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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**  
**December 10, 2024**

Those present at the December 10, 2024 Planning Board meeting were:

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

Those absent were: K Martin, 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:**

Ms. Fariello moved, seconded by Mr. Ophardt, approval of the minutes of the November 26, 2024 Planning Board meeting as written. The motion was unanimously carried.

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**Public Hearings:**

None

**Old Business:**

**#2018-020 The Hamlet of Clifton Park Apartments Site Plan (discussion on 11-26-24 adjourned)**

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: 12/10/2024

**Consultant/Applicant Presentation:**

Joe Dannible stated he was present with Bob Miller, Jr. of Windsor Companies. Mr. Dannible stated he was previously before the Board and felt the plan was generally accepted. He stated that research has been done and it is found that the Board cannot grant the waiver needed to achieve a four-story building for the project. Mr. Dannible stated that they would like to amend the project and eliminate the fourth story of the building, to three stories as a 42 unit building and there be no other modifications. Mr. Dannible showed on the screen the site plan for the application. He stated that due to feedback the path was eliminated as well. He stated the parking on the first floor has been eliminated, and the access to the first-floor apartments would be internal, and 22 garages have been removed. He stated he is hoping to get final approval tonight from the Planning Board with conditions for the architect to be able to show elevations at a later date. He stated there are 12 units now on the first floor and fire code has been met with the removal of the garages. He stated they are pressed for time due to potential impacts from DEC and ACOE regulations changing in 2025.

**Staff Comments:**

No staff comments.

**Professional Comments:**

No professional comments.

Walter Lippmann, P.E. of MJ Engineering asked in the meeting if striping and Town intersections were addressed. Mr. Dannible stated he does not think the island on the site plan needs to be removed as there is emergency maneuverability, but the striping needs to be adjusted.

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**Public Comments:**

No public comments.

**Planning Board Review:**

Ms. Bagramian asked the applicant if the applicant had agreed to a 3-story building and if the applicant would be coming back later to ask for a 4<sup>th</sup>. Mr. Dannible stated he does not believe they will come back for it and that there is room on the site for another building.

Mr. Andarawis asked if the building still meets the articulations of the code without the 4<sup>th</sup> story. Mr. Dannible stated the front façade is still stepped with grading, and they can provide towers over the elements. Therefore, the applicant is asking for approval tonight with a condition being a future review of the architecture to ensure Town Codes are followed. Mr. Andarawis stated the building needs to meet the TC zoning.

Ms. Bagramian asked if the rooftop area would still be available for the residents. Mr. Dannible stated it would not due to having to meet code, but the rooftop mechanicals would have screening.

Mr. Andarawis stated that as the second building comes into play, he would not like to see that one be taller than this application.

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

Conditions:

1. All standard agencies involved will need to sign off on the project.
2. The architectural approval needs to be finalized by the Planning Department and TAC before final stamping.

Ayes:   5  

Noes:   0  

The motion is carried.

**Old Business:**

**#2024-031 Riverview Road Convenient Store Site Plan**

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SBL: 269.19-1-43.1 Proposed construction of a 5,400 SF commercial structure and fuel canopy, Riverview Rd Zoned: HM - Hamlet Mixed Use, Status: Final Applicant: Arjuns Estate, LLC , Consultant: GPI – R. Trunko Last Seen On: 10/22/2024

**Consultant/Applicant Presentation:**

Ryan Trunko stated the application is for a proposed convenience store with fueling facilities and additional vacant space for a future tenant that conforms with the HM Zoning. He stated that all technical comments have been addressed. Mr. Trunko stated that landscaping as it relates site distances along Riverview Road and Route 146, traffic trip generation, and the trail were also concerns that have been addressed.

Mr. John Montagne stated landscaping was discussed with ECC and the plans show a walkway that will come off the bike trail onto the property along with landscaping with benches and a walkway. He stated that there is a bridge over the wetlands that lead to the building and picnic tables are provided. Mr. Montagne stated a tree survey was done on the property and there is a large Norway maple tree found that the applicant will keep on the property. He stated there is a lot of white ash found that they would like to remove as well as dead or dying foliage and trees. Mr. Montagne stated they will also be preserving the red maples on the property and will keep a mature tree canopy. He stated they will be putting in a bio swale and it will be designed into the landscaping. Mr. Montagne stated at the entrance the trees on the right would be mature trees and they are trying to keep with the park like setting and keeping within the ECC concerns.

Mike Wieszchowski, GPI's Director of Traffic Engineering stated the site distance for vehicles are now shown on the site map. He reviewed the stopping distance time from the intersection to the site entrance. He stated that he does not think signage is appropriate as the site distance is adequate, however if the Board wants it they can look into it and then speak with the State.

Mr. Trunko stated there is potential for a trail extension down Riverview Road and they have designed it to match the trail on Route 146. He stated a guard rail would be required, there is a current drainage ditch that would need to be extended 18', and the sewer would have to be moved. He stated that realistically a trail project would be larger than this property and down the road the trail would be along the cliff that leads to the river. Mr. Trunko stated the property owners are for a trail and putting in an easement along their property to accommodate such but this should be looked at holistically not just as this project as it would cost them \$60,000 for the trail alone on their property. He stated that MJE comments can be addressed and the stormwater management area can be gated if deemed needed and a stone diaphragm liner will be added.

**Staff Comments:**

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

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- The ECC is satisfied with the proposed improvements the applicant has proposed to mitigate the proposed disturbances in the LC Zone.
- All erosion and water quality controls shall be put in place at the initial phase of site preparation and shall be maintained until all construction ends and soils are stabilized.
- The ECC notes that sensitive environments exist on properties adjacent to the project site, thus there is a potential for environmental impacts to these areas in the event that the capacity of the stormwater management system is inadequate. As such the Applicant's Drainage, Stormwater 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.

**John DeSimone, Fire Marshall issued a memo:**

- Current measurement to existing hydrant is 213 feet. If building is set greater than 225 feet from the hydrant, additional hydrant would be required on site. Per: 2020 NYSFC Appendix C, Table C102.1
- Approved Postal Number to be assigned is 916 Riverview Road. This will be finalized with Saratoga County Emergency Services when final approval is granted. Please reference document approved postal verification, page 3.

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

- All zoning related comments have been addressed.

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

- The proposed stormwater management areas in the LC Zone has been looked at by the Environmental Conservation Committee and they are satisfied with the proposed improvements the applicant has proposed to mitigate the proposed disturbances in the LC Zone.
- No further comments other than supporting MJ Engineering's comment letter dated December 6, 2024, regarding the Stormwater Pollution Prevention Plan modifications.

**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. Provide adequate space for maintenance vehicles to access bioretention spillway and detention basin outfall per Table 6.14 of the NYSSWDM.
3. It appears a portion of the pavement areas may bypass the CDS unit and sheet flow into the bioretention basin if so, a gravel diaphragm shall be provided to provide the required pretreatment.
4. Detail 6 on Sheet C-515 shall provide a 40-mil impermeable liner per NYSSWDM Table 6.14.

STORMWATER POLLUTION PREVENTION PLAN

5. Section 1.2, second paragraph on page indicates WQv is treated through two bioretention areas and a Filterra unit. This should be revised as the site plan only has a single bioretention area called out.

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6. Section 6.2.1 indicates that two bioretention areas are proposed for the project site, revise accordingly.

#### SANITARY SEWER REPORT

7. No additional comments.

#### TRAFFIC

8. The applicant adequately addressed our traffic comments regarding:
  - a. Location of the STOP bar on the site driveway exit
  - b. Build condition traffic volumes used in the Synchro Analysis
  - c. Crash History
  - d. Available sight distance to/from site driveway
9. We agree the proposed site driveway location is the best possible given the site geometry, however our stated operational and safety concerns are valid.

#### GEOTECHNICAL REPORT

10. No additional comments.

#### **Public Comments:**

Mathew Pike, Aqueduct Animal Hospital stated that a similar discussion was had with him when developing his property next door to this one. He stated he had left larger mature trees on his property as well but now they are mostly dead. He stated National Grid had come into the property and had cleared some land as well. Mr. Pike stated he feels it would be better to clear the land and let nature regrow itself.

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

Ms. Bagramian stated she appreciates the work the applicant has put into this plan. She stated she is not a fan of the driveway but she is entrusting that the professionals know what is best and accepts conclusions of their professional engineering analysis.

Ms. Fariello stated that she thinks this looks nice and she appreciates the applicant keeping the trees.

Mr. Andarawis asked if there is sufficient right of way to put something on the south side of Riverview Road. Mr. Trunko stated there is and they are showing the easement on the site plan. Mr. Andarawis stated that he appreciates the applicant preserving trees and would like them to go through and mark what is being cut and not cut. Mr. Montagne stated they went through the site plan and indicated existing woods that would remain other than those of safety concern. Mr. Andarawis stated it is well screened from Route 146.

Mr. Ophardt asked if other trees that are deemed dangerous would be removed. Mr. Montagne stated if others are found to be a hazard they will also be removed but the intent is not to clear the land.

Ms. Bagramian asked if there is a landscaping maintenance plan for the project. Mr. Montagne stated there is not one yet. Ms. Bagramian stated that if this property is ever sold she wants the

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landscaping to be maintained. Mr. Montagne stated he can provide one as a condition of approval. Ms. Bagramian stated this is a pivotal point. Marilyn Segal, applicant, stated that when they bought the Route 9 property that they also own and run she mowed and took care of the landscaping herself. She stated that this Town is her home and her husband and herself would be doing the work. Ms. Bagramian stated that she wants what the applicant plans to do, to be kept even later down the road if for some reason the property is sold to another entity.

Mr. Ophardt stated he would like the site distance maintained and asked who will be ensuring this. Mr. Montagne stated they will add the language into the maintenance agreement. Mr. Trunko stated he can also add it to the SWPPP because maintenance is required for it as well.

Ms. Fariello 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. Ophardt moved, second by Ms. Westrick, to waive the final hearing for this application for the site plan review of the Riverview Road Convenient Store Site Plan, and to grant preliminary and final site plan approval conditioned upon satisfaction of all comments provided by the Planning Department, Town Designated Engineer, and all items listed in the final comment letter issued by the Planning Department.

Conditions:

1. Show easement line for future possible trail.
2. Maintain existing tree vegetation.
3. Attach landscaping maintenance plan

Ayes:   5  

Noes:   0  

The motion is carried.

**New Business:**

**#2024-052 3 Woodland Drive 2-lot Subdivision**

SBL: 284.13-4-16 2-lot subdivision, 3 Woodland Dr (Pvt) , Zoned: R1 - Residential,  
Status: Concept Applicant: E. Abele, Consultant: ABD Engineers – J. Hitchcock, Jr

**Consultant/Applicant Presentation:**

Mr. Luigi Palleschi stated that the application is located at the end of a dead-end road. He stated that Mr. Ed Able lives in the existing home with a pool area and it is in the R-1 district. Mr. Palleschi stated he would like to subdivide and keep 1.5 acres with his home on it and the other 1 acre to become a separate lot. He stated this would be a flag lot, and setbacks are shown on the map. He stated that a variance would be needed for the 40' of frontage for the flag lot and if the

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Board looks at the neighborhood, Carrington Court is adjacent and the lot sizes fit in character. He stated there are other shared driveway in the area so this would not be out of character with both abutting properties and this is still unique. Mr. Palleschi stated he has reviewed MJE comments and stated they were good comments. He read from comment 7 and stated that if the deck was put into setbacks they may not meet then so they may need other variances depending on the positioning of the proposed home. He stated there is 29' of frontage but as the land travels back it gets bigger. He stated they have received comments and want to open comments to the Board and adjust placements and other comments accordingly.

**Staff Comments:**

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

- No comment until after ZBA approvals.

**John DeSimone, Fie Marshall issued a memo stating:**

- Driveway may be required to be modified due to length. Reference section 511 of the NYSFC 2020 edition.

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

- 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.

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

- No comments until ZBA approvals.

**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 subdivision. The Planning Board shall conduct an integrated comprehensive environmental review of the proposed project in combination with its review of the application under this article. If the Planning Board is to request Lead Agency status under SEQRA, the need to undergo a coordinated review is optional. Under a coordinated review, involved / interested agencies to be engaged may include, but is not necessarily limited to the following:
  - a. Town of Clifton Park Planning Board: Plan approval
  - b. Saratoga County Planning: GML 239-m County Referral
  - c. Clifton Park Water Authority: Water Connection
  - d. Saratoga County Sewer District #1: SCSD Connection

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:

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2. Part 1. 13.a. – The response indicates that wetlands or other waterbodies regulated by federal, state or local agencies adjoin or are contained within the project site per the EAF Summary Report. The applicant should provide documentation that confirms the presence or absence of federally regulated wetlands adjacent to the project site. Should this change as the project design progresses, additional approvals and permits may be required.
3. No further comments at this time.

#### SUBDIVISION

4. The project is located within the Town's Residential District (R-1). The proposal for single family homes is a permitted principal use within the R-1 District as noted in Section 208-10(B)(2) of the Town's Zoning.
5. In reviewing the proposed lot configuration, the created lots appear to be deficient in regards to meeting the minimum standard requirements outlined in Section 208-11 of the Town's Zoning. The noted deficiencies are as follows:
  - a. It is noted that the proposed Lots do not have the required frontage per Section 179-26(C) which states in no cases shall a subdivided lot have less than 40 feet of frontage on said public street. In addition, keyhole- or flag-type lots shall be large enough to contain the minimum lot acreage required by the Zoning Ordinance, without including the area within the driveway access strip
6. Provide contour lines at a minimum of two-foot intervals to United State Geological Survey datum within the parcel pursuant to Section 179-11 of the Town Subdivision Law.
7. The applicant shall consider the required setback requirements for Lot 2 as it maybe be difficult to construct any protruding element (deck, porch, etc.) off either side of the proposed house as the proposed house is situated basically from setback line to setback line.
8. The proposed driveway shall comply with the New York State Fire Code. Details or description of the proposed drive materials of construction shall be provided, confirming it can support the load of the responding emergency vehicles
9. Pursuant to Section 208-86(D) All driveways to keyhole lots shall be constructed and maintained at a minimum of 16 feet wide and to meet the standards contained in § 73-19 of Chapter 73 of the Code of the Town of Clifton Park.
10. Appropriate signage must be provided as indicated in the following note which will be placed on the final plat of any subdivision containing a keyhole lot: "STANDARD NOTE FOR ADDRESS IDENTIFICATION. The street number of a dwelling situated on a keyhole lot shall be permanently and conspicuously displayed on a sign, with lettering no less than 3 inches nor greater than 8 inches in height, and placed no more than 25 feet from the road pavement. The sign shall be displayed for both directions of travel and be reflective. Identification markers must also be placed at any location where a common drive splits."
11. The submitted plans provide no proposed contours. Subsequent submissions shall include sufficient data to support the area of disturbances noted.
12. 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

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with documentation that the CPWA is willing and capable of providing potable water to the project.

13. 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.
14. 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.
15. Considering this plan is conceptual in nature, subsequent comments will be provided with a preliminary plan submission.

**Public Comments:**

No public comment.

**Planning Board Review:**

Ms. Bagramian asked if it would be a side or front-loaded garage for the proposed home. Mr. Palleschi stated it would be up to the buyer.

Mr. Andarawis stated that he struggles with keyhole lots. Mr. Andarawis quoted Chapter 208-86 of the Town Code. He stated the ZBA had work to do for this application as well and given the need for variances with the keyhole lot this will be a challenge. Mr. Andarawis stated that this is keeping within the character, but the rear neighbors would be impacted by the subdivision, and rotating the home would be a better design.

Ms. Bagramian asked the applicant where the uniqueness of the lot is to look for a keyhole. Mr. Palleschi stated this is unique because it keeps in the character of the area as there are other keyhole lots around this property. He stated that they can offer a buffer to the neighbor if it is a concern and the Board requires it. Ms. Bagramian asked what the size of the home would be. Mr. Palleschi stated it would be about 3,000 sf and they are trying to keep the driveway as short as possible and preserve the wooded areas on the property.

Mr. Ophardt stated he is struggling with the keyhole as well but others in the area have built theirs this way and it feels intended. He stated that this could be a family member and make it more unique if it was for them. Mr. Palleschi stated it won't impact views from the public street and it would be tucked back from the road. Mr. Ophardt stated this is tough as variances are needed as well here.

Ms. Bagramian stated this seems to be estate lots so she feels it would change the character. Mr. Palleschi stated that this is still bigger than the R-1 zoning and larger than adjacent properties.

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Mr. Andarawis stated there are 5 other lots that could come back for keyholes so this is tricky. Mr. Palleschi stated he does not believe so due the existing conditions such as wetlands. Mr. Andarawis stated he worries about justifications.

Ms. Westrick stated she seconds the concerns of the other Board members and stated she feels it doesn't make sense here.

**New Business:**

**#2024-053 100/200 Technology Park Telecommunications Tower SUP**

SBL: 271.-4-13 Construction of a Telecommunications Tower, Technology Park (Pvt),  
Zoned: B1 - Business Non Retail , Status: Concept Applicant: Cellco Partnership dba  
Verizon Wireless, Consultant: Young/Sommer, D. Brennan

**Consultant/Applicant Presentation:**

Dave Brennan stated he is here tonight for a proposed telecommunication tower on the south side of Route 146 near the Shenendehowa High School. He stated that the parcel is currently being used for a day care and dental facility. He stated the tower is proposed to be 120' to the rear of the property. Mr. Brennan showed a map of the coverage in the area along with other sites having towers and he stated this is designed to fix the lack of coverage in the area. Mr. Brennan showed the coverage map. Mr. Brennan stated the road would be extended for tower access and the area would be fenced in, 50'x50'. He stated that the applicant needs to go before the ZBA for the exact tower location and they need a variance due to residential areas and are required to be 500' away from the tower.

**Staff Comments:**

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

- As noted in the SEQRA Application, the proposed telecommunications tower is located within 1,500 feet of several school facilities, housing thousands of children ranging in age from infants to late teens. The ECC recommends that the Planning Board require that best management practices are being utilized to minimize radiation exposure from the cell tower.
- The ECC recommends that the Planning Board and/or Zoning Board of Appeals require the applicant to provide evidence demonstrating the economic and technical necessity for this facility on this site.
- The ECC notes that the telecommunication tower will include backup electric equipment which will be located approximately 189 feet from a residential structure. The applicant shall provide technical information indicating that the noise will not disturb the residents.

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

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- The proposed telecommunications tower is proposed on a parcel located in the Business - Non-Retail Zoning District (B1). Per Town Code Chapter 208-32 B. (5) All other telecommunication towers are special uses pursuant to Town Code Chapter 208-79.
- The application is for a new communication pole. The Application should follow Town Code Chapter 208-95 E (3). It appears that the proposed communication tower is within 500 feet of the Residential Planned Development District Zone (London Square). An area variance will need to be obtained per Town Code Chapter 208-95 E (3) (b).
- Per Town Code Chapter 208-95 E. (3) (j.) All new communications towers or structures must be sited, designed and constructed in such a manner as to provide a one-hundred-ten-percent clear zone in case of tower failure, unless the communications tower or structure can be safely constructed with less than a one-hundred-ten-percent clear zone. The proposed monopole must meet minimum requirements of the New York State Building Code. When applying for a permit, the applicant must also submit a written report certified by a New York State licensed structural engineer detailing how a fifty-percent breakaway is achieved without compromising the required design of the monopole. The applicant will need to submit the written report. The proposed tower is 120 feet in height, the 50% clear zone would be 60 feet, the proposed tower is located 53 feet from the western property line, therefore an Area Variance will need to be granted by the Zoning Board of Appeals.

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

- It appears that the proposed access drive can restrict overland drainage at Station 3+00. The applicant should consider installing a culvert or other methods to prevent stormwater runoff from backing up to off site properties.

**Professional Comments:**

No professional comments.

**Public Comments:**

No public comments.

**Planning Board Review:**

Ms. Bagramian asked if the tower is collapsible. Mr. Brennan stated it is and is similar to the last application he brought before the Board. He stated that he had a letter attached to the application stating the tower would collapse at half its height.

Mr. Andarawis asked how large the diesel storage would be. Mr. Brennan stated he would have to look for it, but it would be approximately 200 gallons and be on a concrete slab. He stated there would be a 20-30 minute window for weekly maintenance of the generator but it would not be too loud. Mr. Andarawis stated he would like to see a number for the noise it would generate and have it in the record. Mr. Andarawis asked if the 120' height allows for colocations. Mr. Brennan stated that this would allow for 2 additional carriers at least but they can hold up to 4.

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Mr. Brennan stated the zone of visibility has been provided along with photos in the application file.

Ms. Fariello moved, second by Mr. Andarawis, to establish the Planning Board as Lead Agency for this application pursuant to SEQRA for the project a Type I Action and authorized the Planning Staff to issue lead agency coordination letters on behalf of the Planning Board.

**New Business:**

**#2024-054 1315 Route 146 Industrial Park 3 Lot Subdivision (21st Century Park)**  
SBL: 270.-2-2 Proposed 3 lot subdivision of existing light industrial park, 1315 Rt 146  
Zoned: B5 - Corporate Commerce, Status: Concept Applicant: MSW Properties, LLC,  
Consultant: Arico Associates – D. Arico

**Consultant/Applicant Presentation:**

Dominic Arico stated he is here tonight with the property owner, Martin Wawrla, for a project that was approved over a year ago. He stated construction of a 20,000 sf and a 21,000 sf building are in the final stages on the interior for each building. He stated the applicant would like to subdivide them now. Mr. Arico stated the plans reflect 40' of frontage, and each lot will have 50% green space and a common access point. Mr. Arico showed the property lines that are being proposed and stated lot 2 is existing and lot 3 would be undeveloped. He stated the lots would be 6.7 and 7.7 acres and they would both have 50% coverage for the potential buyers.

**Staff Comments:**

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

- The ECC will comment after the ZBA review.

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

- All individual commercial lots will need to have frontage along a street's right-of-way line for at least 40 feet in length.

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

- Provide in a narrative on how the individual stormwater water quality treatments, runoff reduction practices, and stormwater runoff volumes, will be owned and maintained for the proposed three lots. A Stormwater Control Facility Maintenance Easement Agreement should be drafted and agreed upon prior to final subdivision approval.

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

- Mr. Scavo stated in the meeting that the county shows a property line that differs from theirs due to a deed map that shows National Grid taking an easement.

**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 subdivision. The Planning Board shall conduct an integrated comprehensive environmental review of the proposed project in combination with its review of the application under this article. If the Planning Board is to request Lead Agency status under SEQRA, the need to undergo a coordinated review is optional. Under a coordinated review, involved / interested agencies to be engaged may include, but is not necessarily limited to the following:
  - a. Town of Clifton Park Planning Board: Plan approval
  - b. Saratoga County Planning: GML 239-m County Referral
  - c. Clifton Park Water Authority: Water Connection
  - d. Saratoga County Sewer District #1: SCSD Connection

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. 13.a. – The response indicates that wetlands or other waterbodies regulated by federal, state or local agencies adjoin or are contained within the project site per the EAF Summary Report. The applicant should provide documentation that confirms the presence or absence of federally regulated wetlands adjacent to the project site. Should this change as the project design progresses, additional approvals and permits may be required.
3. No further comments at this time.

**SUBDIVISION**

4. On the Agricultural Data Statement and Control Form, the Tax Parcel No. is incorrect, revise accordingly.
5. Based on the previous plans submitted under Application #2022-007, the applicant is building the project in phases. Since the applicant is proposing to subdivide the property and is currently making improvements only to Phase 1 (Lot 1) from a previous approval at this time, we suggest that the following sentence be added to the plan: Lots 2 & 3 will be subject to additional regulatory review for compliance with Town Zoning at a future point in time when development of those parcels are considered.
6. Provide the building setback lines for each lot shown.
7. Subsequent submissions shall include the metes and bounds of the affected lots and right-of-way. This plat shall be prepared by a surveyor licensed to practice in the State of New York.
8. There appears to be several shared ingress/egress easements among the parcels. Show on the subdivision plat all ingress/egress shared easements. Also provide a copy of the shared access agreement to the Town for review.

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9. 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.
10. 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:**

Ms. Bagramian asked if the new lot was for 2 buildings. Mr. Wawrla stated it is and they did not look at separating them. Mr. Arico stated that if they try to separate them they may not meet code so they are here to see if a subdivision is doable.

Mr. Ophardt asked if there was still an easement to share a drive with Sunshine Meadows. Mr. Arico stated that Sunshine Meadows has an easement for emergency access. Mr. Ophardt stated they are near the maximum for traffic mitigation.

Mr. Andarawis asked if there would be reciprocal parking agreements for lots 2 and 3. Mr. Arico stated agreements can be drafted for parking, basins, and access.

**Discussion Items:**

**2023-022 Nott Road Solar Array Site Plan and SUP**

Mr. Scavo stated the applicant had started construction, but they do not yet have a C.O. He stated they are asking for a one-year extension on the application approval.

Mr. Ophardt moved, second by Ms. Westrick, to establish a one-year extension for this approved application. The motion was carried unanimously.

Ms. Fariello moved, seconded by Mr. Andarawis, adjournment of the meeting at 8:59 p.m. The motion was unanimously carried.

The next meeting of the Planning Board will be held as scheduled on January 14, 2024.

12/10/24

Respectfully submitted,

*Paula Cooper*

Paula Cooper, Secretary