

8/13/24

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

PLANNING BOARD

DENISE BAGRAMIAN
Chairwoman

ROBERT WILCOX
Attorney

PAULA COOPER
Secretary



MEMBERS
Emad Andarawis
Eric Ophardt
Heather Fariello
Mario Fantini

Keith Martin
Lisa Westrick

Planning Board Minutes
August 13, 2024

Those present at the August 13, 2024 Planning Board meeting were:

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

Those absent were: E. Andarawis, H. Fariello,

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:

The minutes of the June 20, 2024 Planning Board meeting did not have a quorum needed for voting.

8/13/24

The July 9, 2024 Planning Board meeting minutes were requested to be reviewed and held for a later date for adoption.

Public Hearings:

None

Old Business:

#2022-019 Woodhaven Corporate Commerce Shovel Ready Site Plan

SBL: 270.-1-72.1 Applicant proposing to construct a shovel ready Light Industrial Park on 90.40 acres., 587 Waite RD , Zoned: B5 - Corporate Commerce, Status: Revised Preliminary Review
Applicant: Woodhaven Land Partners , Consultant: Environmental Design Partnership – G. Vuillaume Last Seen On: 02/13/2024

Consultant/Applicant Presentation:

Gavin Vuillaume, EDP, stated the applicant has received comments from the Town and MJE. He stated most referenced traffic, wetlands and stormwater. He stated they are proposing a single access, road off of Waite Road, which will have several buildings. Mr. Vuillaume stated they are looking for approval for the road tonight and they plan to return for site plan reviews for the individual buildings as they do not have tenants yet. He stated the max build out for this would be 100,000 sf but number and sizes of the buildings may change. Mr. Vuillaume stated the wetlands were last delineated in 2022 and they met with DEC and the ACOE in December and they said all of the wetlands are ACOE so they have applied for a nationwide permit for small disturbance areas and they have gotten permission. He stated that there is a timeframe for them completing the infrastructure work with the small wetlands disturbance, so that is why the applicant is looking for approval tonight. Mr. Vuillaume stated the stormwater is set up for 100sf and once the road goes in 2.7 acres would be disturbed and mostly pocket ponds would be disturbed. He stated that the traffic study was updated and a full build out it has 13 trips in the a.m. and 32 in the p.m. so they are committed to mitigation once certain occupancy hits.

Staff Comments:

The Environmental Conservation Commission and issued a memo recommending:

- Upon review of the response comments by the applicant regarding traffic, the ECC remains concerned with the entrance location on Waite Road and the potential impacts and awaits the response from the NYSDOT on the Traffic Impact Study.

- The applicant has stated that they will retain a 70-to-100-foot existing vegetative buffer adjacent to the Belmonte project to the North. The ECC recommends that the Planning Board require that the deed reflect that this is a no-cut zone on the property.
- The ECC requests the applicant to show and label all wetlands and streams by shading, including the Land Conservation overlay on the plan.
- The ECC notes that there are 31+ acres of wetlands identified on this parcel and as such would recommend the applicant contact the NYSDEC for further review and jurisdiction determination prior to Planning Board approvals.

John DeSimone, Fire Marshall, issued a memo:

- Private road needs to be named to complete postal verification with Saratoga County Emergency Services

Scott Reese, Stormwater Management Technician issued a memo stating:

- The Long Environmental Assessment Form states that there are 31+ acres of wetlands on this parcel. Was the NYSDEC contacted to see if they were interested in jurisdiction of the present wetlands? Has the ACOE submitted a formal Jurisdictional Determination Letter for the wetlands on this parcel? There is a concern once the individual sites come before the Planning Board as Site Plans, what impact will the new regulations from the NYS Freshwater Wetlands Act Regulations Update effective 1/1/2025, have on the available layout for each site? The applicant shall provide a written response on how the new NYSDEC Wetlands Update will or will not impact the proposed design.

John Scavo, Director of Planning issued a memo stating:

- Per the Site Plan Approval Note on Page One, "stating the approval is to construct the private road and utilities only, detailed site plans specifically for each proposed building will be submitted to the Town for Approval once tenants are identified," the property owner is responsible for ensuring construction disturbances and stockpiling of materials are within the limits of disturbance identified on this site plan. Any additional insurance or improvements beyond the limits of this site plan without additional Town review may likely result in a violation.

(Editor's Note: The comments by John Scavo below were not read into the record. They are comments for the 68 Droms Rd project that was removed from the agenda that evening by the applicant)

- *Mr. Scavo read into the minutes a recommendation made by a Planning Board member: After rereading all of the documentation in our packet, I am asking that you be my voice and that we as a planning board request that EDP develop alternate configuration(s) based on the following points:*
 - *Either present a plan with 18 hoses per Town Code 179-25 H or design in two points of egress if keeping the 23 houses.*
 - *Provide a plan that has a 300' buffer between the two properties so as to not interfere with pesticide application from Riverview Orchard and provide protection against dispersion. Furthermore, I would request that EDP design the buffer as to add a barrier to strongly discourage trespassing/use in this buffer zone. This could include, but not be limited to, the following concepts: native plants with thorns, row(s) of blue spruce (or similar) trees or a fence (I acknowledge we would then need to figure out who maintains it so that may not be practical).*

- Make sure the housing designs (i.e. looks of the houses) adheres to the character of the area.

Professional Comments:

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

STATE ENVIRONMENTAL QUALITY REVIEW

1. No further comments. SITE PLANS
Sheet 6 & 7 of 13 – Grading & Utility Plan
2. Pursuant to Section 6.1.3 of the NYSSMDM, the fore bays shall be four to six feet deep.
Sheet 9 of 13 – Erosion Plan
3. Indicate on the plans (hatching and text) that the roadway and stormwater managements areas are to be in Phase 1 with a disturbance of 2.70 acres.
4. Provide a detail of the wetland protection fencing.
Sheet 13 of 13 – Site Details
5. Pursuant to Section 6.1.3 of the NYSSMDM a fixed vertical sediment depth marker should be installed in the fore bay to measure sediment deposition over time. The plans shall show the installed location along with a construction detail for the depth marker.
6. It appears that the ponds have slopes of 4:1 or flatter, therefore, provide a safety bench that generally extends 15 feet outward from the normal water edge to the toe of the pond side slope. Show bench on detail.

Other Comments

7. Per comment 14 in our February 2, 2024, comment letter, the plans show no building mounted or free-standing light fixtures. If any are proposed, foot-candle values at pavement levels and along property boundaries shall be provided for review. If the road is the only portion of the project that is being proposed at this time, lighting at a minimum should be shown along the roadway.

STORMWATER MANGEMENT NARRATIVE

8. No additional comments.

STORMWATER POLLUTION PREVENTION PLAN

9. Table 6 indicates that the 100-year post development runoff rate of 13.92 cfs is higher than the predevelopment rate of 12.43. The stormwater management practices in this area should be reevaluated to meet the criteria of post is less than or equal to predevelopment rates.
10. The applicant indicated soil testing has not yet been conducted and will be incorporated into the SWPPP when completed. The SWPPP shall summarize the in-situ soil testing completed including infiltration tests and test pits with the results provided as an appendix to the SWPPP pursuant to Part III.B.2.d and e of GP 0-20-001. Test pits at a minimum should be conducted for groundwater and/or bedrock.
11. At the completion of the soil testing the bioretention and pond areas should be evaluated for depth to groundwater. These tests will determine if an impermeable liner is required to ensure groundwater does not impede the function of the stormwater practices.

TRAFFIC IMPACT STUDY

12. Traffic Impact Evaluation, Site Generated Traffic Volumes and Traffic Operations Analysis, Pages 3 to 7: On the southbound approach of Waite Road, the proposed

development adds 13 vehicle trips in the AM peak hour (68% increase) and 82 in the PM peak hour (248% increase). These additional trips result in an increase of average vehicle delays of 18.7 seconds in the AM and greater than 105 seconds in the PM for the southbound Waite Road approach. These projects will generate additional approach volumes that are significant, resulting in substantial increases in average vehicle delays, and require mitigation.

13. Traffic Impact Evaluation, Conclusions, Pages 9 and 10: The Town of Clifton Park will not be burdened with monitoring intersection operations upon site plan approval for each building. MJ recommends the applicant mitigate the negative effects of the site traffic (described in Comment 1 above) on southbound Waite Road as follows:
 - a. Perform a capacity analysis of the Route 146 at Waite Road intersection during both the 2028 Build AM & PM peak hours with an additional southbound turn lane on Waite Road.
 - b. Complete an engineer's estimate for the design and construction of the additional southbound lane on Waite Road.
 - c. Either construct the additional southbound lane on Waite Road or include a traffic mitigation fee equal to the cost estimated in Item b above in escrow with the Town of Clifton Park, so the Town may use these fees if/when a roundabout is constructed at the intersection.

Public Comments:

No public comment.

Planning Board Review:

Ms. Bargain stated that her biggest concern is with the traffic and asked the applicant if they could address the 3 points from MJE comments. Mr. Vuillaume stated that he feels they can be addressed but they need to establish how much build-out they would need before mitigation is needed.

Mr. Ophardt stated he feels they could build out fast. Mr. Scavo stated the traffic analysis will have to be updated every time they come back with a site plan but an analysis with a threshold as to when mitigation is needed as to be done. Mr. Lippmann stated if there is a right turn lane built before the roundabout may help with mitigation. Mr. Ophardt asked if the level D is ok for now. Mr. Lippmann stated it is and asked what the Planning Board may want to require. Mr. Scavo stated if the Town is perusing a roundabout then fair share would be asked for by the applicant. Mr. Vuillaume stated they still have the Trinova easement to work with as well. Mr. Ophardt suggested a right in and right out only for the site. Mr. Vuillaume stated this does not make sense. Mr. Scavo stated the Town would collect the funds from the applicant now and establish the applicant's fair share now, not at the time of build. Mr. Ophardt stated that he feels this application has a lot of negative impact and feels the area may get progressively worse. Mr. Lippmann stated the application needs to be looked at as if the new intersection will not be built.

Ms. Bagramian stated the applicant would have to come back with a tenant that would meet the threshold established either way. Mr. Vuillaume stated if they come back with the threshold met they would not be able to build any further until mitigation is established.

Mr. Ophardt stated he does not want to see the Town without a plan if the build-out is quick.

Mr. Martin stated there are uncertainties here as there is currently no impact to the community for traffic but there will be with the first tenant. Mr. Vuillaume stated the level D is not from Waite Road but from the traffic that is coming and going from Schenectady. Mr. Martin stated there needs to be a comprehensive traffic study from the Town as this impacts daily life of the residents in the Town. Mr. Vuillaume stated they are only asking for one tenant and an access road. Mr. Dick Schwawsker, partner in developer, stated they would like to see the corner lot developed first. Mr. Vuillaume stated that this would be about 8,000 sf. Mr. Martin asked what the view would be from Route 146. Mr. Vuillaume stated the wetlands would hide most of it. Mr. Scavo stated the Board has a right to ask for a study of the cost of mitigation but they cannot hold the applicant responsible for the current traffic situation.

Ms. Bagramian asked for the typical timeline for mitigation. Mr. Scavo stated TIPs is a 5 year plan that is updated every 3 years and he does not know if the site would make that solicitation.

Mr. Ophardt asked if one building and one road could trigger mitigation and then the applicant could not build for another 5 years. Mr. Scavo stated that may not happen as they would be required to address the problem. Mr. Vuillaume stated they could revisit the Trinova easement because they would not want to wait 5 years. Mr. Scavo stated the permit issued to disturb the wetlands has a timeframe to be completed. Mr. Vuillaume stated they would cross the wetland now and put down crusher run. Mr. Ophardt asked if 7.5% per year for increase is what they would use. Mr. Scavo stated it would increase the contributions by 7.5% per year so there would be a total amount for the right turn lane and the mitigation. Mr. Scavo stated 3-5 years is asking a reasonable horizon year for building improvements. Mr. Vuillaume stated they will explore easements when they come back for the site plans. Mr. Ophardt asked if this is considered segmentation. Mr. Vuillaume stated it is not as they are showing the full build out potential tonight. Mr. Scavo stated this is true and the presentation is showing the maximum build out even though it may be smaller.

Ms. Westrick asked if there would be room for road improvements with the stormwater area. Mr. Vuillaume stated there would be room and they would contribute land to the improvements.

Mr. Ophardt asked if the applicant could deed the land to the Town. Mr. Vuillaume stated they would when it comes. Mr. Scavo stated the Town could take the land donation into consideration like past applicants.

Ms. Bagramian stated she would like the applicant to come up with a template before they come back for a site plan on the first building. Mr. Vuillaume agreed this would be done.

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

Mr. Ophardt moved, second by Ms. Westrick, to waive the final hearing for this application for the site plan review of Woodhaven Corporate Commerce Shovel Ready Site Plan, and to grant preliminary and final site plan approval conditioned upon satisfaction of all comments provided by the Planning Department, Town Designated Engineer, and all items listed in the final comment letter issued by the Planning Department.

Conditions:

1. The Planning Board agrees with the comments and recommendations by MJ Engineering regarding traffic mitigation associated with this property's anticipated build-out.
2. The current site plan approval is for establishing shovel-ready utilities and driveway infrastructure. It is important to note that this approval does not encompass a full evaluation of traffic impacts at this time. A comprehensive assessment of transportation-related effects will be conducted during the review of future site plans. These future evaluations will focus on identifying and implementing necessary improvements to mitigate any potential cumulative impacts on traffic and transportation in the area. This phased approach ensures that all aspects of the development, particularly those affecting traffic and transportation, are thoroughly considered, mitigated, and addressed in due course.

Ayes: 5

Noes: 0

The motion is carried.

New Business:

#2024-031 Riverview Road Convenient Store and Liquor Store Site Plan

SBL: 269.19-1-43.1 Proposed Convenient Store and Liquor Store, Riverview RD Zoned: HM - Hamlet Mixed Use Status: Concept Review Applicant: Luna Landing LLC, Consultant: GPI – J. Montagne

Consultant/Applicant Presentation:

Ryan Trunko, GPI Engineering stated this application for a local business owner that has a similar business in Halfmoon and is now looking to open a new location on Riverview Road. He stated this would be a 5,400 sf building with a 2,450 sf convenience store with the remaining being a liquor store. Mr. Trunko stated there would be 4 fueling stations and they have started delineating the wetlands and would have one access off of Riverview Road. He stated they have met with the County and they are showing now the best placement for the access point. Mr. Trunko stated they are planning the traffic impact study with considering a right only into the property and a left only out of the property. He stated Stewart's is across the street from this location and there is currently an easement for tying into the access for the vet but they are not

able to impact the wetlands due to the presence of a spring in the easement. He stated there will be wetland impacts but they are keeping it under 0.1 acres and it is in the ACOE jurisdiction. He stated they could not impact the drainage ditch on Route 146 but they are proposing a picnic area and plan to connect to the sidewalk. Mr. Trunko stated there would be 2 underground tanks for fuel and a truck turnaround was considered. He stated there are 27 required parking spaces and they are proposing 30.

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.
- The ECC notes that the project may result in intrusion into the LC Zone. The applicant must file for an Application for Approval of Work to Be Done in the LC Zone with the Town of Clifton Park.
- The ECC notes that the project may result in intrusion into Federal Jurisdictional Wetlands. The Applicant must avoid intrusion into ACOE Wetlands or apply for a Federal Wetlands Permit for disturbances for the project. The Town of Clifton Park should be provided with copies of all related correspondence.
- The ECC notes that the project includes the installation of storage tanks that may be regulated under the state petroleum or chemical storage regulations. The ECC recommends that the Planning Board require the applicant to provide evidence of registration of these tanks prior to placing in service.
- The Land Conservation (LC) Zone has not been delineated in accordance with Section 208-69 of the Clifton Park Town Code. Uses in this area are restricted. The Town of Clifton Park Building Department shall be notified before undertaking any land disturbance activities in the LC Zone.
- The ECC request that the applicant provide a full traffic study due to the significant motor vehicle volume on this road.

John DeSimone, Fire Marshall, issued a memo:

- Suggest two lanes for exit to left and right turn. This will assure eastbound exiting will go smoothly during high peak traffic times.
- Need additional fire hydrant on property to assure 450' spacing is met according to flow rate and spacing. Hydrant equipped with 5"Storz connection Reference Appendix C 2020 NYSFC
- Add no parking fire lane paint to small section of parking lot on southwest corner. (See document labeled no parking fire lane detail) Page 2
- Approved Postal Number to be assigned is 916 Riverview Road. This will be finalized with Saratoga County Emergency Services when final approval is granted. Please reference document approved postal verification, page 3.

Scott Reese, Zoning Administrator issued a memo stating:

- This parcel is located in the HM - Hamlet Mixed Use Zone. Per Town Code Chapter 208-43.2 Convenient food stores are a permitted use in the HM Zone.

- The applicant is proposing a liquor store. Wine and liquor stores are not a permitted use in the HM Zone. The applicant will need a use variance or change the use to a permitted use under Town Code 208-43.2.

Scott Reese, Stormwater Management Technician issued a memo stating:

- In addition to MJ Engineering comment letter dated August 9th, 2024, the stormwater management area grading appears to encroach where the Land Conservation Zone would be. Town Code Chapter 208-69.2 states "no land shall be expanded or altered for any purposes within the areas depicted on the Official Zoning Map as L-C"

Mike OBrien, Sewer Department, issued a memo:

- This project requires review and sign off from the Town of Glenville and City of Schenectady for flows and capacity. This should be done early in the project to avoid delays.
- A \$1,000 hook up fee payable to the Clifton Park Sewer District #1 will be required paid prior to the connection to public sewer.
- The exterior grinder pump must be installed to the standards and specification outlined by the Saratoga County Sewer District #1 (SDSD#1)
- A SCSD#1 Grinder Pump permit is required for this project. The SCSD#1 will inspect the exterior sewer work including the grinder install, lateral installs, and the sewer main connection.
- All work must be done to Town and County Standards.
- The Town of Clifton Park requires 48 hours notice prior to any work being done on the Town owned force main.
- Property Owner will own the Grinder Pump. Any maintenance or repairs necessary to the pump or street lateral will be the responsibility of the Property Owner.
- All work within the public Right of Way will require a permit from the Clifton Park Highway Department. This includes but is not limited to trenchless technologies.
- No low pressure or gravity sewer lateral may tie into a manhole. Taps must be made on the sewer main.
- The project lies within a Sewer District operated by the Town of Clifton Park and will need to comply with the Town Sewer Use laws.
- Any necessary easements must be recorded at the County Clerks office and proof of filed easement(s) provided to the Clifton Park Sewer Department prior to connecting to the public sewer main.
- Town Sewer Use Law requires Grinder Pumps within Town Sewer Districts be exterior and placed within fifteen feet of the driveway.
- Town Sewer Department will need information regarding flows and system design for review. This project discharges to an existing pump station and system capacity to accept this project must be verified. Additionally, detailed information regarding head pressures in relation to this subdivision should be provided.

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. The applicant has included an email correspondence with Gary Meier, Saratoga Co. Public Work Department regarding the curb cut request.
- The Town should be furnished with documentation that the Clifton Park Water Authority is willing and capable of service to the project.
- As plans progress beyond conceptual design, add a site statistics table on the drawing showing Required and provided setback and bulk standards according to the Hamlet Mixed Use Zoning District, number of proposed parking spaces, greenspace percentage, and maximum number of pumps/nozzles.
- As design plans advance, provide a lighting plan a fixture schedule that displays product information for the fixtures used, including the wattage, voltage, lumen output, and number of poles.
- Under Section 208-43.6 Site Plan Review – the Planning Board will consider the site plan in accordance with Article XVI Site Plan Review and the Western Clifton Park Design Guidelines.
- Additional comments will be provided from review of a future preliminary plan submission.
- I recommend the Planning Board seek Lead Agency status for the SEQRA Process. Involved agencies likely include the Saratoga Co. Planning Board, Clifton Park Water Authority, Clifton Park Sewer District, NYS DEC (stormwater discharge), NYS DOT (utility work permit), Saratoga Co. Public Works (driveway permit), and Saratoga Co. Planning Board.
- Town Planning Staff will circulate lead agency coordination letters to invoiced and interested agencies concerning the project once the Planning Board passes a motion to seek Lead Agency status.

Professional Comments:

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

STATE ENVIRONMENTAL QUALITY REVIEW

1. Based upon our review of Part 617 of NYS Environmental Conservation Law, the project appears to be an “Unlisted” action. In Town Code Section 208.95(F)(9): Subject to and in accordance with the State Environmental Quality Review Act (SEQRA), the Planning Board shall be the lead agency for the purpose of conducting the environmental review of the application for a site plan. The Planning Board shall conduct an integrated comprehensive environmental review of the proposed project in combination with its review of the application under this article. If the Planning Board is to request Lead Agency status under SEQRA, the need to undergo a coordinated review is optional. Under a coordinated review, involved / interested agencies to be engaged may include, but are not necessarily limited to the following:
 - a. Town of Clifton Park Planning Board: Plan approval
 - b. Clifton Park Water Authority: Water Connection
 - c. Saratoga County Sewer District #1: SCSD Connection
 - d. Saratoga County Planning: 239-m County Referral
 - e. Saratoga County DPW: Curb Cut Correspondence

- f. New York State Department of Environmental Conservation: Stormwater Discharge and Bulk Petroleum Storage
- g. New York State Department of Transportation: Proximity to NYS Route 146 and Riverview Road (Co Route 91)
- h. 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 Full Environmental Assessment Form (FEAF). Based upon our review of the submitted Part 1 FEAF, the following comments are offered:

2. Part C.2.b – the applicant indicates that the action is within a designated NYS Heritage Area (Mohawk Valley Heritage Corridor). The applicant should review the Heritage Area plan and confirm their proposal is within the guidelines laid out in the plan and maintains the surrounding community character of the area.
3. Part C.2.c – The applicant has indicated that their proposed action is within an area listed in an adopted municipal open space plan (Town of Clifton Park Open Space Plan 2003). The applicant should review the Open Space Plan and confirm their proposal is within the guidelines laid out in the plan and maintains the surrounding community character of the area.
4. Part C.3.a – the applicant indicates that they are within an area located within a GEIS study area (Western Clifton Park GEIS Study Area).
5. Part D.1.b - The applicant indicates that the action will disturb +/- 1.5 acres of land. The proposed action will create discharge from point or non-point sources. As such, it will be subject to the NYSDEC Phase II Stormwater Regulations and General Permit GP-0-20-001. Therefore, a full SWPPP will be required that addresses water quantity and quality controls. As the project proceeds through the Town's regulatory review process, a fully conforming SWPPP shall be provided for review.
6. Part E.2.h - 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 other waterbodies.
7. Part E.2.l – The response indicates that the project site is located over, or immediately joining a Principal Aquifer, Sole Source Aquifer (Schenectady-Niskayuna SSA).
8. Part E.2.o - The report indicates that the project site may contain species of animals or associated habitats, listed by the State or Federal government as threatened or endangered, including the Karner Blue and Frosted Elfin. The applicant will need to provide correspondence from the permit staff at the NYSDEC Region 5 Office to confirm the presence or absence of the listed species and for any permit considerations. The applicant should also provide correspondence from the NY Natural Heritage Program to confirm the presence or absence of rare plants or animals and significant natural communities as well as the US Fish and Wildlife Service IPaC database.
9. Part E.3.e- The response indicates that the project site is located within or adjacent to an area designated as sensitive for archeological sites on the NY State Historic Preservation Office (SHPO) archeological site inventory. The applicant should provide a

correspondence letter from SHPO to confirm the presence or absence of archeologically sensitive resources.

10. Part G – A signed FEAF is required.

SITE PLANS

11. The project is located within the Town's Hamlet Mixed Use (HM) zoning district. The proposal for a convenient store is a permitted use within the HM District as noted in Section 208-43.2 of the Town's Zoning, however a liquor store does not appear to be a permitted use within the HM District, this should be verified by the Town's Zoning Officer.
12. Based upon a review of the lot configuration, it appears the minimum bulk lot requirements as identified in Section 208-43.3 of the Town's Zoning are satisfied.
13. Provide a site statistics table showing the space and bulk requirements as identified in Section 208-43.3. Information should include the standard and what is being proposed for each.
14. The existing conditions plan should show the parcel in its entirety.
15. The Site Plan shall show the extent of the L-C boundaries pursuant to Section 208-69.1 of the Town Zoning.
16. Show the setback lines on the drawing that also account for the special setback requirements from Riverview Road and NYS Route 146 as defined in Section 208.98 of the Town's Zoning.
17. The site plans shall note the individual/firm that completed the wetland delineation and date of delineation being completed. Verify if the wetlands are under the jurisdiction of the USACOE or NYSDEC. If a Jurisdictional Determination needs to be obtained, a copy of the official correspondence from the permitting agency should be provided to the town.
18. Provide a narrative on how the parking spaces were derived utilizing Section 208-99 of the Town code.
19. Show where snow storage is being provided within the project site
20. The applicant should consider pedestrian accessibility from NYS Route 146 and/or Riverview Road.
21. Should there be a plan for exterior storage of propane for sale, show its location. Depending upon its location, appropriate barrier protection shall be shown.
22. 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. Please note that the Town of Clifton Park utilizes the 2024 Stormwater Design Manual for design purposes.
23. The proposed use is identified as a stormwater hotspot pursuant to Table 4.3 of the New York State Stormwater Management Design Manual and extra precautions are required in the design of the proposed facilities. This information must be included within the SWPPP.
24. 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.

25. The submitted information indicates the project is proposing to connect to an existing sewer main(s) within close proximity to the parcel. These mains are owned and operated by the Town of Clifton Park Old Nott Farm Sewer District and Town of Glenville. It is recommended that the Town be furnished with documentation that the Town of Clifton Park and the Town of Glenville is willing and capable of providing sanitary sewer service to the project.
26. Provide an engineering water and sewer report identifying the proposed services to the site with anticipated usage.
27. Subsequent plans should label all inverts (in and out) for the sanitary system components (i.e. manholes, grease trap, pump stations).
28. Show how roof drainage is being captured and routed to the on-site stormwater system.
29. Future plans shall incorporate an illumination plan showing footcandle values.
30. 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 91, the findings of the study should be provided to the Saratoga County DPW for input.
31. Provide notation on subsequent plans indicating that all work proposed within the Riverview Road right-of-way are subject to a highway work permit issued by the Saratoga County Highway Department.
32. Subsequent submissions should include architectural renderings of the building along with identification of materials of construction.
33. Subsequent submissions should include a landscaping plan per Section 208-40 of the Town code.
34. 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 closes 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.
35. 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:

8/13/24

No public comments.

Planning Board Review:

Ms. Bagramian asked how much wetlands are on the property. Mr. Trunko stated there are 2.7 acres.

Mr. Ophardt asked the applicant how one would get to the site if there was a trail connection. Mr. Trunko said they would construct a small bridge to cross the drainage area.

Ms. Bagramian stated she is leery with all of the site's wetlands and a proposed gas station. Mr. Trunko stated that they can grade the site and do a double pre-treatment for all runoff. He stated there would be four pumps that are double sided.

Mr. Ophardt asked where the LC zone is on the property. Mr. Trunko stated he is unsure and he would have to look into this. Mr. Scavo stated if there are wetlands that are DEC then this would be the LC zone but if they are found to be ACOE wetlands then there is no LC zoning.

Mr. Martin stated there are no DEC wetlands and asked if this was correct and they were delineated. Mr. Trunko stated that as of right now they are all ACOE wetlands. Mr. Scavo asked the applicant for a determination letter from DEC.

Mr. Ophardt asked the applicant why they are not using the existing easement for access. Mr. Trunko stated the wetland delineation showed an Artisanal well in the wetland in that area. And they feel it should not be disturbed as it feeds the wetlands.

Ms. Bagramian asked if there was a high water table in the site. Mr. Trunko stated there is and there is no basement being proposed here. Ms. Bagramian stated she is struggling with the use due to the wetlands and only one access point near a busy intersection. Mr. Trunko stated they can look at restricting the turns in and out of the site. Ms. Bagramian stated she does also have concerns with site distance and how the entry lines up with the existing Stewart's across the road. Mr. Trunko stated the Stewart's is closer to the intersection than this application and their entrance is before the turning lane for the intersection. He stated a traffic impact study will be done for this application.

Ms. Bagramian stated she believes a liquor store is not a permitted use in the Hamlet Mixed Use zone. Mr. Trunko stated this is the first time he is hearing of this and stated that they felt this was a good capitalism approach to developing the site since there is not residential adjacent to the use. Ms. Marilyn Sehgal, applicant with the LLC, stated that they are open to changing the use if it is not permitted.

Mr. Martin stated he believes that the home on 1643 Balltown Road is eligible for a historical site and stated that if it is then the applicant would need to contact SHPO. Mr. Scavo stated it is

listed and that's why there are traffic signals at the intersection and not a roundabout as part of the prior Rexford Bridge Rt. 146 Replacement Project.

New Business:

#2024-033 64 Van Patten Warehouse Addition Site Plan

SBL: 259.-2-85.1 Proposed Warehouse Addition, 64 Van Patten DR , Zoned: L1 - Light Industrial 1
Status: Preliminary Review Applicant: Fiacco Holdings 64 Van Patten, Consultant: ABD Engineers, LLP - John Hitchcock

Consultant/Applicant Presentation:

John Hitchcock, ABD, stated this application is for the Old Brick warehouse on approximately 6 acres of land. He stated they are looking for a 2,500 sf addition to store inventory here. Mr. Hitchcock stated that this location has become a hub for their inventory. Mr. Hitchcock described the history of the building and stated this was accounted for with the original stormwater design. He stated they have received MJE comments and will address the NYS Fire Code for emergency access and access will be provided.

Staff Comments:

John DeSimone, Fire Marshall, issued a memo:

- Need 20' wide fire access roads on both south and north side of building. Not to exceed 150' in length. If elevation of building exceeds 30' fire access road will need to be 26' wide.
- Existing postal number will remain the same for this project 64 Van Patten Drive. See approved Postal Verification in documents.

Scott Reese, Zoning Administrator issued a memo stating:

- This parcel is located in the L-1 Light Industrial 1 Zone. Per Town Code Chapter 208-64 A. (1) (b) Storage, warehousing or distribution of manufactured products is an allowed use.
- Per Town Code Chapter 208-65 Space and bulk standards B. Lot coverage the green space requirement is 40%. The plans state 35% minimum for green space. Provide images of the existing stormwater management system to verify it can be included in the green space calculations as an aesthetic enhancement.
- Per Town Code Chapter 208-65 C. Verify there is a minimum 25 foot planted buffer along the rear and side property lines. The proposed addition and modified grading along the side property line will require a proposed planting plan to meet this requirement.

Scott Reese, Stormwater Management Technician issued a memo stating:

- Please provide a copy of the referenced Stormwater Management Report - for County Club Acres Office Warehouse - Van Patten Drive - by ABD Engineers & Surveyors, dated April 2, 2003.

- The applicant states that no additional stormwater analysis is required. The applicant shall provide reference to the NYSDEC SPDES General Permit for Stormwater Discharges where this application applies to no further action. Appendix B - Required SWPPP Components by Project Type does not have that referenced for a commercial development.

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 is not necessarily limited to the following:
 - a. Town of Clifton Park Planning Board: Plan approval
 - b. Saratoga County Planning: GML 239-m County Referral
 - c. NYS Historic Preservation Office: Archeological sensitive area
2. Part 1. 12.b. – The response indicates that the project site is located within or adjacent to an area designated as sensitive for archeological sites on the NY State Historic Preservation Office(SHPO) archeological site inventory. The applicant should provide a correspondence letter from SHPO to confirm the presence or absence or archeologically sensitive resources.
3. Part 1. 15 – The response indicates that the project site contains species of plant or animal listed by NYS as rare or as a species of special concern, including the Frosted Elfin and Karner Blue. The applicant should ensure that this response is inclusive of the U.S. Fish and Wildlife Service IPaC tool to ensure no federally identified species of concern
4. Part 1. 17 – The response indicates that the proposed action will create stormwater discharge from point or non-point sources. The proposed project disturbs more than 1 acre and therefore requires coverage under a NYSDEC SPDES permit and/or post-construction stormwater management designed in accordance with the NYSDEC Stormwater Management Design Manual. A project-specific SWPPP shall be submitted.
5. No additional comments.

SITE PLANS

6. The project is located within the Town’s Light Industrial (L1) zoning district. The proposed modifications are to a previously approved use and corresponding site plan. The current plan appears to continue with the same use previously proposed and approved.
7. Based upon a review of the lot configuration, it appears the minimum bulk lot requirements as identified in Section 208-65 of the Town’s Zoning are satisfied.

8. The project will disturb more than 1-acre of land. A new general permit will need to be obtained for this work. 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. Please note that the Town of Clifton Park utilizes the 2024 Stormwater Design Manual for design purposes.
9. Show how roof top drainage from the building addition is to be collected and routed into the site stormwater collection.
10. Identify if any new exterior building mounted or pole mounted light fixtures are being proposed.
11. 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. Section 503.1.1 of the NYSFC requires an approved fire apparatus access road be provided for every facility, building or portion of a building and shall extend to within 150 feet of all portions of the facility and all portions of the exterior walls of the first story of the building as measures by an approved route around the exterior of the building. Confirm that there is adequate fire access being provided for the addition.
 - b. Show or note the location of any required Knox Box associated with the building.

Public Comments:

No public comments.

Planning Board Review:

Ms. Bagramian asked how the stormwater was addressed. Mr. Hitchcock stated it was done back in 2003 but he needs to get documentation to the Board. Mr. Lippmann stated they need a SWPPP and a new permit needs to be applied for since the disturbance is over an acre.

Ms. Bagramian stated that she would feel more comfortable waiting to take action tonight until she can see proof of permits. Mr. Ophardt stated he agrees.

Mr. Scavo stated that the applicant needs to look at the buffer with the church and if trees need to be removed some should be replaced. Mr. Hitchcock stated they will look at what needs to be removed and what could be replaced.

Discussion Items:

None

8/13/24

Mr. Ophardt moved, seconded by Mr. Fantini, adjournment of the meeting at 8:42 p.m. The motion was unanimously carried.

The next meeting of the Planning Board will be held as scheduled on September 10, 2024.

Respectfully submitted,

Paula Cooper

Paula Cooper, Secretary