two additional buildings with drive-thru, 1523 Crescent Rd, Zoned: B3 - Neighborhood Business
Status: Concept Applicant: TITAN Commercial Realty Group LLC, Consultant: Capital Architecture/City Restoration – A. Dadamo

Consultant/Applicant Presentation:

Tony Dadamo stated they are here tonight for a parcel that is off exit 8 of the Northway near MJE office and Stewarts on Crescent Road. Mr. Dadamo stated they are proposing a gas station and 2 drive-throughs on the property and they need preliminary approval before getting letters of intent from possible tenants. Mr. Dadamo showed the layout of the proposal indicating the driving and bypass lanes for the drive-through. Mr. Dadamo stated they would demolish the existing building.

Staff Comments:

The Environmental Conservation Commission and issued a memo recommending:

- The limits of (the LC Zone and 100-foot buffer zone, DEC Wetlands, Federal Jurisdictional Wetlands) shall be identified on the plot plan, preferably with the use of shading and/or color.
- The ECC requests that the applicant indicate whether there is an aquifer present under the property.
- Due to Health and Safety concerns the ECC requests that the applicant provides a Traffic Study indicating potential impacts of this project.
- The ECC notes that the Cell Tower as indicated on the plan appears to be incorrect. The cell tower is currently located on the small parcel east of the proposed project. The ECC requests that the applicant provide exact measurements of proximity of the cell tower to patrons and employees of these businesses as there is a health concern for possible exposure to radiation.

John DeSimone, Fire Marshall issued a memo stating:

- All 4 SBL #'s will need to be addressed on site plan. Please include SBL# 284.-1-8 on the owner authorization for site plan /subdivision review form.
- Assure fire access road meets all width and height requirements per the NYSFC 2020 edition.
- Please use assigned postal number 1523. Reference and see approved postal number under documents.
- Assigned postal number for this project will be updated with Saratoga County Emergency Services upon final approval from planning and zoning

Scott Reese, Zoning Administrator issued a memo stating:

- The parcels that this application is showing are in the Neighborhood Business (B-3) Zoning District.
- Convenience food stores are an allowed use in the B-3. However the definition of a Convenience food store is a facility of 5,000 square feet of gross floor area or less with the sale of gasoline which shall have 4 pumps or 12 nozzles or less. The proposed convenience store is shown at 6,000 square feet. The structure will need to be reduced or an area variance will need to be obtained.
- Drive in restaurants are an allowed use in the B-3. However no portion of the building occupied by such use shall be located within 300 feet of the boundary line of any residential district. It appears that the second northern drive thru structure may be within 300 feet of the residential (R-1) district to the north. The structure will need to be relocated to be a minimum of 300 feet of the residential district or an area variance will need to be obtained.
- The existing cell tower to the east location shall be shown on the plan along with the clear zone, a radius from the center of the tower that is 110% of the towers height.
- Show on the plans all the space and bulk standards per Town Code Chapter 208-38.
- Will the applicant be merging all four properties into one parcel? The requirement to have a group of establishments is that there is a minimum land area of five acres, with a minimum width of 400 feet at the building line. The applicant will need to show the building line on the plans and it appears that the southern drive in restaurant encroaches into the building line. The structure may need to be relocated or an area variance will need to be obtained.

Scott Reese, Stormwater Management Technician issued a memo stating:

- It appears that this project will require a NYSDEC SPDES Permit and a FULL SWPPP. The applicant is encourage to do test holes to determine the seasonal high ground water in this area to determine the feasibility and area that the stormwater management areas will take up.

John Scavo, Director of Planning issued a memo stating:

- Recommend adding USGS contours layer to meet criteria pursuant to Section 208-114(B), which states that the plan of site topography at no more than ten-foot contour intervals. Where required by the Town Engineer or Stormwater Management Officer, a topographical map showing contour intervals of not more than two feet of elevation shall also be provided. As plans advance, the preliminary site plan should reflect compliance with requirements contained in Section 208-115 of the Clifton Park Town Code.
- Add a site statistics table to the plan, noting: 1. Zoning 2. Proposed Use(s) 3. Lot Area, excluding right-of-way (square footage and acreage) 4. Building Area (gross square footage) 5. List the Square footage of each use. 6. Building Height (feet and number of stories) 7. Lot Coverage 8. Total Parking Required – with ratios found in Section 208-99(b) of the Town Code. 9. Total Parking Provided 10. Total Handicap parking required.
- Part I of the LEAF appears incomplete from Section D.2. on Page 4 to a portion of the questions on page 13. Guidance is available on NYS DEC's website for assisting applicants with understanding how to complete the Part 1 Section of the LEAF using the following link: <https://dec.ny.gov/regulatory/permits-licenses/seqr/eaf-workbooks/part-1-project-and-setting>

- Complete Part 1 based on the information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

Professional Comments:

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

STATE ENVIRONMENTAL QUALITY REVIEW

1. The applicant should complete the FEAF in its entirety and resubmit for review.

SITE PLANS

2. The project is located within the Town's Neighborhood Business (B-3) zoning district. The proposal needs to specify the proposed use of each building.
3. Provide a site statistics table utilizing Section 208-38 Space and Bulk Standards. Information should include the standard and what is being proposed for each.
4. The proposed project appears to include the consolidation of the three lots.
5. The plan shows providing 66 parking spaces. Provide a narrative on how they were derived utilizing Section 208-99 of the Town code.
6. Subsequent submission shall provide the required amount of ADA parking spaces per the 2010 ADA Standards for Accessible Design.
7. 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.
8. The project is proposing to be serviced with public water from the Clifton Park Water Authority. The applicant shall provide the Town documentation of the CPWA's ability and willingness to service the project with potable water. Any action on the application should be conditioned upon receipt of plan approval from the CPWA.
9. The project proposes to provide sanitary sewer service to the site from the Town of Clifton Park Sewer District #2 / Saratoga County Sewer District No. 1 (SCSD). The applicant shall provide the Town documentation indicating the Town's Sewer District and SCSD's ability and willingness to provide additional sewer service to the project.
10. Provide an engineering water and sewer report identifying the proposed services to the site with anticipated usage.
11. Show the new water and sewer laterals that will service the site and the connection to public mains adjoining the site.
12. Show how roof drainage is being captured and routed to the on-site stormwater system.
13. Future plans shall incorporate appropriate illumination plan showing footcandle values.
14. Should any work occur within the Crescent Road right-of-way, approval and permitting from Saratoga County DPW will be required.
15. The site plans shall note the individual/firm that completed the wetland delineation and date of delineation being completed.

16. It is recommended that a traffic impact study be completed that assesses peak hour vehicle trips, site distance and accident data. Given the curb cut is on County Road 92, the findings of the study should be provided to the Saratoga County DPW for input.
17. Subsequent submissions should include architectural renderings of the building along with identification of materials of construction.
18. Subsequent submissions should include a landscaping plan per Section 208-40 of the Town code.
19. 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. 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.
 - b. Section 507.5.1.1 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.
 - c. Show or note the location of any required Knox Box associated with the building.
 - 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. 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.
20. Considering the plan submitted is conceptual in nature, we will reserve further comments until more detailed plans and reports are submitted. Subsequent submissions shall include information as outlined in Section 208-115 of the Town zoning specific to site grading, lighting, erosion control and stormwater management to fully assess the design and its compliance to the applicable standards.

Public Comments:

No public comment.

Planning Board Review:

Ms. Fariello asked for clarification where the property is located. Ms. Bagramian stated it used to be a pool place and is now a siding company off the highway.

Ms. Bagramian asked if the applicant would level the land up to the road. Mr. Dadamo stated that would be a lot of fill to bring in and he cannot answer that question at this time, and can when they have a tenant, but are seeking conceptual approval first. Ms. Bagramian stated she feels this would generate a lot of traffic for this property. Mr. Todd Rolette stated that it would be hard to have the site to meet the road elevation and would be expensive, but their goal is to come in with signage that would be at grade with the road to identify businesses.

7/9/24

Ms. Fariello stated this would generate a lot of traffic leaving the site and that the overall site needs to be looked at and make sure the applicant also stays away from the cell towers. She stated that rush hour traffic is a major concern with turning in and out making a left with the traffic light so close. She stated she would like to see access further away from the Northway.

Ms. Bagramian stated her concern of grading is for site distance and not necessarily placement.

Mr. Andarawis stated he needs to see how the two drive-throughs would work together.

Mr. Ophardt stated this would be the 4th gas station in the area and why does the applicant think this would go well with them all so close together. Mr. Dadamo stated that they have already have had interest by gas stations and this one would be placed further back on the property.

Ms. Bagramian asked how big the buildings would be. Mr. Dadamo stated 6,000 sf, 4,000 sf, and 3200 sf with 82 total parking spaces and 16 gas pumps. Mr. Dadamo stated they will not be doing diesel and can provide the Board with turning radii for trucks.

Mr. Andarawis stated that previous applicants have come before the Board stating gas stations will not work to the rear of the site. Mr. Rolette stated that signage is key as well as accessibility. Mr. Andarawis stated he has concerns with the site that are dependent on dependent on grading, building placements, and visuals.

Ms. Bagramian stated the Board and applicant need to look at the topography of the site and noted that some businesses do not have as much traffic as others. Mr. Rolette stated that storage was proposed here before but denied and he agrees this would be more traffic than storage units.

Ms. Fariello asked if zoning only apply to Town boundaries. Mr. Scavo stated that the Town can only control what is in the Town. Ms. Fariello stated the applicant may have to look at the cell tower and the fall zone.

Ms. Bagramian stated that there are still a lot of questions for the applicant. Mr. Dadamo stated that they can address comments now but no one will sign as a tenant until preliminary plans are approved.

Discussion Items:

None

Ms. Fariello moved, seconded by Mr. Andarawis, adjournment of the meeting at 11:35 p.m. The motion was unanimously carried.

7/9/24

The next meeting of the Planning Board will be held as scheduled on August 13, 2024.

Respectfully submitted,

Paula Cooper

Paula Cooper, Secretary