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

PLANNING BOARD

DENISE BAGRAMIAN  
Chairwoman

VIDA SHEEHAN  
Attorney

PAULA COOPER  
Secretary



MEMBERS  
Emad Andarawis  
Eric Ophardt  
Heather Fariello  
Mario Fantini

Keith Martin  
Lisa Westrick

**Planning Board Minutes**  
**November 26, 2024**

Those present at the November 26, 2024 Planning Board meeting were:

Planning Board: D. Bagramian, Chairwoman, E. Andarawis, H. Fariello, E. Ophardt,  
K Martin, L. Westrick

Those absent were: M. Fantini

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

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

**Minutes Approval:**

None

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**Public Hearings:**

**#2023-011 967 Riverview Road 3 Lot Subdivision (Lee)**

SBL: 269.-3-28 Three lot subdivision, 967 Riverview RD , Zoned: HR - Hamlet Residential, Status: Revised Preliminary Applicant: Virginia Lee Consultant: Ingalls & Associates, LLP – C. Pagan Last Seen On: 05/09/2023

Ms. Bagramian explained the review and approval process to those present, stating that the Board was required to render a determination pursuant to SEQRA (State Environmental Quality Review Act) prior to conducting a public hearing on this application. She explained that the Planning Board would assume Lead Agency status for the project and issue a negative declaration as a “formality” which neither granted nor implied approval of the subdivision application. Should it be determined that additional environmental review is required, SEQRA discussions will be reopened and a decision rendered when deemed appropriate.

Mr. Martin 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 7:03p.m. The Secretary read the public notice as published in the Daily Gazette on November 15, 2024.

**Consultant/Applicant Presentation:**

Chad Pagan stated he was not present at the last meeting but saw the review comments letter and stated the concerns are addressed with this submittal. He stated the applicant plans to create 2 new lots and the current home would exist. He stated the Historic Preservation Committee has been out to see the original home last week. He stated that he thinks the Board would be more favorable to the flag lots due to it being a historical home. He stated each lot meets the setback, area, and space requirements and he has spoken the Mr. Rese and they need only one variance for a 40’ lot line and they would be asking the ZBA for a 15’ variance. Mr. Pagan stated they have asked Clifton Park for water and sewer hook ups and they have agreed to service the project.

**Staff Comments:**

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

- The applicant shall label the plan with the type of wetland (e.g. ACOE / NYSDEC).
- The ECC notes that sensitive environments exist on the project site, thus there is a potential for environmental impacts to these areas. As such the Applicant's Drainage, and Erosion Control Plans should be protective of these environments, during construction and occupation of the project. The ECC recommends careful review of these plans by the Town Engineer.

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

- Per Town Code Chapter 208.86 keyhole lots are allowed in R-1 and R-3 zones. Keyhole lots were determined allowed in other districts, such as Business Zones B-1, B-2, & B-3 and the Conservation Residential (CR) Zone (see Memo dated May 10, 2021 in CitizenServe Documents). Keyhole lots have also been approved without zoning variances in Light Industrial (LI), and Hamlet Mixed Use (HM). During the review of proposed keyhole lots it was noted that it was up to the Planning Board's discretion whether to approve the lot configuration (see Planning Board Meeting Minutes April 11, 2017 in CitizenServe Documents). For the Planning Board's consideration, the current property owner owned this property prior to the zone change in 2006, where the property was originally zoned R-1. If this project is conceptually accepted by the Planning Board, it will still need to go in front of the Zoning Board of Appeals for the proposed strip of land variance described in #2.
- Applicant will need to request an area variance from Town Code Chapter 208-7 Definition Keyhole Lot: A lot located to the rear of another lot that meets all the requirements of this chapter and has access to a public right-of-way by a strip of land in fee simple ownership, at least 40 feet wide. Proposed strip of land width 25 feet wide. Variance requested: 15 feet.
- The subdivision plans shall indicate / show on how the proposed parcels meet the space and bulk standards for keyhole lots and the required ZBA variance approvals.

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

- Applicant shall determine the total ground disturbance for the construction of this project. Disturbances shall include, driveway construction, utility construction, home and lawn construction. If the total disturbance is more than 1 acre and less than 5 acres a Basic SWPPP will need to be developed that shows the erosion and sediment control practices this site would use.

**Mike OBrien, sewer review, issued a memo stating:**

- This Proposed Subdivision will be served by the Rivercrest Sewer District Ext. 1 Sewer District. This sewer system flows to the Town of Glenville and the Town of Glenville will need to approve the additional flows.
- Town of Clifton Park Sewer review will be required for each connection to the public sewer main.
- Each sewer connection will require a \$1000 hook up fee paid prior to permit issuance.

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

- Town Planning Staff has been actively working with the applicant, the applicant's design and legal representatives, and the Town Historic Preservation Commission to determine eligibility and inclusion for recognition and Listing in the Town's locally recognized list of historic properties.
- It has been determined that the property is likely for inclusion into the program, and the applicant, as a condition of subdivision approval for the consideration of key hold lots, will complete the application process with the Town's Historic Preservation Commission.
- The Saratoga Co. Planning Board recommended that the project would have no significant county-wide or inter-community impact.

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- A Saratoga Co. DPW Driveway Permit is necessary for the proposed improvements to the existing driveway with access to Riverview Road. I have attached a copy of the permit for the applicant's use.
- My prior comments are satisfied with the applicant's response letter provided with the current plan submittal.
- Including the existing historic home on the project site within the Town of Clifton Park's Historic Local Register Program will help preserve its historical and architectural integrity. This designation ensures that any modifications or developments are carefully reviewed and regulated, minimizing potential impacts on significant historical and archaeological resources. By maintaining the home's original features and context, the program helps protect the area's cultural heritage, preventing large or moderate adverse effects on these valuable resources.
- I have included a draft SEAF Parts II & III for the Planning Board's consideration.

Mr. Scavo read a resident letter submitted to the Planning Department the day of the meeting for the consideration of the Board.

### **Professional Comments:**

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

#### STATE ENVIRONMENTAL QUALITY REVIEW

1. No further comments.

#### SUBDIVISION

2. In reviewing the proposed lot configuration, the created lots appear to be deficient in regard to meeting the minimum standard requirements outlined in Section 208-17 and 208.86 of the Town's Zoning. The noted deficiencies are as follows:
  - a. The applicant has indicated that a variance is required for Lot 3 for the required 40 feet of frontage on a public road. Indicate on the plans the variance and date relief from obtained.
3. Provide proposed contour lines at a minimum of two-foot intervals in order to verify the limits of disturbance and wetland disturbances.
4. Details or description of the proposed drive materials of construction shall be provided, confirming it can support the load of the responding emergency vehicles.
5. The following comments are relative to the subdivision and its conformance to the NYS Fire Code (NYSFC). The Town Fire Official shall have final authority on the applicability of these comments to the proposed site layout:
  - a. Per Section 511.2. of the NYS Fire Code when driveways are in excess of 500 feet in length and do not exit to another fire apparatus access road or public street, a turnaround shall be provided suitable for use by fire apparatus. Provide the dimensions of the proposed turnaround to ensure they meet the Appendix D standards.
  - b. Provide a turning template analysis for the largest emergency vehicle that may respond to an event at the site.
6. The applicant shall provide written responses to all technical comments provided by Town staff and consultants as part of the next submission.

#### STORMWATER POLLUTION PREVENTION PLAN

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7. The report should include the total impervious coverage (both existing and proposed) in the project description.
8. The eNOI page 2/15, Project Location should be DEC Region 5.
9. Appendix E – Erosion and Sediment Control plan - Wherever grading is to occur adjacent to regulated wetlands, provide orange construction fence as an added protection and barrier.

**Public Comments:**

Anthony LaFleche, 21 Wheeler Drive, asked if the subdivision allows for an easement. Mr. Scavo stated the issue is the historical home on the property and if it would be done it would be with a federal aid project and it would only be a 5' path. Mr. LaFleche asked if there were separate driveways for the homes and asked if they could be shared. Mr. Pagan stated when the homes are sold this may be a disadvantage as people often question maintenance and liability.

Linda Seymour, Historical Preservation Committee, stated she visited the home last week. She stated Ms. Lee showed them around and she was impressed with the original features of the home. Ms. Seymour stated there were 2 different parts of the home, one from the 1820's and another from about the 1850's. She stated the committees voted Thursday to recommend to the Town Board to have it added to the Town's Local Historic Property register. Ms. Seymour stated it will be going in front of the Town Board on December 18<sup>th</sup> for consideration.

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

**Planning Board Review:**

Mr. Andarawis stated keyhole lots are a part of regulations and are only under unusual conditions. He stated that placing a home on the historical registry is rare and not typical for keyhole lots. He stated normally he is hesitant but here is a unique situation. He stated he understands liability with a shared driveway but there are others in Town. He stated the applicant has a narrow lot and is asking for a variance so it merits a look at sharing the driveways. Ms. Fariello and Mr. Martin seconded the comment.

Ms. Fariello stated that the applicant can keep the driveways to the right.

Ms. Bagramian asked how long the driveway was. Mr. Pagan stated it is about 600 feet and there is a pickle ball court on the property in the area. Ms. Bagramian stated there is standard language that can be added to the deed for a shared driveway. Ms. Virginia Lee, the owner, stated they are already sharing one.

Mr. Ophardt stated that has concerns with the applicant request for two keyhole lots. He questioned what makes this site so rare or unique to meet the qualification for a keyhole lot in an R1 Zone? He asked whether the fact the home is applying for a historic designation would make

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this qualify for a keyhole lot? Mr. Andarawis state the desire to preserve the historic home, and to develop the property either through or around the home. Ms. Lee stated she would like to see the home saved even at the financial loss it presents. She stated, she was offered more money for the entire property than the design alternative she is proposing. Mr. Ophardt that he supports the other planning board members desire to have only one driveway serving both keyhole lots.

Mr. John Sherer, Town Historian stated that when the Historical Preservation Committee, looks at a property to put on the register they have to have enough fabric to meet the historical marks or they have to have had a notable person or activity related to the Town. He stated that not all buildings they look at meet this mark even if they are old but this one does. Mr. Sherer stated this contributes to the Town history. Mr. Martin asked if this home is surrounded by concrete would it still hold historical value. Mr. Sherer stated it would and they use the same criteria as the State does to look at the home.

Ms. Fariello asked the applicant to outline the lots as she had trouble defining them with the map attached to the application. Mr. Pagan showed the proposed lot lines on the map shown in the meeting and stated they cannot be moved as there are wetlands on the property that need to be considered.

Mr. Ophardt reiterated his support for a single driveway serving both lots 2 and 3.

Mr. Andarawis stated if they cannot share a driveway then maybe the applicant needs to look at a 2 lot subdivision and not 3.

Ms. Bagramian stated she does not see the uniqueness of the property but she does appreciate the historical nature, and they would be asking for a variance. Ms. Bagramian asked if the applicant could clean up the map for a future submittal.

Mr. Scavo stated the applicant would need to agree to extend the 62 day rule for a decision so the applicant can go to the ZBA. Mr. Pagan stated they do not wish to extend the deadline.

Mr. Andarawis asked if the frontage relief needs to be approved for a driveway. Mr. Scavo stated there needs to be 40' of frontage for both parcels regardless of the driveways.

Mr. Pagan stated that the goal for the applicant is to have the old home for a family member and the new home for herself and another family member.

Ms. Fariello stated if they are for family members then a shared driveway should not be an issue.

Mr. Martin read from a resident concerning letter. He asked if the person in the letter is asking for relief on the applicant's property or their won. Mr. Scavo stated the swale for the driveway could be looked at to keep runoff away from the resident's property but the dead trees may be in the wetlands. He stated problems could be mitigated but the trees shading her property are not due to the applicant.

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Ms. Bagramian stated the applicant should go to the ZBA for a variance and then come back to the Planning Board.

Mr. Neil Wiener, Attorney for the ZBA, stated the ZBA would not be meeting until January, so the 62 days will not be able to be met.

Mr. Pagan then stated the applicant agrees to waive the 62 day timeframe for a decision due to ZBA scheduling.

### **Old Business:**

#### **#2024-023 17 Synergy Park Drive Warehouse Site Plan**

SBL: 265.-5-11 50,000 SF Warehouse, 17 Synergy Park Dr , Zoned: B5 - Corporate  
Commerce Status: Revised Preliminary Applicant: Synergy Park, LLC Consultant:  
ABD, Engineering, J. Hitchcock Last Seen On: 09/24/2024

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

John Hitchcock stated he has been in front of the Board before for this application previously. He stated the application is for a 50,000 sf warehouse building to the west of Stewart's on Route 9 and is in the B-5 zone. He stated that he has gotten approvals from the Saratoga County Planning Board and the Town of Halfmoon; neither had issues. Mr. Hitchcock stated they are looking for final approval tonight.

### **Staff Comments:**

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

- The ECC requests the applicant to provide a light plan with a future submission. The lighting plan should be in compliance with International Dark Sky Standards.

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

- Easements may be required where it appears that Synergy Park Drive and utilities encroach onto the southern portion of this project.

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

- No further comments other than supporting MJ Engineering's comment letter dated November 22, 2024, regarding the Site Plan and Stormwater Pollution Prevention Plan comments.

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

- The in a letter dated October 18, 2024, the Saratoga Co. Planning Board recommended that the project would have no significant county-wide or inter-community impact The Board did comment that Comment that it is understood that the offsite improvements related to approval for the Synergy Technology Park is in final stages of permitting with NYSDOT and construction is anticipated to start in the Spring of 2025.

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- The response letter provided by ABD Engineering notes mature vegetation adjacent to the NYS DOT ROW. At the time of construction, the applicant should verify the limits of clearing and grading will not be impacted to degrade the areas shown on the site plan as not being disturbed.

**Professional Comments:**

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

**STATE ENVIRONMENTAL QUALITY REVIEW**

1. No further comments at this time.

**SITE PLANS**

2. Provide documentation from Gil Van Guilder indicating the most recent delineation has been confirmed on site.
3. Pursuant to Section 6.4.4.1 an adequate maintenance access must extend to the pretreatment device, outlet structure/overflow, emergency spillway, and must have sufficient area to allow vehicles to turn around. This is required for all stormwater management areas either privately or publicly owned.

**STORMWATER POLLUTION PREVENTION PLAN**

4. The stormwater management areas will need to be constructed per plans prior to obtaining a CO.

**Public Comments:**

No public comments.

**Planning Board Review:**

Mr. Scavo stated the issues mentioned with lighting plan and would follow up with the ECC.

No Planning Board comments.

Mr. Ophardt moved, second by Ms. Fariello, to waive the final hearing for this application for the site plan review of 17 Synergy Park Drive Warehouse Site Plan, and to grant preliminary and final site plan approval conditioned upon satisfaction of all comments provided by the Planning Department, Town Designated Engineer, and all items listed in the final comment letter issued by the Planning Department.

Ayes:   6  

Noes:   0  

The motion is carried.

**Old Business:**

**#2024-015 Route 9 Convenience Store w/Fuel Site Plan**

SBL: 266.3-3-10.1 Automobile service station and convenience store with drive-thru, US Rt 9 Zoned: B4A - Highway Business/Restricted Retail, Status: Preliminary Applicant:

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Prestige Petroleum Corporation     Consultant: Bohler Engineering, C. Mlodzianowski  
Last Seen On: 05/29/2024

**Consultant/Applicant Presentation:**

Caryn Mlodzianowski, Bohler Engineering, stated it has been a while since the Board has seen this application. She stated the parcel is on 2 acres of land in the B-4A zoning. She stated there would be a 4,500sf convenient store with fueling stations and diesel stations. Ms. Mlodzianowski stated there would be 4 fueling islands in front of the store and 3 diesel stations on the south side of the building, 22 parking spots and there would be a sign variance and setbacks for the pumps, which have been granted by the ZBA already. She stated changes were made to the parking on the north side that they removed and they added a dedicated drive through lane with a window and a full bypass lane was added. Ms. Mlodzianowski stated truck maneuvers are shown and they added signage for trucks to navigate the site. She stated full sidewalks were added to the front of the property and through the site to the front of the building. Full design plans were also submitted. Ms. Mlodzianowski stated they are open to discussing landscaping further and stormwater can be altered to keep on site.

**Staff Comments:**

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

- The ECC notes that this proposal is located over the Colonie Aquifer and therefore will require significant planning to ensure the protection of this vital underground resource.
- The ECC requires that the applicant meet the latest NYSDEC and Federal Standards for the proposed gas and diesel tanks.
- The ECC previously requested that the applicant provide a planting plan for the future submittal. No plan has been submitted to date. In addition, the plan should include a vegetative buffer (e.g. evergreen trees) between the stormwater management area and the western lot line adjacent to the Adirondack Northway. The ECC recommends that the Planning Board withhold approval until a Planting Plan is submitted.
- Due to the probability of food and liquid wastes leaking from the on-site dumpster(s) into a storm water catch basin and/or surface water body, the ECC recommends the applicant enclose the area (i.e. roof) on an impervious surface with a berm surrounding the dumpster(s) that accept food and liquid wastes. If necessary, the Applicant will need to periodically pump out the accumulated wastes within the bermed area to avoid any overflow

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

- The ZBA granted area variances for this parcel on August 20, 2024 for: The minimum gasoline pump setback is 33 feet and the freestanding sign area maximum is 45 square feet.
- The Landscape Plan will need to address Town Code Chapter 208-50.5 Landscaping. "The property margins at the sides from the front building line to the rear property line shall be planted with trees and shrubs for a width of not less than 15 feet." Currently there

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are only two proposed trees along the southern property line and there is no proposed planting along the northern property line.

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

- No additional comments other than supporting MJ Engineering's comment letter dated November 22, 2024, regarding the Site Plan and Stormwater Pollution Prevention Plan comments.

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

- Recommend, at minimum, providing additional plantings along the southern side property boundary for demonstrating conformance with Section 208-50.5, titled Landscaping under the B-4A Zoning District, which states that the property margins at the sides from the front building line to the rear property line shall be planted with trees and shrubs for a width of not less than 15 feet. The northern side property boundary has a vegetative swale stormwater treatment, which may inhibit similar robust plantings.
- The in a letter dated June 21, 2024, the Saratoga Co. Planning Board recommended that the project would have no significant county-wide or inter-community impact.

**Professional Comments:**

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

STATE ENVIRONMENTAL QUALITY REVIEW

1. No further comments at this time.

SITE PLANS

2. Section 208-50.4 of the Town Code allows one entrance and one exit per establishment upon any individual public thoroughfare, and the distance between the entrance and exit center lines, if separated, shall be no less than 100 feet. The applicant shall consider this configuration for better circulation of tractor trailers to the diesel pumps.
3. Provide truck turning movements to show that tractor trailers can enter the driveway avoiding the use of both the in and out lanes.
4. The applicant shall consider additional landscaping along the property margins.
5. Show the location of where the soil tests were conducted for the stormwater management areas.
6. Pursuant to Table 6.15 of Section 6.5.4.1 of the NYSSWDM an impermeable layer shall consist of either 12 - 24 inches of clay soil (min. 50% passing #200 sieve and max. permeability  $1 \times 10^{-5}$  cm/sec) or 40 mil HDPE geomembrane. The detail provided calls out 6-inches, revise accordingly.
7. Adequate maintenance access must extend to the forebay, safety bench, outlet structure/overflow, auxiliary and emergency spillways and must have sufficient area to allow vehicles to turn around.
8. Show aquatic bench on the grading plan for the wet pond.
9. An impermeable liner shall be called out for the wet pond to ensure no infiltration will be provided.
10. The sanitary sewer system improvements have not been reviewed and are subject to the review and approval of the Saratoga County Sewer District No. 1. The final plans shall incorporate any technical comments issued by the Saratoga County Sewer District No. 1.

11. The water system improvements have not been reviewed and are subject to the review and approval of the Clifton Park Water Authority. The final plans shall incorporate any technical comments issued by the Clifton Park Water Authority.
12. Show where snow storage will occur.
13. Specify the pipe diameter and materials of construction for the sewer forcemain and water service.
14. On Sheet C-602, provide a check dam detail.
15. Provide details for the proposed infiltration trench. Keep in mind this will be receiving runoff from a hotspot therefore infiltration is not an acceptable practice unless redundant pretreatment is provided.
16. The plan shall show how the proposed infiltration trench will be protected from construction phase runoff. This may include installing a perimeter silt fence that can be removed once the upgradient watershed has been stabilized.
17. Confirm that the new site drive will have adequate sight distance. The sight distance analysis shall utilize ASHTOO standards for the 85th percentile travel speed of NYS Route 9.
18. Based on the turning movements if a tractor trailer is occupying the diesel pump closest to the building do other trucks have the room and ability to pull into the other two pumps.
19. The following comments are relative to the site plan and its conformance to the NYS Fire Code (NYSFC). The Town Fire Official shall have final authority on the applicability of these comments to the proposed site layout:
  - a. Determine if a Knox Box is required based upon the building arrangements, occupancy and materials of construction. If one is required, its location is subject to the review and approval of the Fire Chief.
  - b. If the proposed building is to be provided with an automatic sprinkler, show the location of the fire department connection to ensure they are reasonably accessible.
  - c. Section 912.2 of the NYSFC requires a fire hydrant to be located within 100-feet of the building's fire department connection. It is not clear from the plans where the closest hydrant to the site is or where the fire department connection may be. Additional hydrants may be necessary.
  - d. Identify the actual height of the buildings. If greater than 30-feet in height above the average grade plan, aerial apparatus access shall be provided that is between 15 and 30 feet of one entire side of the building in accordance with Appendix D105 of the NYSFC. If aerial apparatus access is required, its location shall be identified on the plans.
  - e. Provide a turning template analysis for the largest emergency vehicle that may respond to an event at the site.
20. Subsequent plans should include architectural elevations of the building with a listing of the materials of construction for review by the Planning Board.

#### STORMWATER POLLUTION PREVENTION PLAN

21. Expand Section 2 to include discussion on all required environmental screenings in addition to cultural resources (i.e. wetlands, endangered species, etc.)
22. Section 3 briefly mentions existing site soil conditions. This section shall summarize the in-situ soil testing completed including infiltration tests and test pits with the results provided as an appendix to the SWPPP pursuant to Part III.B.2.d and e of GP 0-20-001.

23. Section 3 should provide/list the 24-hour rainfall intensities utilized in the analysis of the 1-year, 10-year and 100-year storm events as well as identify the source of the data (NYSDEC Manual or Northeast Regional Climate Center's Extreme Precipitation tables).
24. Expand section 4 to include additional information on green infrastructure planning and discussion on all available measures and why each was not selected.
25. Section 4 notes that portions of the project site are considered hotspots and are not proposed to be infiltration. This statement is correct; however, the project documents show the eastern fueling station area (a Level 2 hotspot) going to a subsurface infiltration system with no details. Infiltration practices are not allowed in Level 2 hotspots.
26. The SWPPP makes no mention of soil restoration. Pursuant to Section 5.1.6 of the NYSSMDM, soil restoration is a required practice applied across areas of a development site where soils have been disturbed and will be vegetated in order to recover the original properties and porosity of the soil. The required soil restoration is a function of the underlying soils where the disturbance is to occur pursuant to Table 5.3 found in Section 5.1.6 of the NYSSMDM.
27. 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.
28. The SWPPP shall include documentation that the project is eligible for permit coverage pursuant to Part I.F.8 of GP 0-20-001 with respect to historic properties. This includes archeological and cultural resources.
29. In Appendix B, the eNOI notes the need to provide channel protection has been waived because reduction of the total CPv is achieved onsite through runoff reduction techniques or infiltration systems. Based on the HydroCAD model provided in Appendix G, this does not appear to be the case as the 1-year storm is only detained for about 14 hours.
30. In Appendix B, the eNOI under RR techniques provides the following contributing areas for a stormwater plants, infiltration basin, underground infiltration system, dry swale, and a wet pond. Throughout the SWPPP the terms infiltration basin and underground infiltration system are used interchangeably which is not accurate. Update the terminology to be accurate and consistent throughout the report, and update the eNOI to reflect the appropriate practices being utilized.
31. In Appendix G, the subcatchments shown on the Post Development Drainage Area Map do not appear to align with the catchment numbers and values shown on the calculation sheets. Further, the calculation sheets appear to only account for 0.75 acres of the 2.1 acres noted for disturbance.
32. In Appendix G, there are no calculation sheets provided for the wet pond or subsurface infiltration system.
33. The applicant should provide written responses to the above comments.

**Public Comments:**

No public comments.

**Planning Board Review:**

Ms. Bagramian asked if there was a dedicated drive through lane as well as a dedicated bypass lane. Ms. Mlodzianowski stated there is and it would allow people to get out if they needed to.

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Ms. Bagramian stated the landscaping plan needs to be brought to the south side of the property and asked how snow would be managed. Ms. Mlodzianowski stated she can bring shrubs or add trees to the south side of the property and snow would be managed by pushing it to the north side of the property or into the basin.

Ms. Westrick stated landscaping to the west is needed as well because the land rises there. Ms. Mlodzianowski stated they will keep mature trees as best they can and asked if supplemental is being asked for behind the basin. Ms. Westrick stated she would like to see what is there after the development. Ms. Westrick stated she thinks a lot should be removed for the basin and would like a visual to better understand.

Ms. Bagramian asked how big the buffer is now to the highway and if there could be an overlay presents. Ms. Mlodzianowski stated it is about 30' at the pinch point and she would have to get the tree line from the surveyor.

Ms. Westrick stated she would like to not be able to see Route 9 or the Northway from either view. She stated the cutback seems to be  $\frac{3}{4}$  so this is not great.

Mr. Andarawis would like the existing mature buffer to be kept as much as possible. Ms. Mlodzianowski stated that due to the stormwater and aquifer they cannot change much. Mr. Andarawis stated this is an improvement but there are still things to address as requested. Ms. Mlodzianowski stated they do not yet have a tenant so it is hard to make a layout.

Mr. Ophardt asked if just a lawn was being proposed next to the building. Ms. Mlodzianowski stated it was, there is no picnic area being proposed. Mr. Ophardt asked if the proposed sidewalk plans had been reviewed by NYSDOT Mr. Ophardt stated Stewarts, had typically installed a landscaped berm with a black wrought iron fence to enhance their stores roadside appearance. He stated that he believes this to be an attractive landscaping element, and would like to see the landscaping along the building's frontage be attractive as well. Ms. Mlodzianowski stated the sidewalk plans have been sent to DOT.

Ms. Bagramian thanked the applicant for the revisions, especially for the change for the drive through.

### **Old Business:**

**#2024-039 107 Pierce Rd. change in tenancy from warehouse to recreational facility.**

#### **Site Plan**

SBL: 259.-2-52 Change in Tenancy, 107 Pierce Rd, Zoned: L1 - Light Industrial 1,  
Status: Revised Preliminary Applicant: Spa City Volleyball Club, LLC Consultant:  
Lansing Engineering, PC – M. Robertson Last Seen On: 10/22/2024

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**Consultant/Applicant Presentation:**

Mike Robertson, Lansing Engineering, stated they are here tonight for approval for an LI use change from commercial to recreational. He stated there are 2 buildings on the property and the 24,000 sf building would change use. Mr. Robertson stated the Board had asked him to identify parking and there are about 58 parking spots on site and 120 are required. He stated the other building is currently unoccupied and there is land banked parking as well. He stated the land banked parking is the parking in read on the map.

**Staff Comments:**

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

- The ECC observes that the proposed parking for the proposed use is significantly inadequate. The site is already an industrial site and is already space constrained. In the event the second building is utilized constrained parking will become a more significant issue.

**Professional Comments:**

No professional comments.

**Public Comments:**

No public comment.

**Planning Board Review:**

Ms. Bagramian stated she appreciated the applicant showing the parking. She asked how the other building getting tenants would affect this. Mr. Robertson stated the blue parking is existing and would be dedicated to the applicant, the green belongs to the adjacent building and the red are banked parking for the applicant.

Mr. Andarawis stated this is an appropriate use for land banking parking.

Mr. Andarawis moved, second by Ms. Fariello, to waive the final hearing for this application for the site plan review of 107 Pierce Rd. change in tenancy from warehouse to recreational facility, and to grant preliminary and final site plan approval conditioned upon satisfaction of all comments provided by the Planning Department, Town Designated Engineer, and all items listed in the final comment letter issued by the Planning Department.

Ayes:   6  

Noes:   0  

The motion is/is not carried.

**Old Business:**

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**#2018-020 The Hamlet of Clifton Park Apartments Site Plan**

SBL: 271.-3-86.1 48 Unit Multi-family building, 457 Clifton Park Center Rd, Zoned: TC2 - Edge Zone Status: Revised Preliminary Applicant: The Windsor Companies Consultant: EDP – J. Dannible Last Seen On: 10/22/2024

**Consultant/Applicant Presentation:**

Mr. Bob Miller, Windsor Companies, stated that they had received letters submitted by Board Members. He stated that he and the Town have had schematic conferences to develop a plan for this land and he read from the Town Code. He stated that code was followed in the proper steps such as design development, and setting up a TAC. He again quoted code in reference to this. He stated that the plans and TCA were done in April 2018 and bulk lot requirements can be waived by the Planning Board. He stated the project was put aside for various reasons but he feels that all of the big meets have addressed the concerns. Mr./Miller stated last month he received a letter from Mr. Reese that addressed nonconforming issues that the Planning Board can waive. He stated last month more questions were raised and he left there feeling they could be addressed. Mr. Miller stated he received a letter stating the building does not fit the area. He stated he hopes the Board reads the letters he has written. Mr. Miller stated Mr. Martin, Planning Board Member, wrote 2 letters and he wanted to address one dated November 2<sup>nd</sup> stating they failed to address a 4 story building. He stated that he looks forward to collaborating with the Board but this is not the first time this is here. He stated he would like the Board to follow previous decisions that were made.

Joe Dannible, EDP, stated this application is for a project on the corner of Clifton Country Road and Clifton Park Center Road. He stated they are looking for preliminary and final approval as well as SEQR. Mr. Dannible showed in the meeting the previous site plan that was a result of the 2018 meetings. He stated that he took Board comments from the last meeting and made some modifications including a connection to Clifton Country Road and traveling the rough Bob Phillip's property adjacent to this one. Mr. Dannible stated they are looking into solar but he is asking that the Board does not make this a condition of approval because they need to make sure it can be done. He stated the parking had been reduced from 109 to 99 spaces and the new site plan shows this. Mr. Dannible stated they are looking for 4 waivers tonight; the first is the front boundary due to utility lines, the second is for the side street and being 10 feet from Clifton Park Center Road, the third for a 13% minimum but they are at 14% and there may be another building go in there as well in the future, and the fourth is for having a 4 story building when 3 is permitted. He stated they have on file the water and sewer approvals, stormwater plan, and the civic space at the corner and connection by a loose path as requested by the Board. Mr. Dannible stated they are providing 2 sides of access for emergencies and he showed the rendering of the civic area that is being proposed. Mr. Dannible stated a lighting plan was provided but it did not make it into Citizenserve but MJE can review. He stated there are different architectural features

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that are shown in the renderings from the frontage and the south side. He showed the covered outdoor parking and showed the potential future build out.

**Staff Comments:**

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

- The ECC previously requested that the applicant demarcate on the map the LC Zone along the banks of Stony Creek. This is not shown on the current plan. The ECC requests that the applicant provide a plan that shows the required 50 foot buffer.
- The ECC previously requested that the applicant provide a lighting plan for the site consistent with the International Dark Sky Standards. This is not shown on the current plan. The ECC requests that the applicant provide a plan that shows the intended lighting for this site.
- The ECC recommends that the applicant perform a traffic study of the proposed entrance to the project. Particular focus should be made on the safety of the crosswalk immediately adjacent to the proposed driveway

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

- Per Town Code 208-69.1 A. (2) Verify the location of indexed and/or mapped streams by the NYSDEC and show a fifty foot adjacent area (buffer) on each side of the outer bank of the high-water mark.

**Professional Comments:**

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

**STATE ENVIRONMENTAL QUALITY REVIEW**

1. No further comments.

**SITE PLAN**

2. The Planning Board does have the authority to grant relief for the potential non-compliant bulk lot conditions as follows:
  - a. The front and side street setback shall be between 10 and 15-feet. The plan proposes 35.9-feet from Clifton Country Road and 74.1 -feet from Clifton Park Center Road.
  - b. The front and side street building facade at BTZ is preferred to be 50% min and 30% min, respectively. The plan proposed 14% along the side street (Clifton Park Center Road).
  - c. Maximum building height is 3 stories. The building is proposed at 4 stories.
3. Sheet 2 of 9 shows the in-situ soil testing conducted to support the stormwater management systems. Based upon a review of the number and location of these tests in relation to the proposed stormwater management systems, additional soil testing is required within the confines of any infiltration practice proposed.
4. Sheet 3 of 9, show the proposed modifications to the existing green island and stripping on Clifton Country Road to accommodate the proposed driveway location.
5. Sheet 6 of 9, The plan shall show how the proposed infiltration basin will be protected from construction phase runoff. This may include installing a perimeter silt fence that can be removed once the upgradient watershed has been stabilized.

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6. Sheet 6 of 9, provide a note stating, "Upstream construction shall be completed and stabilized before connection to a downstream infiltration facility. A dense and vigorous vegetative cover shall be established over the contributing pervious drainage areas before runoff can be accepted into the facility."
7. The lighting plan shows the previously submitted site layout and should be revised to reflect the new site plan.
8. Prior to final stamping, the lighting plan shall be incorporated into the complete set of plans.
9. Confirm all light fixtures proposed are cut off type and downward facing.
10. Show how roof drainage is being captured and routed to the on-site stormwater system.
11. Provide sizing calculations of any temporary sediment traps proposed.

#### STORMWATER POLLUTION PREVENTION PLAN

12. The proposed stormwater management systems will be privately owned and operated. As such, a stormwater maintenance agreement shall be prepared and executed between the Town and owner/operator. A copy of the agreement should be included within the final SWPPP.
13. The overflow broadcast weir in the HydroCad model for SMA#1 indicates 10' by 1.0'. This should be revised to reflect the plans.

#### **Public Comments:**

No public comments.

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

Ms. Bagramian stated that the applicant has spent a lot of time prior to the last 2 meetings on this project and she is ok with 4 stories as this is a transitional area of Town and there is increased density. She asked that when they come back for the next building she would like them to keep to 3 stories or under. She stated she likes the idea of solar over the outdoor parking area so it is not taking only farmland and she does not think it needs to be conditioned.

Mr. Martin stated the applicant has valid points and he is not opposed to the project and is not biased. He stated this is gateway and they need to make sure it complies with the Town code and he has expressed his concerns about limitations of the code. He stated what was questioned from the last meeting was in the minutes and read from the April 2018 minutes stating Mr. Scavo has stated the ZBA may have to approve the 4 stories. Mr. Marin stated that in the same meeting the applicant was asked to meet code and intent. This is what he looked at. Mr. Martin referred to Chapter 208-21(3) and stated there is no way, with his interpretation the Board is authorized to waive the code subsection c and stated only with a supermajority may they deviate as long as it does not change the number of stories. Mr. Martin stated on the October 25 letter he asked that they work collaboratively and asked the applicant to resubmit plans to meet the development codes with 3 stories; this has not been responded to. He stated the Board would like to keep within code and he is still requesting resubmission with 3 stories and for them to meet density requirements. Mr. Martin stated if they cannot then he would like them to validate why 4 stories are needed and he will look at this with an open mind.

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Ms. Bagramian asked if the 4<sup>th</sup> story was due to the underground parking. Mr. Dannible stated it is, and he stated he has on record that the Planning Board was identified to be able to waive the 3 story limit and Mr. Scavo is also on record. Mr. Dannible stated the reason they did not modify the plans is because they only heard from one Board member, not the entire Board. He stated the concerns of the collaborative Board from the October meeting has been addressed. Mr. Dannible stated the applicant is trying to move forward with the project. He stated Mr. Martin is making valid points but this decision is up to the Planning Board attorney and Town officials.

Ms. Bagramian stated Mr. Martin does have valid points but the Board has been looking at the application for a while, she stated she understands where he is coming from but is hesitant to start over. She stated that this is going in the Town Center and appreciates the underground asking more than the parking lots and feels this is convenient for potential residents. Ms. Bagramian stated she does not feel this is going backwards as this would not be beneficial to the applicant or the TAC and she does like the 4 stories to help down on parking lots.

Ms. Fariello stated she can see where Ms. Bagramian is coming from but most of the members tonight were not on the Board six years ago.

Ms. Westrick asked for a legal opinion. Ms. Sheehan stated in plain language the code states the Planning Board does not have authority, but she would like to look into this more and the prior meetings.

Mr. Ophardt asked if the 4<sup>th</sup> story was set back from the three lower floors? Mr. Dannible stated it is recessed 30'-40'. Mr. Dannible stated that in a prior meeting Mr. Neubauer stated that if it can fit architecturally then it would be better, and this is what they have been following.

Ms. Fariello thanked the applicant for the road connection and for considering solar

Mr. Andarawis stated he was not at the prior October meeting but he does like the project and he has no fundamental issues. He stated that having less pavement and parking and increasing the height of the building is a good trade and he likes the offset 4<sup>th</sup> floor. Mr. Andarawis stated that they need to find out if this is a ZBA decision or a Planning Board decision.

Mr. Scavo stated that at the end of the day it would be up to Mr. Reese as the Zoning Administrator and he will state how to follow the Town Code and who is authorized to make a decision with a supermajority. Mr. Scavo stated 5:1 is a supermajority. Mr. Scavo stated that SEQR will not change with a 3 or 4 story building so if the Board wishes, they can issue a Negative Declaration and then work through the other issues.

Mr. Martin stated he is an attorney but not for this Board, he appreciates Ms. Bagramian history with the project and Ms. Sheehan's ability to look at this

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Ms. Bagramian asked the applicant if they thought it was fair to move to SEQR tonight and go from there. Mr. Dannible agreed.

Mr. Andarawis asked for solar on the parking rooftop.

Mr. Ophardt asked if the applicant consider on street parking. Mr. Dannible stated they cannot answer that tonight. Mr. Scavo stated that the DEC mapping is showing a classified stream that may need to be verified.

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

Mr. Dannible asked to remain on the December 10, 2024 meeting unless it is found they need to go to the ZBA.

### **New Business:**

#### **#2024-049 7 Maxwell Drive Commercial Building w/drive-thru Site Plan**

SBL: 271.-3-74.222 20000 sf mixed commercial building with a drive-thru, 7 Maxwell Dr, Zoned: TC4 - Transition Zone, Status: Concept Applicant: DCG Development Company, Consultant: EDP – J. Dannible

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

Joe Dannible, EDP, stated this application is for a 2 story building. He stated the application is on a 1.6 acre parcel that was retained with a prior subdivision and a majority of it is a parking lot. Mr. Dannible showed a site overview in the meeting. He stated this is for a 10,000 sf building with use compliance in the TC-4 zone and identified a drive through or drop off lane on the site. He stated this could be used for a bank, laundry service, or medical and 70 parking spaces are being proposed. Mr. Dannible stated sidewalks are constructed and the side property line is a roadway on a private road and Clifton Park Center Road so he would need waivers here. Mr. Dannible stated there is existing stormwater that contributes to Price Chopper and Bob Phillips property and this is verified to meet the thresholds. He stated greenspace is being worked on and plans to hook up to public water and sewer but they have to work with the sewer department as they are close to capacity. Mr. Dannible stated he is hoping to set up TAC meetings to be able to move forward with the project.

### **Staff Comments:**

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

- The ECC notes that the property line is directly adjacent to Maxwell Drive. Therefore, the ECC requests that the reviewing Town Engineer determine whether the proposed building setback is appropriate for this location. Particular attention should be paid to the adequacy of the proposed walkways.

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

- The parcel is located in the Town Center - TC4 Transition Zone. Town Code Chapter 208-22 4. A. lists the limited allowable uses in this zone. The applicant has only stated this as a mixed use, additional details will be warranted to determine parking and other site conditions. A potential drive-thru is being shown on the plans. Banks are the only permitted use in this zone to have a drive-thru.
- The applicant has provided 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.)
- This project's property lines extend into the center of the private roadway and adjacent to the edge of pavement of Maxwell Drive. The minimum setback requirements may need some flexibility to provide enough setback from vehicular traffic.

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

- The proposed development appears to reduce the amount of existing impervious cover, but if the total disturbance is over an acre a Full SWPPP will be required for this project.

**Mike OBrien, sewer review, issued a memo stating:**

- Town Sewer Department will need information regarding flows and system design for review. This project potentially discharges to an existing sewer system that has limited capacity. Please provide Narrative and Drawings indicating wastewater plan when ready.

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

- The applicant needs to clarify the business use and drive-thru so Scott Reese, the Zoning Administrator, for allowability of the proposed use under the TC4 Zoning District regulations.
- The applicant should contact both the Clifton Park Sewer District and the Saratoga County Sewer District to confirm their capacity and willingness to provide service.
- 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 upon receipt of a preliminary plan submittal.
- After the Zoning Administrator receives clarification on the mixed-use tenancy types and determines the permissibility of each, further comments will be provided.

**Professional Comments:**

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

**STATE ENVIRONMENTAL QUALITY REVIEW**

1. Based upon our review of Part 617 of NYS Environmental Conservation Law, the project appears to be an "Unlisted" action. In Town Code Section 208.95(F)(9): Subject to and in accordance with the State Environmental Quality Review Act (SEQRA), the Planning Board shall be the lead agency for the purpose of conducting the environmental review of the application for a site plan. The Planning Board shall conduct an integrated

comprehensive environmental review of the proposed project in combination with its review of the application under this article. If the Planning Board is to request Lead Agency status under SEQRA, the need to undergo a coordinated review is optional. Under a coordinated review, involved / interested agencies to be engaged may include, but are not necessarily limited to the following:

- a. Town of Clifton Park Planning Board: Plan approval
- b. Saratoga County Planning: GML 239-m County Referral
- c. Clifton Park Water Authority: Water Connection
- d. Saratoga County Sewer District #1: SCSD Connection
- e. NYS Historic Preservation Office: Archeological sensitive area
- f. New York State Department of Environmental Conservation: Stormwater Discharge and Notice of Intent
- g. New York State Department of Transportation: Proximity to Route 146

Additional agencies may be identified by the Town during its review of the project.

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

2. Part 1. 1 The applicant had indicated Yes, the action will involve legislative adoption of a plan, local law, ordinance, administrative rule, or regulation. Please review as it appears the answer should be no.
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. 17 - The response indicates that the proposed action will not create stormwater discharge. The applicant indicates that the action will disturb +/- 1.65 acres of land. As such, it will be subject to the NYSDEC Phase II Stormwater Regulations and General Permit GP-0-20-001. Therefore, a full SWPPP will be required that addresses water quantity and quality. The applicant had indicated no stormwater discharge. This should be changed to yes and Part 1. 17 a. and b. should be completed.

#### SITE PLANS

5. The project is located within the Town's Town Center District – Transition Zone (TC4). The concept plan indicates mixed use building, the anticipated uses should be identified.
6. Based on the uses listed within the TC4 Zone it appears a drive thru would be permitted for a potential bank.
7. Update the site statistics table to provide the standard and proposed information for each item.
8. The applicant should meet with the TAC to review the conceptual site plan and building architecture.
9. The plan shows providing 61 parking spaces, however the site table indicates 69 spaces. Provide a narrative on how they were derived. Parking should be considered for the heaviest use of the property.
10. Provide the parking calculation for the adjacent building in which parking spaces will be removed as part of this development to ensure the parking requirements are met.

11. The project will disturb more than 1-acre of land. As such, it will be subject to the NYSDEC Phase II Stormwater Regulations and General Permit GP-0-20-001. Therefore, a full SWPPP will be required that addressed water quantity and quality controls. As the project proceeds through the Town's regulatory review process, a fully conforming SWPPP shall be provided for review.
12. The project is proposing to be serviced with public water from the Clifton Park Water Authority. The applicant shall provide the Town documentation of the CPWA's ability and willingness to service the project with potable water.
13. The project proposes to provide sanitary sewer service to the site from the Town of Clifton Park Sewer District #2 / Saratoga County Sewer District No. 1 (SCSD). The applicant shall provide the Town documentation indicating the Town's Sewer District and SCSD's ability and willingness to provide additional sewer service to the project.
14. Show the new water and sewer laterals that will service the site and the connection to public mains adjoining the site.
15. Show how roof drainage is being captured and routed to the on-site stormwater system.
16. Future plans shall incorporate appropriate illumination plan showing footcandle values.
17. Subsequent submissions should include architectural renderings of the building along with identification of materials of construction.
18. Subsequent submissions should include a landscaping plan per Section 208-66B of the Town code.
19. The following comments are relative to the site plan and its conformance to the NYS Fire Code (NYSFC). The Town Fire Official shall have final authority on the applicability of these comments to the proposed site layout:
  - a. If the proposed building is to be provided with an automatic sprinkler, show the location of the fire department connection to ensure they are reasonably accessible.
  - b. Section 507.5.1.1 of the NYSFC requires a fire hydrant to be located within 100-feet of the building's fire department connection. It is not clear from the plans where the closest hydrant to the site is or where the fire department connection may be. Additional hydrants may be necessary.
  - c. Show or note the location of any required Knox Box associated with the building.
  - d. Identify the actual height of the buildings. If greater than 30-feet in height above the average grade plan, aerial apparatus access shall be provided that is between 15 and 30 feet of one entire side of the building in accordance with Appendix D105. If aerial apparatus access is required, its location shall be identified on the plans.
  - e. Provide a turning template analysis for the largest emergency vehicle that may respond to an event at the site.
20. Considering the plan submitted is conceptual in nature, we will reserve further comments until more detailed plans and reports are submitted.

**Public Comments:**

No public comments.

**Planning Board Review:**

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Ms. Bagramian asked if there are tenants in mind. Mr. Dannible stated there is no current predetermined usage so it may be difficult to address parking at this time. Mr. Scavo stated as a tenant comes in the applicant should show parking to see if they need to come back to the Board for regulatory conditions.

Ms. Fariello stated that bank schedules closely mimic schools and bus routes and this should be kept in mind since the new school building is part of the subdivision this parcel is a part of.

Mr. Andarawis stated the layout makes sense with the Town zoning and asked what waiver may be needed. He stated it meets preferred incremental change and the uses are not defined yet so if there is not a drive-through could the parking be land banked? Mr. Dannible stated it could be banked or modified for medical or other uses. Mr. Andarawis thanked the applicant for the thought out placement of the drive through.

Ms. Bagramian stated she agrees with Mr. Andarawis and she likes the green space that is being created. She stated that the landscaping adds value and is appropriate here.

Mr. Ophardt stated he likes the proposal as well and agrees with Mr. Andarawis' comments as well.

Mr. Martin stated he likes the green space and agrees with Ms. Bagramian.

Donald MacElroy, applicant representative, stated they are collecting newspaper articles on the demand for office space and it has almost disappeared. He stated that the Town may start looking at transition zones with possible modifications.

### **New Business:**

#### **#2024-050 TB Recommendation on removal of deed restrictions related to KBB Habitat area Amendment**

SBL: 259.-2-115.1 TB recommendation on removal of deed restrictions related to KBB

Habitat area, 26 Wood RD Zoned: L1 - Light Industrial 1, Status: Amendment

Citizenserve File Number: 24-001842, Application Number: SPR24-000051

Applicant: DCG Development Company, Consultant: EDP – J. Dannible

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

Joe Dannible, EDP, stated that this is a pending application for removal of a deed restriction to the property. He stated he was asked to go to DEC and have the restriction removed and he showed a map of the deed restriction location. He stated they have been monitoring the site for 20-25 years and no butterflies have been identified. He stated on October 2, 2024 he received a

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letter from DEC stating that given no specified species have been identified. He is asking the Board to give a recommendation to the Town Board to overturn the deed restriction.

**Staff Comments:**

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

- Based on the project record established through documents submitted by the applicant, including recent correspondence from the NYS DEC indicating the absence of a viable habitat for blue Karner butterflies at this location, I recommend that the Planning Board advise the Town Board to lift the deed restriction associated with this property, which was established through a prior site plan approval.

**Professional Comments:**

No professional comments.

**Public Comments:**

No public comments.

**Planning Board Review:**

Mr. Scavo stated the Town Board will establish SEQR.

Mr. Martin asked if the site plan would be amended. Mr. Scavo stated it would reflect the decision from this evening and would be sent to the County.

Mr. Andarawis stated this may never have been viable but was provided to extend the possibility for the species to grow. Mr. Dannible state that Karner Blue Butterfly changes and this could have been a reintroduction to the area if it was bigger but as the threshold continues to grow the numbers have not increased and feels that acres may be needed to make this a viable habitat.

Mr. Scavo stated Town research has been done and the Pine Bush area is viable for the species but it is a managed habitat. He started this species are also not found in areas of successional growth.

Ms. Fariello moved, second by Mr. Martin to recommend to the Town Board the removal of the deed restriction related to Karner Blue Butterfly Habitat area located at 26 Wood RD.

The motion was passed unanimously.

**Discussion Items:**

None

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Ms. Fariello moved, seconded by Mr. Andarawis, to the adjournment of the meeting at 9:56 p.m.  
The motion was unanimously carried.

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

Respectfully submitted,

*Paula Cooper*

Paula Cooper, Secretary