

9/10/24

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
September 10, 2024

Those present at the September 10, 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:

Mr. Ophardt moved, seconded by Mr. Andarawis, approval of the minutes of the June 11, 2024 Planning Board meeting as written. The motion was unanimously carried.

Mr. Andarawis moved, seconded by Mr. Ophardt, approval of the minutes of the July 9, 2024 Planning Board meeting as written. The motion was unanimously carried.

Mr. Ophardt moved, seconded by Mr. Fantini, approval of the minutes of the August 13, 2024 Planning Board meeting as written. The motion was unanimously carried.

Public Hearings:

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

SBL: 276.-2-33 Subdivide a 5.169+/- acre lot with existing home into 3 lots, Miller Rd, Zoned: R1 – Residential Status: Preliminary Applicant: KLB Enterprises, Consultant: GVG Land Surveyor, PLLC – K. Weed Last Seen On: 07/09/2024

Ms. Bagramian explained the review and approval process to those present, stating that the Planning 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 will be rendered when deemed appropriate.

Mr. Ophardt 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.

Ms. Bagramian called the public hearing to order at 7:08 p.m. The Secretary read the public notice as published in the Daily Gazette on August 30, 2024.

Consultant/Applicant Presentation:

Mr. Pat Jarose stated the application is in the R-1 zoning and meets all requirements. He stated that public water will be provided with a private septic system. Mr. Jarose stated all items from the Planning Board, Town, and Engineer will be addressed and the septic will be designed when the project is built out.

Staff Comments:

The Environmental Conservation Commission and issued a memo recommending:

- The ECC notes per Town Code Chapter 179-8 B. A site analysis map shall be provided with contours, wetlands, etc. The applicant stated per MJ Engineers comment #3 “See letter submitted, no wetlands present.” The letter is from the NYSDEC regarding there

are no State Wetlands present. The ECC requests that the applicant check for ACOE / federal wetlands as well.

- The ECC requests that the Planning Board require an easement for a multi-use trail.
- The ECC requests that the deed includes a statement indicating that there is a 50-foot buffer around the pond prohibiting any fill or excavation.

John DeSimone, Fire Marshall issued a memo stating:

- See in documents approved postal verification document. Existing home addressed 303 Miller. New lots will be addressed 305 and 307 Miller Road. Postal verification will be confirmed with Saratoga County Emergency Services upon planning board approval.

Scott Reese, Zoning Administrator issued a memo stating:

- Per MJ Engineering’s comment letter dated July 5th, 2024, the applicant shall provide written responses to all technical comments provided by Town staff and consultants as part of the next submission.
- Per Town Code Chapter 179-8 B. A site analysis map shall be provided with contours, wetlands, etc. The applicant stated per MJ Engineers comment #3 “See letter submitted, no wetlands present.” The letter is from the NYSDEC regarding there are no State Wetlands present. Was the site checked for ACOE / federal wetlands being present at the site?

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. Per the NYSDEC FAQ about Permit Requirements “Also requiring a permit are construction activities disturbing less than 1 acre if they are part of a larger common plan of development or sale with a planned disturbance of equal to or greater than 1 acre, or activities that are designated by the Department” 9. Define “larger common plan” as used in “construction activity that is part of a larger common plan of development.” A: The Department has provided the following definition: “Larger common plan of development or sale” describes a situation in which multiple construction activities are occurring, or will occur, on a contiguous area. In other words, permit coverage is needed if disturbance of one or more acres is occurring or is anticipated to occur in conjunction with the initial disturbance. Since this parcel is on a contiguous area of the Miller Road Residential Subdivision (9-Lot) that required a Full SWPPP, this project is considered a larger common plan and will require a Full SWPPP.

Jennifer Viggiani, Open Space Coordinator issued a memo stating:

- Recommend that the Planning Board require a 15-foot wide easement (and a note on the final subdivision plans) for future trail improvements along the Miller Road frontage, continuing the pattern from the Millers Hollow Subdivision immediately north, by same builder. There is a pattern of a neighborhood multi-use trail network along Miller Road to the north. Future residents would be then able to connect to town destinations to the north/northeast. The nearest multi-use trail to the north is within Settlers Hill and then crosses over to Cortland Manor and destinations beyond. The Town restored/renovated the multi-use trails in Settlers Hill in 2023. Likewise, future residents would be able to

consider reaching the Historic Grooms Road Tavern Complex to the south. This proposed subdivision is within 1,000 feet of the intersection of Grooms/Miller and Sugar Hill Road, and the town-owned Grooms Tavern is at the southwest corner of the intersection. The Town also now owns the adjacent parcel to the south of Grooms Tavern, and the Historic Grange Building.

- Parkland fees collected for this project could be dedicated to future trails and recreation needs along the Miller Road corridor.

John Scavo, Director of Planning issued a memo stating:

- Vischer Ferry GEIS Fees and Parkland Fees will be collected at the time of stamping the final subdivision plan.
- A draft SEAF Parts II and III is provided for the Planning Board's consideration for issuance of a negative declaration pursuant to SEQRA.

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/SUBDIVISION

2. Identify the date and by whom the wetlands shown on the plat were delineated.
3. Subsequent plans shall identify whether driveway culverts will be required at Miller Road to adequately convey roadside drainage.
4. Provide the proper horizontal separation for the septic system components in relation to the house per NYSDOH Appendix 75A. For example, the septic tank should be at least 10 feet from the house and the absorption field should be at least 20 feet from the house. It appears the absorption field measures 14 feet while the 50% expansion area is only 5 feet from the house.
5. Percolation tests and deep test holes should be performed as a condition of approval to ensure that the on-site septic system is feasible at the location indicated.

Public Comments:

Anthony LaFleche, 21 Wheeler Drive, asked if the applicant could provide a 15' easement for a multiuse path and possible road expansion.

Scott Miller, 31 Miller Road, stated he has no objection to the application, but the multiuse path here seems to be an important reason, and there is already no room to walk a dog on the roadside. He stated that Miller Road has a speed limit of 45 mph and he feels this is too fast. He stated that there has been more commercial traffic between Miller Road and Waite Road and asked if they would consider dropping the speed limit to 30mph and until paths are created if they could restrict the roadway to local traffic as was done on Waite Road.

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

Planning Board Review:

Ms. Bagramian asked the applicant if the applicant was comfortable granting the easement. Mr. Jarose stated they are as it was previously discussed at a prior meeting. Ms. Bagramian asked if this was a county road or if it belonged to the Town. Mr. Scavo stated it is a Town Road and the can review the speed of traffic and then go through the Highway Supervisor and Highway Safety Committee for recommendations.

Mr. Ophardt asked if the path would be contiguous with the existing path. Mr. Scavo stated it should be. Mr. Ophardt asked if a speed trailer could be placed in the area. Mr. Scavo stated it could be and then look at the data from it.

Mr. Andarawis asked if the comment about the Common Plan from Mr. Reese has been looked at. Mr. Scavo stated that if a general permit is issued and the runoff does not change, it is fine. Mr. Jarose stated that when the applicant applied for 9 lots, they did not have this property yet, but they do now. Mr. Jarose stated that the development entities are separate.

Mr. Ophardt asked if there would be septic separation. Mr. Jarose stated they would be, culverts will be put in and homes are pushed back from Miller Road as of today. Mr. Jarose showed the map of the application. Mr. Ophardt asked if the applicant could stay away from the proposed path. Mr. Jarose stated they will be far enough from it.

Ms. Fariello asked if the applicant has heard back from ACOE. Mr. Scavo stated that the ACOE has a period of time to respond to the application and they tend to only respond if there is a concern and if not they let their time expire. Mr. Jarose stated there is no ACOE wetlands on the property.

Mr. Andarawis offered Resolution No. 13 of 2024, seconded by Mr. Ophardt to waive the final hearing for this application for the Miller Road 3 Lot Subdivision (Boni) approval 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.

Conditions:

1. Sign off by Town Designated Engineer
2. Sign off by Stormwater Management Officer

Roll Call:

- D. Bagramian - yes
- E. Andarawis - yes
- E. Ophardt - yes

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H. Fariello - yes
K. Martin – absent
M. Fantini - yes
L. Westrick - yes

Ayes 6

Noes: 0

The resolution is carried.

Old Business:

#2023-013 Fire Road Gas Station and Mixed-Use Building Redevelopment Site Plan
SBL: 272.9-1-19 4 Fire Road Plaza Redevelopment, revised design submission with drive thru, 4 Fire Rd Zoned: TC3 - General Zone, Status: Revised Preliminary Applicant: Erin Ozbay , Consultant: Lansing Engineering, PC – A. Masullo Last Seen On: 04/09/2024

Consultant/Applicant Presentation:

Mr. Paul Lubera stated this application was approved on April 9, 2024, however a banking tenant looking to go into this location would like a drive-through. He stated that the application is 6,850 sf and they have added a hydrant to the plan as the Town has requested. He stated that a turning radius has been done as well.

Staff Comments:

The Environmental Conservation Commission and issued a memo recommending:

- The ECC is concerned about the global impact of the new traffic pattern that is created with this design. For example, the tight right turn into the drive thru lane from Fire Road, the fact that the handicap patrons would have to cross in front of the drive thru traffic, pedestrians would be crossing by the tight turn in entrance to the drive thru, patrons in the outdoor seating area would be in close proximity to vehicular traffic and possibly risk of injury, increased traffic exiting to Fire Road may back up into the lot. Therefore, the ECC requests a traffic study be updated to include the impact of a drive thru at this location.
- The ECC also recommends increased vegetative buffer along the drive thru that borders Rt 146 to help decrease cross traffic lighting from opposing vehicles in the drive thru that are facing westbound vehicles on NY Rt 146.

John DeSimone, Fire Marshall issued a memo stating:

- Additional fire hydrant will be required on site per appendix C and D of the NYSFC2020
- The current assigned postal number will remain the same for this project. 4 Fire Road Clifton Park NY12065

Scott Reese, Zoning Administrator issued a memo stating:

- Per Town Code Chapter 208-22 4. A. Bank, drive-thru is a permitted use in the TC3 General Zone, where this parcel is located.
- When the building permit is submitted for the proposed building, the floor area for the Gas Station Convenient Store will need to be 5,000 square feet or less.
- The applicant shall provide a comparable list of the applicable Form dimensions and proposed Form dimensions. The Planning Board has the authority to modify dimensional standards Per Town Code Chapter 208-21 (3.)

Scott Reese, Stormwater Management Technician issued a memo stating:

- Applicant will need to obtain all required NYSDOT Work Permits for installation of stormwater outfalls on NYSDOT property prior to construction.
- No further comments other than supporting MJ Engineering's comment letter regarding the Stormwater Pollution Prevention Plan modifications.

John Scavo, Director of Planning issued a memo stating:

- I have confirmed with the applicant's consultant that the prior approved site plan improvements are in the same position on the built-to-line. This site plan amendments modification to prior approvals adds the drive-thru to wrap around the building to accommodate a bank tenant's fit-up requirements without changing other layout features
- Recommend installation of a drive-thru sign with a right-facing arrow placed near the curb cut for vehicles entering the site, providing positive guidance to drivers.
- It appears there is clear and adequate ingress and egress to the drive-thru lanes.
- The drive-thru traffic pattern is arranged in a manner that, in my opinion, best reduces the likelihood of negatively affecting the other proposed areas for parking and pedestrian access within the site.

Professional Comments:

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

STATE ENVIRONMENTAL QUALITY REVIEW

1. No further comments.

SITE PLANS

2. On Sheet EC&D show the clearing of the vegetation along the frontage per the recommendation of the traffic report.
3. A turning analysis should be included with the site plan to demonstrate that vehicles can successfully enter and make the turn to go around the building.

STORMWATER POLLUTION PREVENTION PLAN

4. Provide a completed eNOI to the Town for review.
5. Since it appears the on-site stormwater management facilities will be privately owned, this shall be acknowledged in the SWPPP and a maintenance agreement and easement for access executed with the Town of Clifton Park will be required
6. The SWPPP shall include documentation that the project is eligible for permit coverage pursuant to Part I.F.4 of the General Permit with respect to threatened and endangered species. This includes both listed state and federal species.

7. The SWPPP shall include documentation that the project is eligible for permit coverage pursuant to Part I.F.8 of the General Permit with respect to historic properties. This includes archeological and cultural resources.

Public Comments:

No public comment.

Planning Board Review:

Ms. Bagramian asked the applicant to review vehicle stacking provisions on the proposed layout. Mr. Ozbay, owner, stated there is not much stacking. He stated there will be a drive-up ATM and ITM and one car per transaction, per lane, with a bypass lane on the outside.

Mr. Ophardt asked how pedestrians would access the bank. Mr. Ozbay stated there is no rear to this building proposal, so the entire perimeter is a store front, but the parking is to the rear of the property, where the bank patrons would park. He stated that the convenience store is 4,000 sf and the rest will be the proposed bank. Mr. Ozbay stated there is a sidewalk for pedestrian access around the building to the side entrance. Mr. Scavo stated the gas station will have their own stand-alone ATM for public use.

Mr. Ophardt asked if the truck turning radius could be shown. Mr. Lubera showed the map on the screen. Mr. Ophardt asked what the width of the island, the window, and the canopy size are. Mr. Lubera stated he can look into the window but the canopy is 9' high and 10' in length. Mr. Ophardt suggested showing it to the Clifton Park Fire Department so that they can ensure proper response.

Mr. Andarawis stated he has concerns about parking for the bank and that pedestrians must cross drive-through lanes. He stated that he feels this is the wrong direction for an application in the TC3 zoning and the drive-through conflicts with screening on 146. Ms. Westrick stated there is no place to park along the building. Mr. Andarawis stated the visuals before this masked the parking and the front façade was facing the road and now there is significant blacktop which is moving away from the TC goals.

Ms. Bagramian asked for the elevations for the new proposal. Mr. Lubera stated they are currently working on them but are not available. Mr. Andarawis stated they are important from 146 and he would like a side-by-side of what is currently proposed and what was approved. Mr. Lubera stated he feels the view from 146 would be the same with 10' of blacktop. Mr. Ozbay stated he has a hard green thumb on this so it will look nice and he plans to keep the same look on 146. Mr. Ozbay stated there is more blacktop, but the building size has decreased. Mr. Ophardt stated he agrees with Mr. Andarawis that visuals are important here

Mr. Ophardt asked if this is a less intense use than before. Mr. Lubera stated it is much less. Mr. Scavo stated a drive-through is permitted here but if the permitted use increases the traffic intensity, then it warrants a review by the Planning Board for site plan considerations

Old Business:

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

SBL: 276.-1-34.2 24 Lot Subdivision (Dingley), 68 Droms RD , Zoned: CR - Conservation
Residential Status: Revised Preliminary Applicant: Erik Kohler Homes LLC, Consultant: EDP – J. Dannible Last Seen On: 07/09/2024

Consultant/Applicant Presentation:

Joe Dannible, EDP, stated he is here tonight for the Orchard View subdivision and he is also here with Eric Kohler of Kohler Homes and the applicant's attorney. Mr. Dannible stated SEQR has been concluded and the Public Hearing has been closed. He stated they are here tonight with the information requested from the Board in July. Mr. Dannible stated the parcel is about 100 acres in the CR zone on the south side of Droms Road. Mr. Dannible showed a map of the wetlands, ponds, homes and surrounding areas and stated that they looked at the stakeholder's goals and the owner is keeping a portion of the land adjacent to the subdivision. He stated the Dingley's would like to keep the land as open space with an agricultural use and the land is also adjacent to existing farmland. Mr. Dannible stated there are two farm fields on the property, and he identified the areas on the map as well as the area for development. Mr. Dannible stated the owners wish to keep a viable farm and therefore, 50 acres will be preserved along with the DEC wetlands that are on the property. Mr. Dannible stated that they tried to come up with mitigation for the view shed, and they had previously developed a faux orchard with lot one but the Planning Board did not respond well to this, so they changed the faux farm to face Droms Road and the home was pushed back with a turnaround and possible barn being shown with the home. Mr. Dannible stated that per the Fire Marshall's request, they removed a boulevard entrance and there is a thick, dense hedgerow along the property boundary with Riverview Orchard that is about 83' wide at its thinnest. He stated that no trees are closer to the hedgerow than 100' and he showed views from the Dingley property looking into the hedgerow. Mr. Dannible stated they were provided with an alternative layout by a resident, Bill Connor and he thanked him for the plans but stated they do not meet the code in several ways. Mr. Dannible stated that he received a letter from the Zoning Administrator stating that the land layout the applicant has created is code compliant. Mr. Dannible stated that they have a single point of access with over 18 homes and the Planning Board has the ability to grant waivers for this and gave examples as to why. Mr. Dannible stated the property has protected land on two sides and wetlands on the other, with Town-owned land adjacent to this location as well. Mr. Dannible stated they are proposing 500' between hydrants and a cul-de-sac for smoother transitions for fire trucks. He stated NYSFC

states that over 30 lots are need to require a second access, Town regulations state more than 18 lots and the applicant is asking for the waiver tonight. Mr. Dannible stated the center line radius is 100' and the requirement is less than 300'. He stated no tangent sections are being proposed. Mr. Dannible stated several lots have less than 80' in the alterantive design offered by the Open Space Committee, such as 16, 17, and 18. He stated that there will be no impact to the wetlands with the applicant's proposal and that the alternative layout shows an increase of 57% in pavement and no accommodations of highs and lows based on existing topography for the stormwater management areas. Mr. Dannible stated the alternate plan that they were provided with also bisects the open space and puts a road in prime farmland. Mr. Dannible stated the applicant's layout in contrast protects open space and farmland. Mr. Dannible stated there is also a potential for water to be brought to certain existing homes along Droms Road as there will be a public water extension for this project. He stated that he is aware that this is a sensitive issue and he has heard the concerns of the public and the Town and feels this is the best layout. Mr. Dannible stated that he is here tonight for a waiver and a favorable review of the 23 lot subdivision application.

Staff Comments:

The Environmental Conservation Commission and issued a memo recommending:

- The ECC notes that there are no updated responses or adjustments to the current proposal.
- Clifton Park Town Comprehensive Plan has a goal to support “the continued process of farming and agricultural land uses including an agricultural district in the town and all related activities therein.” Riverview Orchards is within the Town’s Agricultural District.
- Town Code 102-1. (C.) states “It is the general purpose and intent of this chapter to maintain and preserve the rural tradition and character of Clifton Park, to permit the continuation of agricultural practices, to protect the existence and operation of farms and to encourage the initiation and expansion of farms and agricultural businesses.”
- The following provisions are in the Town Code: a. 208-16 B. (4) – “Development should support uses compatible with surrounding land uses and to provide and design for adequate buffering of adjoining properties, particularly between agricultural and residential uses.” b. 208-16. B. (3) – “Development should be sited and laid out using conservation-based and low-impact design in support of creative solutions to minimize impacts to open space lands and agricultural lands.” c. Design Guidelines – Riverview Orchards is “part of the agricultural core of working farms in Western Clifton Park that should be protected and buffered from development.” d. Design Guidelines – “In particular, avoid locating new homes near existing farms and farmlands, buffer residential uses from active farms, and avoid fragmentation of core agricultural areas.”
- The Statement of Findings – Western Clifton Park Land Conservation Plan and GEIS (April 11, 2005) states “Development that would impact productive farmland is contrary to the vision articulated in the Land Conservation Plan. Therefore, prime and statewide important farmland should be considered in any subdivision or site plan review process to protect these lands to the greatest extent practicable.”

- The ECC recommends that the Planning Board requests that the applicant provide an alternative design considering the modifications shown on the alternative plan prepared by William Conner. a. The alternative deals with many of the existing objections to the proposed plan. b. The alternative deals directly with the potential public health impact of orchard spray plume. c. The proposed 300-foot buffer in the alternative accommodates the essential dwelling density of the proposed plan prepared by William Conner. d. The alternative plan allows for more than 18 homes by providing a second access point per Town Code 179-25 H.
- In summary, there are feasible alternative designs which will adhere more closely to the design guidelines, minimize conflict and health risk between the farm operation and proposed residential development, and achieve the goals and intent of the conservation residential zone. The ECC urges the Planning Board to delay further consideration until these alternative plans are developed.

John DeSimone, Fire Marshall issued a memo stating:

- All NYS Fire Code Standards are being followed, including the one entry and number of homes allowed in cul-de-sac.
- Street name needed to complete postal verification

Scott Reese, Zoning Administrator issued a memo stating:

- No additional comments from my last review on 7/3/24.

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.

Professional Comments:

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

STATE ENVIRONMENTAL QUALITY REVIEW

1. No further comments at this time.

SITE PLAN

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

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

STORMWATER POLLUTION PREVENTION PLAN

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

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

TRAFFIC

25. We agree with the conclusions in the report.

Public Comments:

Ms. Bagramian stated there is no public hearing tonight, however, the Board was asked to hear from 3 Town Committees regarding this application.

Mr. Dave Miller, of the Open Space Committee stood up and had a raised voice to the applicant. Ms. Bagramian attempted to explain this is not a public hearing. Mr. Miller continued to speak in a disrespectful manor to the applicant and the Chairwoman. Ms. Bagramian had to ask him to remain silent.

Mr. Bill Connor, Open Space Committee, thanked the Board for the opportunity to present comments and recommendations on behalf of the committee and stated they typically look at applications and he is a 12 year member of the Committee. Mr. Connor talked about the viewshed and how it would be negatively impacted and showed photos. He stated he wanted to update them from March and asked for help understanding the CR zoning and requirements. He stated that since 2003 the rationale of the CR code was created and there is a green "C" or belt in the western part of Clifton Park. He showed a map of the areas mentioned. He stated the goal is to protect the areas indicated on the map and then reviewed the governing codes and standards. Mr. Connor reviewed the principles of the CR Zone, Developmental Guidelines, specifically the criteria A-J of the Developmental Guidelines. He stated that this property is in the core of the green "C" and the agricultural map. He stated Riverview Orchards and King Crest Farm are also permanently preserved agricultural land in the area. Mr. Connor quoted the guidelines that's intent was to keep residential areas away from the agricultural areas. He stated he feels this proposal is doing 3 things the code says not to do. Mr. Connor stated that the alternative plan was developed to prove codes can be followed while allowing for site development. Mr. Connor stated he is questioning whether the agricultural land is being protected under the applicant's proposed design. He stated the alternative plan is not set in stone but to help the applicant come up with a better plan that satisfies the concerns of all stakeholders. Ms. Bagramian asked if the alternative plan was stamped by an engineer. Mr. Connor stated it was not. Ms. Bagramian stated that more goes into the work of a site plan development than just a layout. Mr. Fantini asked if this was a concept design only. Mr. Connor stated it is, and he was trying to be clear with concerns and how an alternative design can achieve satisfying the concerns. He stated the plan

he submitted provides a 300' buffer that protects farm and potential residents. Mr. Connor showed a diagram of the soil quality and stated that the best farm land is being proposed to be developed by the applicant. He stated there are insufficient buffers here and he quoted the guidelines with concerns to the residential, and agricultural disturbances. He stated that the Town of Ballston Spa requires 200' separation from a farm to a residential area and stated that deed restricted areas have never been approved by the Planning Board. He stated he feels this is not effective as people will do what they want on their land even if it is open space. Mr. Connor stated that the single access road would also prohibit people from accessing their road in emergencies and he would be happy to work with the Board and the applicant on the proposal.

Lynda Seymour, Co-chair of the Historic Preservation Commission, stated she s here tonight along with other members of the commission. She read from a letter written to the Board in July 2024, the letter is attached to the application file.

John Scherer, Town Historian, stated a lot of what needs to be said has been. Mr. Scherer read from a letter on file at the Town. He stated a building moratorium was put together years ago and they decided to create two zoning regulations to help protect areas like this. He stated that this proposal goes against what was established as Farmers' Rights and that the farms have a right to farm that allows them to use their land as they see fit to the borders and this provides no protection to the residents. He stated that Farm Fest was this weekend while making decisions on this farmland. Mr. Scherer encouraged the Planning Board to vote against the proposed development.

Planning Board Review:

Ms. Bagramian stated that the buffering the Town is silent and read from a letter from the Town attorney and stated that according to stormwater management that spraying needs to be contained to the parcel. Mr. Dannible stated that EPA regulations and state and federal law needs to be in accordance with the label and has to be on the lands and controlled. Mr. Dannible stated that they used a radius of 100' and this is what they should control.

Mr. Andarawis stated he agrees with the Board's concerns and that a buffer is needed.

Mr. Fantini stated that Mr. Connor covered ATVs, trespassing, etc. From neighbors as well as farm noise and they should consider all the reasons for safety, not just pesticides. Mr. Dannible stated the closest home to the adjacent property is 275'.

Ms. Fariello asked how would enforce the hedgerow and that it stays in place. She stated it is mostly on the Dingley property but some is on the orchard property and who would control the no disturbance area. She stated that Clifton Park has a right to farm law, which protects the farms, but she is struggling with a decision.

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Mr. Andarawis stated he feels the only way to control this is to tell farmers they need to cut back 100' of their farm and this is counterproductive. He stated that pesticides are allowed by regulation and quoted the code 208-16 B-4 which calls for buffering between agricultural and residential uses. He stated that this situation was anticipated by the code, and the code states the residential development needs to provide adequate buffering to protect the farm and its ability to operate.

Mr. Fantini stated he feels the 100' is less than what is done in our area and the Town should follow the lead of Ballston Spa and other communities as Mr. Connor mentioned in his presentation.

Mr. Andarawis stated that he too is concerned with the 100' buffer as there are 10 homes along this border.

Mr. Ophardt stated there is thick bramble and woods in the buffer that goes behind the 10 homes and the orchard is not visible. He stated he feels this is ample protection for future residents. He stated that the law says the orchard is responsible for keeping the pesticides on their own land. Mr. Dannible stated that they do need to have control of the adjacent property owner's land

Ms. Fariello stated the owner now is one owner and if the subdivision is approved there would be 10 owners' over portions of the permanently protected open space and feels the deeds won't get read by 10 people or if the property resells the information will not be conveyed to subsequent owners.

Ms. Bagramian stated that they have spoken about split rail fencing before as a visual delineation. Mr. Dannible stated that signage for the buffer area would also be provided.

Mr. Fantini asked why this law is different than other communities. Mr. Ophardt stated pesticides need to be contained on the applicator's property and feels the 100' buffer with the brambles should be sufficient.

Ms. Fariello stated that some of the grass in the yards would be beyond the hedgerow so she would like the 100' buffer with a fence so that people are aware it's not just the hedgerow until it grows in.

Mr. Andarawis stated that the protected land would look different but his concern is controlling 10 separate owners under the restrictions. He expressed concern that the buffer was essentially in the back yard of ten lots. He stated it could be owned by the Town or a single owner. Mr. Wilcox stated it could be enforceable if it is on the property deed.

Ms. Fariello stated that one exit with 18 homes is also a concern questioned if it is even allowable. She stated that from experience, it is not good for providing only one point of access to your home or family even if the emergency is not on your property.

Ms. Bagramian stated the State code supersedes the Town code and International is above the State. Ms. Fariello stated she feels the more restrictive should be followed.

Mr. Ophardt stated that the Fire Marshal has found the applicant's layout acceptable.

Mr. Andarawis stated the Fire Department has their own concerns as well and the Planning Board needs to look at the terminology of extreme circumstances; referencing Town Code 179-29H, before granting a waiver. The applicant's attorney stated they have found cul-de-sacs with over 18 homes on it and they are proposing to preserve land and are also willing to also provide a second egress.

Mr. Andarawis stated there has been no plan presented with a second egress so the impact on lot configuration and stowater due to the addition of impervious surfaces has not yet been assessed and he does not think they can take action without it.

Ms. Westrick stated she would also like a physical barrier to the 100' buffer offered as well.

Mr. Dannible asked for a 5 minute recess to discuss the concessions with his client.

Mr. Dannible stated the applicant is willing to offer the following:

1. Split rail fencing along the entire 100' perimeter from hedgerow to hedgerow.
2. Provide a second access from the lands of Dingley between lots 21 and 22, which will be able to support a 75,000 lb vehicle and be 20' wide
3. Allow Town engineer and staff ample time to review the stormwater management plan and SWPPP
4. Allow Town engineer and staff to review the emergency vehicle access proposed for design compliance
5. Deed restriction language for the permanently protected open space will be reviewed and approved by the Planning Board Attorney.

Mr. Ophardt offered Resolution #14 of 2024, second by Ms. Bagramian, to waive the final hearing for the application for the 24 lot subdivision of 68 Droms Rd (Master Parcel + 23 new residential Lot), and to grant preliminary and final subdivision approval conditioned upon satisfaction of all comments provided by the Planning Department, Town Designated Engineer, and all items listed in the final comment letter issued by the Planning Department.

Conditions:

1. Split rail fencing along the entire 100' perimeter from hedgerow to hedgerow.
2. Provide a second access from the lands of Dingley to lots 21 and 22 which will be able to support a 75,000 lb vehicle and be 20' wide
3. Allow Town engineer and staff ample time to review the stormwater management plan and SWPPP
4. Allow Town engineer and staff to review the emergency vehicle compliance

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5. Deed restriction language will be reviewed and approved by the Planning Board Attorney.

Roll Call:

D. Bagramian - yes
E. Andarawis - no
E. Ophardt - yes
H. Fariello - no
K. Martin – absent
M. Fantini - no
L. Westrick - no

Ayes 2

Noes: 4

The resolution is not carried.

Mr. Andarawis stated he would like the applicant to go through the verbiage that would be found on the deed. Mr. Dannible stated it was provided in June or July for Planning Board review and stated no removal of vegetation will be required and the developer must use signage to indicate the areas.

Ms. Fariello asked who would maintain the split rail fence or signs. Mr. Dannible stated it is within the restricted space and it will be on the deed that it should be maintained and not removed.

Mr. Fantini stated this does not address noise, dust, etc. from the orchard going to this property. MS. Bagramian stated this is discussed in the Right to Farm Law. Mr. Dannible stated the Right to Farm Law will be included in the deed.

Mr. Fantini stated the 100' buffer will set precedence. Ms. Bagramian stated only the Town Board can adopt a resolution to change the buffer regulations. Mr. Fantini stated they need to protect both the farm and the residents and he feels a larger buffer would be more acceptable and moving forward all new applicants should use the 100' buffer as well.

Mr. Andarawis stated he has not heard the verbiage to have the buffer and exclusion zone. He stated he feels it needs to meet the intent and has to have a no-enter clause. He stated he does not know how the EPA regulations are met without restricting the land owners. Mr. Andarawis stated they are arguing buffers vs. development rights and they need to find how to allow the farm to farm but keep the community safe.

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Mr. Fantini stated he is giving his argument as to why he does not agree with the applicant and his stance for his vote if challenged in court.

Ms. Fariello stated that if the split rail was offered with the 100' buffer with one owner she would feel more comfortable. Mr. Ophardt stated he feels that 100' wide strip 1,000' long does not seem manageable. Ms. Westrick stated she feels there is no way to enforce the buffer.

Mr. Fantini stated he feels the best option would be to follow the lead of other Towns in New York State and a 200' buffer would be best.

Ms. Westrick stated she appreciates the concessions the applicant has offered. She states it is in the right direction but not far enough. She stated she still has concerns of buffering being policed and foresees them as not enforced even though it is for the residents' own benefit. She stated the applicant could also drop 1-2 lots to help and hold ownership of the buffer area within the remaining Dingley Farm.

Ms. Fariello stated she has the same concerns as Ms. Westrick. She stated she would have been a no vote for the access road alone but looking at the Right to Farm and preserving Western Clifton Park as well as keeping people off their own land was hard.

Mr. Andarawis commended the applicant for moving in the right direction but he still questions the buffer and the applicant has still not addressed the 208-16 B4 code when trying to preserve land.

Mr. Fantini stated buffers should account for more than pesticides such as dust and noise, he feels if other Towns have the 200' minimum then Clifton Park should as well. He stated he feels having a buffer owned by a landowner is not a good idea and it should be Town owned.

Mr. Fantini offered Resolution #14 of 2024, second by Ms. Westrick, to waive the final hearing for this application for the 24 lot subdivision of 68 Droms Road, and to deny approval for this project.

Roll Call:

- D. Bagramian - no
- E. Andarawis - yes
- E. Ophardt - no
- H. Fariello -yes
- K. Martin – absent
- M. Fantini - yes
- L. Westrick - yes

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Ayes 4

Noes: 2

The resolution is carried.

Lisa Wstrick – while the applicant provided concessions over the past few months, and the project appears to be heading in the right direction, the project did not evolve far enough to address significant concerns about policing and enforcing the buffer through deed restrictions. This assertion is based on the Planning Board Members’ experience with seeing numerous past deed restriction examples not enforced, knowing the biggest benefit is to the future homeowners with some benefit offered to the adjacent property owner from a restrictive buffer. The Planning Board Member noted that there were one or two ways to give a little bit more of a buffer, such as dropping one or two lots from the plan and also doing a type of concession for the ownership of the land under the buffer restriction was the areas not satisfied.

Heather Fariello – Agrees with the statements offered by Planning Board Member Westrick. Without the concession at the meeting for providing the second access the Planning Board Member noted she was prepared for a hard no on the single access basis alone. Ms. Fariello noted while she likes the split rail fence concession, the Planning Board is charged with preserving the western portion of the Town and agricultural resources, and the right to farm and felt the buffer falls short in a control mechanism for preventing people from going onto the area in a manner that would elevate such incursions as considered trespassing and that is where she cannot support a vote to approve.

Emad Andarawis – commends the applicant for the ongoing concessions and improvements in the plan’s evolution. However, where he is hung up is the buffer question specifically to sufficiently address what Section 208-16 B(4) of the Town’s Zoning Code intends to accomplish in terms of: development should support uses compatible with surrounding land uses and to provide and design for adequate buffering of adjoining properties particularly between agricultural and residential uses. Therefore, the sufficiency of the buffer and the enforcement of the restriction against the requirement of 208-16B(4) and the adequacy of each to protect agriculture is the basis for his no vote.

Mario Fantini – elaborated on his assertion that buffers are more than just for addressing pesticides and are supposed to account for trespassing, agricultural noise, dust, and odors. Therefore, the reasoning for the no vote includes all such considerations that buffering provides. Secondly, Planning Board Member Fantini also noted several Towns have at least 200’ buffer requirements, and there wasn’t a discussion by the applicant about why this application and its buffer to an active farm is different from the other buffer mandates from Towns near Clifton Park and elsewhere in New York State. Planning Board Member Fantini also expressed that having the buffer owned by multiple individual landowners was not the best solution and agreed

with the assertion made by the Town's Open Space Committee that such a mechanism was the worst option of the guidelines. Mr. Fantini did note that if the buffer was maybe town-owned and 200' it would have been consistent with what he was looking for and consistent with other Towns.

New Business:

#2024-035 216 Sugar Hill Rd Solar Array (5MW) Site Plan & SUP (Cotton)

SBL: 282.-1-10.1 5MW Solar Array, 216 Sugar Hill RD , Zoned: CR - Conservation Residential, Status: Concept Applicant: Cotton Solar 1, LLC, Consultant: Creighton Manning – T. Rosencranse

Consultant/Applicant Presentation:

Travis Rosencranse with Creighton Manning stated he is here tonight representing the applicant. He stated the company is based in Troy with 600 projects to build 3,000mW of renewable energy. He stated this application is for a 5mW solar array with mounted panels that are stationary. He stated this is around prime farmland and a Prego project. He stated he has received comments but only earlier today so they have not yet been addressed. Mr. Rosencranse stated there are wetlands on the property to the south and the access road was propped to the north but now there are wetlands found in the area so they are looking to see where the access can be relocate to and this will be submitted with the next application. He stated no critical habitat has been found and most of the land has already been cleared for farming but some tree clearing will be done. Mr. Rosencranse stated there would be between 5,00 and 8,000 panels installed and fencing would surround them. He stated he would like to finalize the access road so it is virtually unseen from the road and they are looking for different options for the access road.

Staff Comments:

The Environmental Conservation Commission and issued a memo recommending:

- The ECC notes this project is in Agricultural District 2 and is situated on prime agricultural soils. Per Town Code Chapter 208-80 C. (12) Any Tier 3 solar energy system located on the areas that consist of prime farmland or farmland of statewide importance shall to the maximum extent practicable avoid disturbance of these most valuable/productive farmland soils. It is the opinion of the ECC based on the Saratoga County Map Viewer that the project does not avoid the most productive farmland soils.
- The proposed plan places solar panels on an unspecified quantity of wetlands. These wetlands are within 5+/- miles of the Vischer Ferry Nature and Historic Preserve which is classified as an important bird area by Audubon New York. By placing these solar panels of the wetland area it is highly likely that an important migratory bird habitat will be impacted. The ECC recommends that this portion of the solar field be eliminated.

- The Project Narrative states that a “Wetland and Stream Delineation Survey Figure 1” (Wetland Report) was prepared by LaBella Associates, P.C., June 2024. This document is not in the submission package as seen by the ECC. Please provide this information.
- The ECC notes that the project proposes placement of solar arrays in an ACOE wetland. If this project were to be approved by the Planning Board, in order to minimize disruption to this ecological area, the ECC requests that the solar arrays be placed on technic posts. This practice has been utilized in other solar projects located in wetlands in Clifton Park.
- The ECC notes its concern with the 1,000-foot access road as well as overall access to the project with maintenance equipment and or emergency vehicles. The scope of need to create roads for this project will certainly impact prime agricultural lands as well as precious wetlands.

John DeSimone, Fire Marshall issued a memo stating:

- Fire Access Road needs to be extended and modified due to length. (see modified access road request in documents)
- Please specify the measurements of the solar aisles
- Existing postal number will be used for this project. 216 Sugar Hill Road.

Scott Reese, Zoning Administrator issued a memo stating:

- The project is located within the Town’s Conservation Residential (CR) zoning district. Pursuant to Section 208-16(D)(3)(a) [22] of the Town’s Zoning, ground or pole mounted solar arrays are permitted under a special use permit.
- The Planning Board shall review the proposal following the criteria outlined in Section 208 -79(E) of the Town’s Zoning as it relates to the special use being requested.
- The existing lot appears to meet the bulk lot requirements of the CR District pursuant to Section 208-16(E) of the Town’s Zoning.
- The project narrative describes that this proposal is a 5.0 MW AC Ground Mounted Community Solar Farm. Per Town Code this is a Tier 3 solar energy system. This proposal meets Town Code Chapter 208-80 C. (2) the required setbacks are 100 feet from all property lines.
- This project is in the Agricultural District 2. Per Town Code Chapter 208-80 C. (12) Any Tier 3 solar energy system located on the areas that consist of prime farmland or farmland of statewide importance shall to the maximum extent practicable avoid disturbance of these most valuable/productive farmland soils. The applicant shall describe how this is being addressed.

Scott Reese, Stormwater Management Technician issued a memo stating:

- Stormwater and erosion & sediment controls will be needed for the access road for this project.
- Will there be a Fire access, maintenance vehicle access around the perimeter of the solar field fenced area? If so, how will that be constructed, what impacts will it have on the existing wetlands in the area?

The Trails and Open Space Subcommittee issued a memo stating:

- No comments at this moment. We may request 15 feet setback for future all-purpose trail/f

Jennifer Viggiani, Open Space Coordinator issued a memo stating:

- This project is immediately adjacent to Riverview Orchards / Lands of Isabel Barrett-Prescott, and the Town of Clifton Park's Deed of Permanent Conservation Easement on 87 acres of Riverview Orchards for permanent protection of the farmland.
- This project is proposed appears to impact Prime Farmland, Prime Farmland if drained, and farmland of statewide importance, per the attached Agricultural Soils Map. The public vision for Western Clifton Park is to avoid impacting Prime Farmland to the extent possible.
- This property is enrolled in the Saratoga County Agricultural District #2, and is surrounded by active farmland in the Agricultural District: 282.-1-69.1; 282.-1-10.2; 282.-1-27.1; 282.-1-28.12; 282.-1-30.111 among others.
- The Agricultural Data Statement is missing active farm operations on the Hicks Farm properties on Sugar Hill Road, and it also appears that Bowman Orchards may be within 500 feet, also located on Sugar Hill Road.
- The EAF should be updated to include that the proposed project is YES within 5 miles of the Mohawk Towpath National Scenic Byway, less than 1 mile away that extends along the entire Riverview Road corridor within the Town of Clifton Park. This is an established scenic byway. <https://www.mohawktowpath.org/directions/>
- Development in Western Clifton Park should follow the Western Clifton Park Design Guidelines in the adopted Western Clifton Park Land Conservation Plan and GEIS.
- Where will the electrical connections be made to the existing power lines in the project vicinity? Will the new electricity flow towards Riverview Road via the adjacent, separate solar array on the Hicks Property; or will there be new connections and poles needed/added along Sugar Hill Road? What will the detailed conditions be for additional poles, where will these be sited; how will this impact the visual, scenic resources of Riverview Road or Sugar Hill Road? What will be the visual impacts for the residents along Sugar Hill Road?
- An alternative, efficient layout that the board could consider inquiring about would be for the applicant to look at interconnecting electrical connections and service road connections to the existing new service road and new electrical connections on the adjacent Hicks parcel with a different solar company, to mitigate the potential environmental impacts of having to build a new service road and extend new lines to Sugar Hill Road. This could also potentially reduce impacts to prime farmland soils as well.

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.
- Once the SEQR review is concluded, a public hearing to consider the special use permit can be conducted.
- The solar field fence should provide a provision for a 6-inch wildlife gap from the bottom of the chain link to the ground elevation.
- Additional comments will be provided based on future reviews of more detailed plans as the project advances in the review process.
- The action appears to be a Type I action under SEQRA. Therefore, the applicant has submitted a FEAF Part I for the Planning Board's consideration. The applicant also stated

that amendments to the FEAF will reflect additional and missing information as design and field investigations advance.

- The Planning Board should make a motion to declare its intent to seek lead agency status in connection with a coordinated review of the project under SEQRA and acknowledge that Town Planning Staff will forward notices to all involved /interested agencies requesting their consent to the designation of the Planning Board as the lead agency for the environmental review of this project. As a Type I Action, coordinated review is required.
- Interested and involved agencies include the Clifton Park Planning Board, Saratoga Co. Planning Board, NYSERDA, DEC, and the U.S. Army Corps of Engineers.
- Under the FEAF Part I Section C.1 (a). Planning and zoning actions. Do any municipally-adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located? Amend the answer from No to Yes and reference the Town of Clifton Park's Western Clifton Park GEIS, which identifies this parcel and other privately owned parcels as priority parcels for permeant conservation easements
- I appreciate the citing of the array in an area of the property that minimizes visibility from Sugar Hill Road to best preserve the scenic vistas called out with the Town's Wester Clifton Park GEIS.
- The area has existing logging roads present from timber harvest activities over several decades. The applicant should confirm if these logging roads provide access in a manner that minimizes new disturbances for accessing the array from Sugar Hill Road. Based on visual observations it appears so but verbal confirmation by the applicant at the Planning Board Meeting is helpful.
- The parcel is in Conservation Residential Zoning District (CR) per Town Code 208-16 D. (3)(a)[22] Tier 2 and Tier 3 solar energy systems, subject to the requirements of Article XIV and XVI is allowed by Special Permit. Special Use Permits require special consideration so that the proposed project can be properly located and planned with respect to the objectives listed in Town Code Chapter 208-79 and their effect on the surrounding properties and community character.

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 a "Type 1" action per 6 CRR-NY 617.4.(b)(6) and 617.4.(b)(8). Any nonagricultural use occurring wholly or partially within an agricultural district (certified pursuant to Agriculture and Markets Law, article 25-AA, sections 303 and 304) and exceeds 25% of any Unlisted Threshold is subject to a Type I Action. If the Planning Board is to request Lead Agency status under SEQRA, the need to undergo a coordinated review is required. 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: Special use permit, site plan review, and SEQRA

- b. Saratoga County Planning: GML 239m referral
- c. NYS Historic Preservation Office: Archeological survey
- d. NYS Department of Environmental Conservation: Wetland Permit
- e. U.S. Army Corps of Engineers: Wetland permit
- f. NYSEG: Utilities Connection

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 1. D.1.b(b) – The applicant does not indicate the number of acres to be disturbed. If the project is to disturb over one (1) acre, the project will be subject to the NYSDEC Phase II Stormwater Regulations and General Permit GP-0-15-002. 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.
4. Part D.2.b – The applicant indicates the proposed action would result in wetland disturbance. The applicant is currently undergoing a Joint Application for wetland disturbance with the NYS DEC and ACOE. The applicant shall provide any written correspondence to the Planning Board and its professional staff
5. 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
6. Part E.2.1 – The response indicates that the project site is located over, or immediately joining a Principal Aquifer, Sole Source Aquifer (Schenectady-Niskayuna SSA).
7. Part E.2.o – 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 Northern Long-Eared Bat. 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. Correct check box to indicate there is a listed species.
8. Part E.3.a – The response indicates the project site is located in a designated agricultural district, SARA002. Any nonagricultural use occurring wholly or partially within an agricultural district (certified pursuant to Agriculture and Markets Law, article 25-AA, sections 303 and 304) and exceeds 25% of any Unlisted Threshold is subject to a Type I Action.
9. Part E.3.f- 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. The applicant shall provide an updated EAF with all questions completed and signature included.

SITE PLANS

11. The project is located within the Town's Conservation Residential (CR) zoning district. Based upon information provided by Town staff, it is understood that the proposed use and permitted under a special use permit.
12. The Planning Board shall review the proposal following the criteria outlined in Section 208-79(E) and 208-80 of the Town's Zoning as it relates to the special use request.
13. Provide a site statistics table identifying the minimum bulk lot requirements are being satisfied.
14. The site plans shall note the individual/firm that completed the wetland delineation and date of delineation being completed.
15. The site plans indicate a combination of tree cutting and stump removal and permanent improvements within the USACE wetlands. The applicant shall provide the Town with all permitting associated with work within the USACE wetlands.
16. In the areas where the solar arrays or access road are in close proximity to the property line, applicant shall consider additional landscaping to buffer views from neighboring properties.
17. Subsequent submissions shall show how site disturbances will occur without exceeding 5-acres of ground disturbance at one time.
18. 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.
19. The proposed access road is shown only to the concrete pad area and not throughout the arrays. The applicant shall provide acceptance from the local fire jurisdiction as they have the authority to require supplementary requirements.
20. Provide the turning movements of an emergency vehicle along to access road to verify the road widths are adequate.
21. Provide a decommissioning plan to the Town for review.
22. Considering this plan is conceptual in nature, subsequent comments will be provided with a preliminary plan submission.

Public Comments:

No public comments.

Planning Board Review:

Mr. Fantini asked why the applicant is not proposing rotating panels. Mr. Mark Nelson, SolSource, stated they would lose capacity.

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Ms. Bagramian stated she has concerns with solar in the CR zone and prime farm lands. Mr. Rosencranse stated they chose this because there is solar next door. Mr. Nelson stated this is relatively small looking at what is next door to this application and National Grid is getting full.

Mr. Andarawis stated he likes solar and like the CR zoning but he feels they are in conflict. He stated that this parcel was considered for permanent conservation through a transfer of development right, but in the absence of this option solar may be a less intensive use than other development options.

Mr. Ophardt asked if this can be put elsewhere on the parcel where there is less prime farmland. Mr. Resencramsp stated the entire property is prim and they are using it for hay farming now. He stated that they are within accordance of the agricultural and market guidelines for disturbance. Mr. Ophardt asked what the gain would be to cut 60 acres of trees for 60 acres of panels, where would the birds and wildlife go. Mr. Nelson stated nothing is being removed and there is minimal grading. He stated they will be working out plans to address the concerns of the Board and Town Staff.

Mr. Andarawis stated visuals from the access road would be important and some posts for transfer are better than others. He stated that some previous projects have utilized road turns to help hide the utility poles and that a prior project used ground pad equipment to reduce the number of poles. He sated he would also like to see data spec sheets for the panels as well.

Discussion Items:

None

Mr. Andarawis moved, seconded by Ms. Fariello, adjournment of the meeting at 11:26 p.m. The motion was unanimously carried.

The next meeting of the Planning Board will be held as scheduled on September 24, 2024.

Respectfully submitted,

Paula Cooper

9/10/24

Paula Cooper, Secretary