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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
October 8, 2024

Those present at the October 8, 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 Ms. Westrick, approval of the minutes of the September 10, 2024 Planning Board meeting as written. The motion was unanimously carried.

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Mr. Andarawis moved, seconded by Mr. Ophardt, approval of the minutes of the September 24, 2024 Planning Board meeting as written. The motion was unanimously carried. Ms. Westrick abstained.

Ms. Fariello arrived at 7:03 p.m.

Public Hearings:

None

Old Business:

#2023-016 1019 Route 146 Gas Station and Convenience Store

SBL: 271.-1-11 Construction of Gas Station and Store, 1019 Rt 146, Zoned: B3 - Neighborhood Business, Status: Final Applicant: M & M Food Mart, Consultant: Nolan Engineering, PLLC – R. Nolan, Last Seen On: 03/12/2024

No representative present. Application was not heard.

New Business:

#2024-037 675 Mac Elroy Rd 5 Lot Subdivision

SBL: 258.-2-3.11 Subdivide a 22.22 +/- acre lot with 2 existing homes into 5 lots, 675 Mac Elroy RD Zoned: CR - Conservation Residential, Status: Concept Applicant: C&J Property Holdings, LLC, Consultant: GVG Land Surveyor, PLLC - K Weed

Consultant/Applicant Presentation:

Pat Jarosz, Van Guilder, stated he is representing the application for a 5 lot subdivision of a 22.22 acre parcel in the CR zone. He stated the largest lot is 19.73 acres which will have the existing home and the outbuildings on them. Mr. Jarosz stated the other four new lots would be between 10,000 and 12,600 sf each having a residential dwelling and are zoning compliant meeting bulk and setback standards. He stated less than 5% of the land will be disturbed with this proposal and 300-400 ft of buffer will remain between the existing home lot and the other lots. He stated this will allow the owner to preserve farm land, increase revenue, and will not impact the area and keep the rural feel.

Staff Comments:

The Environmental Conservation Commission and issued a memo recommending:

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- The applicant must indicate on the plan by shading the area of unconstrained land that will be placed in permanent open space as per the Town Code.
- The applicant should indicate whether the permanent open space will be publicly or privately held.

Scott Reese, Zoning Administrator issued a memo stating:

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

Scott Reese, Stormwater Management Technician issued a memo stating:

- The plans show the limits of disturbance and list the area in square feet totaling 36,315 sq ft. (0.83 acres). The limits of disturbance shown do not account for the required grading to pitch away at a 2% slope from residential structures of a minimum of 10 feet (NYS Building Code Chapter 401.3). A grading plan should show that drainage will not impact the 100- foot adjacent area and that surface runoff will not impact the proposed homes.

Jennifer Viggiani, Open Space Coordinator issued a memo stating:

- As part of Conservation Residential Zoning, please provide an existing resources and site analysis plan of the total parcel, and its context, of the natural, cultural and scenic features, that does not show the houses (before adding the house layout) with the resources identified -- to demonstrate to the planning board the logic for the layout that was provided. The following comments highlight the detailed steps in conducting the conservation site analysis as outlined step by step in the Conservation Residential Zoning Code Section 208-16 (E) Standards (13) Conservation Design Layout. The purpose of conducting such a resource analysis is for the applicant to demonstrate significant application and incorporation of the community resource values for Western Clifton Park as developed and presented in the Town of Clifton Park Open Space Plan, the Town of Clifton Park Comprehensive Plan, and the Western Clifton Park Land Conservation Plan and GEIS. Below are highlights of the following resources that "must be mapped and illustrated for the review of the Planning Board:"
- Please show all the contiguous land owned or under option by the owner/applicant. Are there any other adjacent parcels involved? Please show topo lines for the whole site for understanding the total topography of the total property. Contour lines at a minimum of 2-foot intervals are to be shown. Are there locations of slopes in excess of 20% or more, measured over a 50-foot horizontal distance? Please show hills, ridges/ridgelines, and geologic information available.
- As part of the Conservation / Site Analysis, please identify the watershed and watershed boundaries. Please show all lakes, ponds, regulated streams, streams and natural drainage swales. Please label the Cooley Kill stream onsite - labeled - as it is a significant tributary to the Dwaas Kill, a trout stream, and the Cooley Kill's headwaters are in nearby Veterans Memorial Park and Mooney Carrese Forest (owned by the Town of Clifton Park). This property is within the Cooley Kill watershed part of the greater Dwaas Kill Watershed.
- Please show the field delineation and date of the field delineation of the wetlands, of both the NYS Department of Environmental Conservation freshwater wetlands, and their associated 100-foot-wide adjacent areas, and federal jurisdictional wetlands as regulated

by the US Army Corps of Engineers. When was the wetlands delineation and mapping completed, and is there a current jurisdictional determination of the extent of the wetlands?

- Show groundwater aquifers and/or recharge areas
- More detail on streams: Show watercourses, streams and other drainage corridors as classified by the NYS DEC Classification system; and show the town's Land Conservation (LC) Zones on the total parcel.
- Show any flood hazard areas from FEMA Flood Insurance Rate Map, or other site-specific flood elevation determination data if none is available otherwise through FEMA.
- Vegetative cover conditions according to general cover type, including cultivated land, permanent grassland, old field, hedgerow, significant forest, woodlands, wetlands, isolated trees or small groups of trees with a caliper in excess of 12 inches, and the actual canopy line of existing trees and woodlands. Vegetative types should be described.
- Show any designated critical environmental area, and other important unique environmental areas. Show and discuss any habitats of rare, threatened or endangered species.
- Show visually data about agricultural lands: active farmland within a certified Agricultural District in Saratoga County, soils of Prime Farmland, soils of Statewide Agricultural Significance as mapped and available through the USDA, Natural Resources Conservation Service in the Saratoga County Soil Survey, and available digitally.
- Map the nearby PERMANENT Conservation Easement held by the Town of Clifton Park on Tax Parcel #258.-1-43.1, on 59 acres off of Hubbs Road. Map lands and parcels enrolled in the Town's TERM conservation easement parcels that are within 1,000 feet.
- Show lands identified along scenic road corridors as defined in the Town of Clifton Park Open Space Plan, Town of Clifton Park Comprehensive Plan, and the Town of Clifton Park Western Clifton Park Land Conservation Plan and GEIS, adopted by the Town of Clifton Park Town Board.
- Show existing features onsite, the location of all existing and proposed utilities and utility rights-of-way, existing streets, paved and unpaved roads and paths, buildings, agricultural barns, silos, and any other agricultural structures, utilities, remains of buildings and structures, existing homes, stonewalls, fences, and other human-made improvements.
- Historic resources: map the locations of all historically significant sites or structures on the site, and on abutting sites within 500 feet of the site's property boundaries, per the Zoning Code, 208-16. Please share the status of the ages of the remaining buildings on the parcel (which appear to be two houses, barns and other outbuildings). What is the plan for these buildings, and are they historic?
- Proximity to nearest hamlet, existing neighborhood, or proposed neighborhood (please identify the neighborhoods and hamlets).
- Trails: show the existing paths and trails in the vicinity of the total project site. And show the potential trails, bikeways, and pedestrian trails proposed in the Town's Open Space Plan, Trails Plan, Mohawk Towpath Scenic Byway, Saratoga County's Green Infrastructure Plan, or other routes of Town, state, federal or Saratoga County significance. Notably there are public trail networks in the vicinity of this project, and proposed trails nearby.

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- Recreation: adjacent and nearby public parks, nature preserves, park district lands, lakes, ponds, or other Town, County, and/or state recreational areas, resources or opportunities or sites. Please see the town's Open Space Plan and Town's Recreational Master Plan.
- All other boundaries or environmental or other areas to be left undisturbed, and/or protected through conservation easements, deed restrictions, or other encumbrances or other agreements.
- Please show all of this site analysis to the Planning Board for their review and to prioritize the resources to be conserved and for what conservation use. Conservation principles for Western Clifton Park Land Conservation Plan to help assist the planning board with this process are identified and should be reviewed in the Section 208-16 under "Step 2. Conservation Analysis and prioritizing of conservation concepts."
- Ultimately, please know that the term "land preservation area" should be actually labeled as "PERMANENT OPEN SPACE" once the layout of the areas to be conserved are determined through review with the Planning Board. It is the requirement for 50% "PERMANENT OPEN SPACE" that is called for in subdivisions and site plans for projects in Conservation Residential (CR) Zoning District. Please use this specific language that has specific definition in the Town Zoning Code. Further, the 50% required "Permanent Open Space" for CR zoning -- must reflect a quality of the open space - and include the sufficient amount of "unconstrained land" within the 50% Permanent Open Space.

John Scavo, Director of Planning issued a memo stating:

- The proposed project is subject to Section 239 of General Municipal Law and will be referred to the Saratoga Co. Planning Board for a recommendation.
- A note must be added to the plat indicating any work within the Prior to work commencing within the public right-of-way, the property owner shall obtain a curb-cut permit from the Town of Clifton Park Highway Department.
- The application proposes to subdivide four lots totaling approximately 1.03 +/- acres from the overall 22.22 +/- acres parcel.
- A draft of the permanent conservation easement should be provided to the Planning Board for review prior to granting final approval for the subdivision plan. The permanent conservation easement language must satisfy Sections 208-16F and G of the Clifton Park Town Code.
- Add a note to the plan stating - Storage of Construction Materials Throughout Construction of the Approved Plan. The property owners agree that storage of construction materials, equipment and vehicles shall occur only on the site. Rolling Meadows Lane should not be utilized for construction equipment storage or vehicle parking by construction contractors.
- Add a note to the plan stating that Clifton Park is a Right to Farm Community. Residents should be aware that farmers have the right to undertake farm practices which may generate dust, odor, noise, smoke and vibration associated with farming practices.
- The proposed subdivision appears to be an Unlisted Action pursuant to SEQRA, so coordinated review is optional.
- The project site lies within the Western Clifton Park GEIS Study Area. The site is located within the CR (Conservation Residential) Zoning District and is subject to the Findings Statement.

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- Provide correspondence from NYSOPRHP regarding the potential impacts on archeological resources, as the potential for such impacts was identified in Part 1, Question 12A of the SEAF.

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: 239-m County Referral
 - c. Saratoga County Sewer District #1: Connection to public wastewater infrastructure

The applicant has submitted Part 1 of the Short Environmental Assessment Form (SEAF). Based upon our review of the submitted Part 1 SEAF, the following comments are offered:

2. Part 1 3.b. – The response indicates that the project will disturb less than 1 acre. A more defined number should be provided based on the limits of disturbance.
3. Part 1 12.b. – The response indicates that the project site is located within or adjacent to an area designated as sensitive for archeological sites on the NY State Historic Preservation Office (SHPO) archeological site inventory. The applicant should provide a correspondence letter from SHPO to confirm the presence or absence of archeologically sensitive resources.
4. Part 1 13.a. & b. – The response indicates that wetlands or other waterbodies regulated by federal, state or local agencies adjoin or are contained within the project site (per the EAF Summary Report). The applicant should provide documentation that confirms the presence or absence of federally regulated wetlands adjacent to the project site. Should this change as the project design progresses, additional approvals and permits may be required.
5. Part 1 17. A. & b. – The response indicates the proposed action will not create stormwater discharge. The EAF shall be corrected. As such, since the disturbance is under 1.0 acre, it will not be subject to the NYSDEC Phase II Stormwater Regulations and General Permit GP-0-20-001. Therefore, a full SWPPP is not required. Stormwater discharge will be directed to existing infrastructure and to proposed infrastructure connections on Rolling Meadows Lane.
6. No further comments at this time.

SUBDIVISION

7. The project is located within the Town's Conservation Residential District (CR). The proposal for single family homes is a permitted principal use within the CR District as noted in Section 208-16(D)(1)(b) of the Town's Zoning.
8. The applicant is proposing to create five new lots from one existing lot that has a total area of 22.22 acres. The proposal follows the development option outlined in Section 208-16(E)(2)(b) of Town's Zoning where the density may not exceed 0.33 units per acre of unconstrained land, provided 50% of the area of the development site is designated as permanent open space. In reviewing the submission, there will be 11.56 acres of permanent open space (52%) and there is 14.61 acres of unconstrained land, yielding a maximum number of 5 lots. With the proposal of 5 new lots, the proposal appears to meet the requirements of Section 208-16(E)(2)(b) of the Town's Zoning.
9. The project proposes 3.43 acres (or 29% of total open space) of unconstrained open space, which exceeds the 25% minimum required of Section 208-16(E)(3)(a).
10. The applicant shall identify ownership of the proposed open space, a requirement of Section 208-16(E)(3)(c) of the Town's Zoning. If held in private ownership, preservation in perpetuity shall follow the requirements of Section 208-16(F) of the Town's Zoning.
11. Based upon a review of Section 208-16(E)(5) through (10) of Town Zoning, it appears the proposed lot configurations meet the bulk lot requirements of the CR Zoning District. It is noted that the bulk lot table on the plan identifies a front yard setback of 30-feet. This shall be corrected to state a minimum setback of 25-feet pursuant to Section 208-16(E)(8)(a) of the Town's Zoning.
12. Identify the date and by whom the wetlands shown on the plat were delineated.
13. Show the limits of the Town's LC Zoning District.
14. The submitted plans provide no proposed contours. Subsequent submissions shall include sufficient data to support the area of disturbances noted.
15. Subsequent plans shall identify whether a driveway culvert will be required at Rolling Meadow Lane to adequately convey roadside drainage.
16. The submitted information indicates the project is proposing to connect to an existing water main(s) within proximity to the parcel. These mains are owned and operated by the Clifton Park Water Authority (CPWA). It is recommended that the Town be furnished with documentation that the CPWA is willing and capable of providing potable water to the project.
17. The submitted information indicates the project is proposing to connect to an existing sewer main(s) within proximity to the parcel. These mains are owned and operated by the Saratoga County Sewer District No. 1 (SCSD). It is recommended that the Town be furnished with documentation that the SCSD is willing and capable of providing sanitary sewer service to the project.
18. Provide notation on the plan as follows:
 - a. No Utilities shall be installed beneath the proposed driveways.
 - b. Any work required within the Town right-of-way shall be subject to any permitting from the Town of Clifton Park Highway Department (driveway, culvert).
19. Prior to approval or filing of the subdivision plat with the Saratoga County Clerk, the appropriate 911 emergency response numbers must be obtained for and assigned to each lot created and placed on the filed plat.
20. Considering this plan is conceptual in nature, subsequent comments will be provided with a preliminary plan submission.

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Public Comments:

No public comment.

Planning Board Review:

Ms. Bagramian asked the applicant to clean up the map for the next hearing so the subdivision plans are easier to see.

Mr. Andarawis asked if all of the existing out buildings would stay with the farm. Mr. Jarosz stated they would, and the intent is for permanent open space over the remaining agricultural lands on the larger parcel. Mr. Andarawis stated that this is a good overall plan and he would like to see what Ms. Viggiani is asking for provided, but likes that the development is small and closer to the other development. Mr. Scavo stated other areas in Clifton Park have ¼ acre lots but this is a good size lot allowed under CR Zoning with public water and sewer. He stated that the acreage across the street is also a part of this project but it is not being developed either. Mr. Scavo stated the Historic Preservation was out on the property and there is a potential for State or National historic nomination that is tied to the Mac Elroy family and he is supportive of the application.

Ms. Bagramian asked if this is a fully functioning farm. Mr. Craig Monroe, C&J Properties, stated that they farm hay and possibly will cultivate pumpkins. He stated the land is challenging but he as the owner plans to continue farming.

Mr. Andarawis stated the number of curb cuts on Rolling Meadows Drive need to be looked at due the proximity of the intersection and boulevard entrance from MacElroy Road onto Rolling Meadows Drive. He suggested that the first 2 homes could possibly share a driveway.

Mr. Ophardt asked how close the nearest driveway was to Rolling Meadows. Mr. Scavo stated it is about 100 ft.

Mr. Andarawis asked if the applicant could stake out the driveways so Planning Board Members could get a visual when they do a site visit. Mr. Jarosz stated they could do this.

Ms. Bagramian asked if they could also stake out the rear of the lots. Mr. Scavo stated the right of way for Rolling Meadows Drive goes well into the front yards but the residents would be maintaining them mostly likely as additional front yard space and the Town will do mowing if a resident fails to do so within the ROW.

Mr. Andarawis stated that he feels this proposal fits in with the area especially with Main Street down the road.

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Discussion Items:

None

Mr. Fantini moved, seconded by Ms. Fariello, to adjourn the meeting at 7:23 p.m. The motion was unanimously carried.

The next meeting of the Planning Board will be held as scheduled on October 22, 2024.

Respectfully submitted,

Paula Cooper

Paula Cooper, Secretary