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Town of Clifton Park Planning Board
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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
January 14, 2025

Those present at the January 14, 2025 Planning Board meeting were:

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

Those absent were: E. Andarawis, K. Martin

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:

Mr. Ophardt moved, seconded by Ms. Fariello, approval of the minutes of the November 13, 2024 Planning Board meeting as written. The motion was unanimously carried. Ms. Westrick abstained as she was not present for that meeting.

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Mr. Ophardt moved, seconded by Ms. Fariello, approval of the minutes of the December 10, 2024 Planning Board meeting as written. The motion was unanimously carried. Mr. Fantini abstained as she was not present for that meeting.

Public Hearing:

#2024-042 492 Clifton Park Center Rd Two Family Dwelling SUP

SBL: 271.-3-87 Proposed special use permit for a two family dwelling, 492 Clifton Park Center RD, Zoned: R1 – Residential Status: Preliminary Applicant: L. Boni, Consultant: GVG Land Surveyor, PLLC – K. Weed
Last Seen On: 11/13/2024

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.

Ms. Fariello moved, second by Ms. Westrick, 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 7:07 p.m. The Secretary read the public notice as published in the Daily Gazette on January 3, 2025.

Consultant/Applicant Presentation:

Pat Jarosz stated he is here for a duplex application and he is able to answer any questions from the Board. He stated a parking area for the cemetery was added to the plan as requested.

Staff Comments:

Scott Reese, Zoning Administrator issued a memo stating:

- This Special Use is permitted per Town Code 208-10 B. (10)(a)[7] identifies a Dwelling, two-family and/or semidetached as a special use pursuant to chapter 208-79. The proposed land area exceeds the minimum area requirement.

Scott Reese, Stormwater Management Technician issued a memo stating:

- The Federal Emergency Management Agency (FEMA) is in the process of updating their Flood Insurance Rate Map (FIRM), in the document folder 492 CPR FEMA Floodplain.jpg shows the proposed boundaries. It appears that the Flood Elevation may be around elevation 301+. The applicant should be aware and plan accordingly.

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Jennifer Viggiani, Open Space Coordinator issued a memo stating:

- In reviewing the existing conditions for the frontage of this proposed duplex parcel, what is the proposed clearing and grading plan for the shared driveway? Please consider minimizing any clearing and trying to retain some of the existing trees along the frontage, even for the proposed gravel parking for the ingress/egress easement. One parking spot off the shoulder will meet the need for the occasional maintenance, while trying to keep some of the trees that remain along the frontage. Please consider laying out the driveway the furthest to the east as possible, to minimize impacts to the existing trees. Please see in the file: "Aerial view of 492 Clifton Park Center Road showing the wooded frontage context of the property.

John Scavo, Director of Planning issued a memo stating:

- The Town's Historic Preservation Commission will issue advisory comments to the Planning Board at the January meeting.
- Town staff received a concern by phone from a few property owners who do not support the request for a duplex in the vicinity of single-family dwellings. These residents received by mail the notification that an application was filed for a project within 500' of their property.
- Please show the anticipated locations for water and sewer laterals to better reduce the risk of negative impacts to the historic cemetery.
- It would be appreciated if the applicant could maintain a 20' offset from the fence line of the cemetery to ensure no adverse impacts to the burial remains. The further the house is pushed back is likely better to also reduce the risks of disturbance to burial areas.

John Scherer, Town Historian stated there are historical aspects to the cemetery on Clifton Park Center Road. He stated that the cemetery was established due to a Dutch church built in 1795 that was associated with the cemetery on the application. He stated the land was previously owned by the Milius family, which is the reason for the name of the cemetery. He stated the family's home was on the corner of Moe Road. Mr. Scherer stated the oldest stone found dates back to 1821 and the newest is 1875. Mr. Scherer stated in 1859 the church tried to sell the property and in 1862 it was sold and moved across the road and was reused as a barn until 1989 when snow collapsed it. He stated that in 1851, the Clifton Park map showed the church; in 1866, the church was removed, but the cemetery was shown. He stated in 2020 the cemetery needed work so the Historical Society contracted a restorer and a lot of the stones were restored and the adjacent land owner erected a fence. He stated the fenced-in area does not encompass the entire cemetery and extends to the east; the Historic Preservation Commission plan to survey the land using ground penetrating radar to get the most accurate dimensions. He stated that he is not sure if SEQR applies here, and per the deed, no one has owned the cemetery since 1867. Mr. Scherer stated that some of the older deeds for the property are accepting and reserving the cemetery, and he went through the history of the deeds they found. Mr. Scherer stated the members of the Preservation Society are here as well and asked Ms. Linda Seymour, Co-Chair of the Town's Historic Preservation Commission to present an advisory opinion and recommendation to the Planning Board.

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Linda Seymour stated that the cemetery is close to the roadway and the site is near the mall, across from an elementary school. She stated the Commission goes every year to do a clean-up of the cemetery. She stated that no one knows who put up the fence for the cemetery but there were stones found outside of the fence line. Ms. Seymour stated they would like to find the actual boundaries by probing. Ms. Sue Thompson, member of the Town's Historic Preservation Commission stated there is a Revolutionary War Veteran buried in the cemetery, and the cemetery is now eligible for a marker.

Professional Comments:

No professional comments.

Public Comments:

Anthony Famiano, 496 Clifton Park Center Road stated he owns west of the application and purchased the property about 3 years ago. He stated at the time he spoke with the Town and stated he was assured this application was zoned for a single-family home and not a two family. He stated that 494 Clifton Park Center Road had tried to do the same before and was denied by the Town about 1.5 years ago. He stated he is unsure about property frontage but he had thought the R-1 zoning stated they need 10 feet or more, and they do not have that with the cemetery in the front of the property, only 46 feet. He stated he has visual impact concerns, so he would like a fence put up along his property and the neighbors.

Michael Bogert, 488 Clifton Park Center Road stated he also lives next to the application and if this is approved, there would be no buffer, so fencing or trees are appreciated. He stated that he also understands the trees in the cemetery are a concern but he is opposed to cutting them. Mr. Bogert asked if there was an archeological study done on the property. Mr. Scherer stated that everything may not be contained within the applicant's lot.

Al Parker, 498 Clifton Park Center Road stated he is two lots away from the cemetery and that he was told by building and planning departments that when he bought his home only a one family was allowed on the applicant's property. He stated that the frontage without the cemetery has not been included in the project and feels that graves would be disrupted. He said for these reasons he is also opposed to the application.

Anthony LaFleche, 21 Wheeler Drive asked if an easement would be granted to allow for future expansion of the road or for a possible trail. He stated he would also like to see the home pushed back as far from the cemetery as they can. Mr. LaFleche stated that the character of the area is for one family home, so it would be more appropriate to have a single-family home here.

Raymond Seymour, 7 Nadler Road stated that when they were working on the cemetery, it was noted that the pines were also historic and estimated to be over 200 years old. He stated that

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Clifton Park Center Road is a busy road and he has concerns with additional curb cuts. He stated the cemetery is on a hill but the driveway would be next to it in line with the road, limiting visibility, which could cause difficulties.

Larry Boni, 904 Grooms Road, stated he is also the applicant and he has lived in Clifton Park all of his life since 1962. Mr. Boni stated he has worked with Mr. Scherer, Town Historian before and that this application will look like others he has built before. Mr. Boni stated one side of the building would have a front load garage and the other would have a side load, making it look like a single family home from the frontage. Mr. Boni stated he owns other 2 family homes in the area, including one across from the library, not far from the application, and it would be similar looking to that. Mr. Boni agreed to have fencing for buffering, where appropriate with the neighbors, and one curb cut is proposed for the application.

There being no additional public comment, Ms. Fariello moved, second by Mr. Fantini, to close the public hearing at 7:33 p.m. The motion was unanimously carried.

Planning Board Review:

Ms. Bagramian asked if SHPO has looked at this application. Mr. Jarosz stated he would have to look up this information. Ms. Fariello stated that there is no SHPO report in the file. Ms. Bagramian stated that SHPO needs to review this. Ms. Bagramian asked where the proposed fencing for the home would be. Mr. Jarosz stated it would be 9'-11' inside the property line and is over the right of way.

Mr. Ophardt asked for the dimensions of the cemetery. Mr. Scherer stated that the original fencing from the cemetery was removed in the 20th century and then it was replaced by the property owner. Ms. Seymour stated that graves have been found via probing to the west of the fencing.

Ms. Bagramian stated they need to know the cemetery's boundaries before moving forward. Ms. Bagramian asked if the Town took the easement for the cemetery and noted that if there is a veteran in there, SHPO should be involved to be fair.

Mr. Ophardt asked what would happen if it is found that the cemetery is bigger and it expands. Mr. Jarosz stated the building could be moved back. Mr. Ophardt asked if it expanded to the East. Mr. Jarosz stated the driveway could be put on the property line. Mr. Scavo stated the frontage of the cemetery does count for frontage even though there is an easement for it.

Ms. Bagramian asked if the cemetery eats into the 40,000 sf required for the 2 family home. Mr. Scavo stated they do still have enough land. Mr. Jarosz stated it is still permitted with the SUP. Ms. Bagramian asked what the applicant's plans for landscaping are. Mr. Boni stated he always does something, so he will put up fencing on the one side, and to the west, there are trees to act

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as a buffer that will not be touched. Ms. Bagramian asked if the applicant could do fencing on both sides. Mr. Boni stated he would put up fencing on both property lines where appropriate.

Mr. Fantini asked the applicant to go through the SUP considerations under Section 208-79-E(a-k). Mr. Jarosz went through items a-k in the code for SUPs and stated how they are met, including safety, water and sewer, character and upkeep. Mr. Fantini stated he is still on the fence on whether or not this fits into the neighborhood's character, how it affects property values, and the fact that a neighbor brought up concerns about the curb cuts. Mr. Jarosz stated the curb cut would be addressed by the Town or the County and there are other rental properties in the area such as the PUD and apartment complexes. He stated this is in the B-2 zone, so it is transitional, and there are other duplexes in the area as well. Mr. Fantini stated that a neighbor had brought up that the Board denied a similar application. Mr. Scavo stated he is not sure if this was for a variance but nothing has been before the Planning Board for a SUP.

Ms. Bagramian asked if the applicant has enough road frontages. Mr. Jarosz stated that cemetery is located on the parcel, so there is over 100 feet. Ms. Bagramian asked if the cemetery is deeded to no one then how it can count. Mr. Scavo stated that the tax map shows that it belongs to this property and it is reflected in the deed. Ms. Bagramian stated she is now more confused and a SHPO letter is now more important than before.

Mr. Ophardt stated that the meets and Boundaries need to be shown on the map of the parcel as well.

Ms. Bagramian stated that the map needs to define a no-cut area, where the fencing would be, and what the landscaping would look like.

Mr. Ophardt stated he would does not want the fencing to meet the stream as it is protected.

Ms. Westrick stated she would like the existing tree line shown as well.

Public Hearing:

#2024-047 700 Carlton Rd 3 Lot Subdivision

SBL: 265.-1-92 Subdivision of an existing 3.24 acre parcel into 3 lots. 700 Carlton RD,
Zoned: R1 – Residential Status: Preliminary Applicant: W. Beale, Consultant: Lansing
Engineering, PC – C. Lansing
Last Seen On: 11/13/2024

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

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

Ms. Bagramian called the public hearing to order at 7:57 p.m. The Secretary read the public notice as published in the Daily Gazette on January 3, 2025.

Consultant/Applicant Presentation:

Paul LaBerra stated he is here for a subdivision on the corner of Kinns Road and Carlton Road. He stated there is a single driveway proposed coming off of Kinns Road. Mr. LaBerra stated there is and 15’ easement being offered to both roads and all technical comments can be addressed.

Staff Comments:

The Environmental Conservation Commission and issued a memo recommending:

- The ECC recommends that the applicant implement environmental signage indicating the 100-foot adjacent area from the NYSDEC Wetlands. The ECC recommends that the Planning Board require a deed restriction on Lot 2 indicating that there is an environmentally protected area on the lot and the property owner is prohibited from the construction of structures or land disturbances.
- The project is located in an area which may be impacted by railroad activity. Impacts may include noise or vibration at any time day or night.
- The ECC recommends that the applicant consider relocating the structure on Lot #1 to alleviate potential hydrostatic pressure on the foundation.

John DeSimone, Fire Marshall issued a memo:

- Please reference original comments from first review. No additional comments or concerns

Scott Reese, Zoning Administrator issued a memo stating:

- This parcel is located in the Residential District (R-1) where one-family dwellings are a permitted use. The subdivision appears to meet Town Code Chapter 208-11 space and bulk standards. The building setbacks from Kinns Road appear to meet Town Code Chapter 208-98 special setback lines.

Scott Reese, Stormwater Management Technician issued a memo stating:

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- The plans should indicated who is responsible (owner) of the proposed 24" drainage culvert that is on both Lot #1 and #3. I believe it would be less complicated if it was one owner, rather than two owners.
- Address if land grading is sufficient at the driveway entrance for proper sight distances

Jennifer Viggiani, Open Space Coordinator issued a memo stating:

- Existing, public, multi-use asphalt paved trail is located on the south side of Kinns Road (county route) along the Kinns Road Park frontage. The Town of Clifton Park owns this multi-use trail. Please show the existing conditions of the existing trail on the south side of Kinns Road for the future construction contractors to be fully cognizant of this public infrastructure, as much as the water and sewer and other utilities. During the future, proposed directional drilling for public utilities, please ensure that there is a full, excellent restoration of the multi-use trail if there is any surface disturbance of the trail, or the trail's mowed shoulders. Please see the graphic showing the existing location of the Kinns Road Multi-Use Trail, and a photo in the file showing what the Kinns Road Trail looks like.

John Scavo, Director of Planning issued a memo stating:

- The applicant has addressed my previous comments, and I have no additional feedback on the current site plan submission.
- On Tuesday, December 26, 2024 received an email from the Saratoga Co. Planning Department forwarding the following comments from Gary Meier, Saratoga County Public Works, regarding the evaluation of the sight distance information shown on the applicant's current submittal: • The sight distance figures and measurements shown on the Cover sheet are acceptable. • General Note 35 on the Cover sheet states Town ROW, where the proposed utilities shown and proposed shared driveway entrance are all in the County ROW, not Town ROW. • Permitting for all proposed work within the County ROW must be obtained from SCDPW before ANY, and all, work may be performed within the County ROW. • Sheet C5: The proposed Stabilized Construction entrance shows culvert pipe end pans with stone/riprap. End pans are required, stone/riprap not allowed. • DT1: Stabilized Construction Entrance detail shows a minimum of 6 inches thick #2 & #3 over fabric, and is incorrect for an entrance to a County Highway. A minimum of 12 inches thick is required as Kinns Road is CR 109.
- In a letter dated December 20th the Saratoga Co. Planning Board requests to complete their review of the project, site distances should be placed on the plan. On December 23rd, I forwarded the additional information shown on the current submittal to Jason Kemper at the Saratoga Co. Planning Department for consideration.
- The subdivision has been classified as an Unlisted Action pursuant to the State Environmental Quality Review (SEQR). A draft Short Environmental Assessment Form (SEAF), including Parts II and III, has been prepared and is provided for the Planning Board's review and consideration. These materials and the applicant's information in the project file are submitted to support issuing a Negative Declaration under SEQR, indicating that the proposed action will not result in any significant adverse environmental impacts.

Professional Comments:

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

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STATE ENVIRONMENTAL QUALITY REVIEW

1. No further comments.

SUBDIVISION

2. No further comments.

Public Comments:

No public comments.

There being no additional public comment, Mr. Ophardt moved, second by Mr. Fantini, to close the public hearing at 8:03 p.m. The motion was unanimously carried.

Planning Board Review:

Mr. Fantini asked if there is an easement for potential trails. Mr. LaBerra stated there are easements on both roads.

Mr. Ophardt asked if there is an LC zone on the parcel. Mr. LaBerra stated he does not believe so. Mr. Ophardt asked if there are buffers for the wetlands. Mr. LaBerra stated that there are 100' buffers and they are shown on the map.

Mr. Fantini offered Resolution No. 01 of 2025, seconded by Mr. Ophardt to waive the final hearing for this application for the 700 Carlton Rd 3 Lot Subdivision approval, and to grant preliminary and final subdivision approval condition upon satisfaction of all comments, provided by the Planning Department, Town Designated Engineer, and all items listed in the final comment letter issued by the Planning Department.

Roll Call:

- D. Bagramian - Yes
- E. Andarawis - Absent
- E. Ophardt - Yes
- H. Fariello - Yes
- K. Martin – Absent
- M. Fantini - Yes
- L. Westrick - Yes

Ayes 5

Noes: 0

The resolution is carried.

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Old Business:

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

SBL: 271.-1-11 Construction of Convenience store w/fuel,146, 1019 Rt 146, Zoned: B3 -
Neighborhood Business Status: Final Applicant: M & M Food Mart Consultant: Nolan
Engineering, PLLC – R. Nolan
Last Seen On: 11/13/2024

Staff Comments:

John Scavo, Director of Planning issued a memo stating:

- The Planning Board will remove the project from the agenda for this coming Tuesday's meeting on 1/14 and will wait until the ZBA issues the necessary variance approvals/amendments.

Professional Comments:

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

STATE ENVIRONMENTAL QUALITY REVIEW

1. No further comments at this time.

SITE PLAN

2. The applicant has submitted a ZBA application that will be on the January 7, 2025, agenda. The outcome of the ZBA application may affect the proposed revised site plan.
3. The proposed entrance design shall be reviewed by NYSDOT. Minor commercial driveways for two-way traffic typically have a 33 foot radius.
4. All of our previous comments from our October 4, 2024, review letter, are still valid and should be addressed in the next submission.

STORMWATER MANAGEMENT REPORT

5. A revised SWPPP should be provided to the Town for review.

TRAFFIC

6. No further comments.

Old Business:

#2024-037 675 Mac Elroy Rd 5 Lot Subdivision

SBL: 258.-2-3.11 Proposed subdivision of a 22.22 +/- acre lot with existing home into 5 lots.,
675 Mac Elroy RD Zoned: CR - Conservation Residential, Status: Revised Preliminary
Applicant: C&J Property Holdings, LLC, Consultant: GVG Land Surveyor, PLLC – K. Weed
Last Seen On: 11/13/2024

Consultant/Applicant Presentation:

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Pat Jarosz stated that he is here tonight to answer any remaining questions the Board may have. He stated that they have included street signs and signs for the LC zoning boundaries per the Boards request. Mr. Jarosz stated site distances are good and the CPWA is good with the conditions. He stated engineers addressed the stormwater.

Staff Comments:

The Environmental Conservation Commission and issued a memo recommending:

- The ECC recommends that the Planning Board include the provision for environmental signage along the border of the deed restricted open space in order to clearly delineate the boundaries of this protected area without impeding wildlife movements as a final provision in the approval.

John DeSimone, Fire Marshall issued a memo:

- Please see Approved Postal Plans in documents. Assigned numbers will be 2,4,6, & 8.

Scott Reese, Zoning Administrator issued a memo stating:

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

Scott Reese, Stormwater Management Technician issued a memo stating:

- I am in agreement to the Town Designated Engineer stormwater related comments in their letter dated January 10, 2025.

Jennifer Viggiani, Open Space Coordinator issued a memo stating:

- The applicant should either: 1.) contribute to the installation of a crosswalk connection to the pathway across MacElroy Road to reach the asphalt path on the southeast side of MacElroy Road -- as a connector to the Fairway Woods Neighborhood, and also, as a current connector to Veterans Memorial Park; or 2) contribute to the need identified to create a new pedestrian boardwalk/crossing from Rolling Meadows neighborhood -- at the end of Rolling Meadows Lane into the 45 acres of Permanent Open Space to the west of Rolling Meadow's that connects to Veterans Memorial Park. A new trailhead kiosk is in the works at the end of Rolling Meadows Lane that demarcates where a future trail is being created. Support is needed for completing an improved connection over an intermittent stream channel for town maintenance access and public pedestrian access. Is there any potential for the planning board to consider the applicant helping with installing a crosswalk over MacElroy Road, or directing parkland fees to be dedicated to these nearby public trails needs, that would serve not only the new residents of the proposed new 5-lot subdivision, but also, the existing neighborhoods of Rolling Meadows and Fairway Woods? Attached please find a Veterans Memorial Park & Mooney Carrese Forest - Map that shows a mark-up of the two areas of public needs.

John Scavo, Director of Planning issued a memo stating:

- The proposed subdivision appears to comply with the WGEIS, which identifies the potential for 4,200-5,300 additional homes that could have been built in the study area (approximately 13,900 acres of land in the western portion of Clifton Park) prior to CR

zoning adoption. Under the WGEIS, which includes CR zoning and a permanent easement program, the approximate number of homes that can be built is 1,400.

- The Western Clifton Park WGEIS investigated the presence of rare, threatened, and endangered species using literature reviews, field surveys, and inquiries to relevant agencies. It identified three plant species of concern—side-oats grama, hoary puccoon, and Hooker's orchid—and four herpetofaunal species of special concern within the study area. Additionally, no federally-listed endangered or threatened species or critical habitats were confirmed in the study area, except for transient individuals. Excerpts from the WGEIS are attached to support the conclusions.

John Scherer, Town Historian and member of the Historical Preservation Commission (HPC) stated that the HPC and the ECC are interested in the project. Mr. Scherer gave the history of the home and the land stating it was originally built in 1834 and it is now on the Town Historic Preservation List. He stated that the current owner is interested in restoring the home and it was owned by the Town Physician, Dr. John MacElroy in 1928 and is important to the Town. He stated that the farming buildings are still intact and the owner is trying to preserve them as well. Mr. Scherer stated he feels this application would have the least impact on the farmland.

Professional Comments:

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

STATE ENVIRONMENTAL QUALITY REVIEW

1. No additional comments.

SUBDIVISION

2. No Additional comments.

STORMWATER ANALYSIS

3. To address concerns raised during the applicant's last appearance before the Planning Board, a stormwater analysis has been conducted that assessed the pre and post development watershed conditions of the project site. The primary purpose of the assessment was to determine if the project would increase runoff to adjacent properties and if it did, would there be any adverse impacts to adjacent properties or substantial rise in water elevations in the wetlands the bisect the property. The analysis demonstrates that there will be an increase in runoff from the site, which directly relates to the change in ground cover type (from wooded to impervious surfaces or maintained lawns). The analysis determined that the resulting increase in runoff in the built condition would increase runoff by 28 cf to the adjacent wetlands with a rise of the water elevation in the wetland on-site by approximately 1/16-inch. In our review of the analysis MJ offers the following observations:
 - a. The analysis conducted is appropriate and follows sound engineering practices
 - b. While there will be an increase in runoff from the site, that increase will have minimal rise in water elevation in the adjacent wetland and in turn will have a negligible impact to adjacent and/or downgradient properties.

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Public Comments:

No public comment.

Planning Board Review:

Ms. Bagramian asked the applicant to go through the list that was made for them at the last meeting. Mr. Jarosz went through the list stating the driveways are adequate for site distance, curb cuts are done, and no turtles were found on the site. He stated that there is signage for the LC zoning and the picture is on the plan for the signs. Mr. Jarosz stated the mottling soils note is on the plans. He also reaffirmed water will be serviced by CPWA and the parking signs have been added to the plan but they need a resolution from the Town Board to install them. He stated basements are being proposed, and all Hydro CAD issues have been addressed. Mr. Jarosz stated that the water level would be raised about 1/16 of an inch resulting from this development.

Ms. Fariello offered Resolution No. 02 of 2025, seconded by Mr. Ophardt to waive the final hearing for this application for the 675 MacElroy Road 5 Lot Subdivision approval, and to grant preliminary and final subdivision approval condition upon satisfaction of all comments, provided by the Planning Department, Town Designated Engineer, and all items listed in the final comment letter issued by the Planning Department.

Roll Call:

- D. Bagramian - Yes
- E. Andarawis - Absent
- E. Ophardt - Yes
- H. Fariello - Yes
- K. Martin – Absent
- M. Fantini - Abstain
- L. Westrick - Yes

Ayes 4

Noes: 0

The resolution is carried.

New Business:

#2024-056 2042 Route 9 Garage Addition Site Plan

SBL: 259.-2-80

Addition of new garage space onto existing garage structure, 2042 Us Rt 9

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Zoned: L2 - Light Industrial 2, Status: Preliminary

Applicant: Mackey Automotive, Consultant: IBL ENGINEERING – N. Tisenchek

Consultant/Applicant Presentation:

Nick Tisenchek stated he is here for additional storage at 2042 Route 9. He stated the addition would be 45'x28' and have 3 garage bays that would be used for storage and the applicant would be bringing some things stored outside in. He stated it would also include rebuilding the existing garage that had a fire last year. He stated this would not be a living space and showed the map of the parcel, including the existing space that would be remodeled and noted the expansion would be to the south of this. Mr. Tisencheck stated this would be a single room garage structure and is on over a 2 acre lot. He stated that green space and setbacks would be met. Mr. Tisencheck stated that the Karner Blue Butterfly has come up on the SEAF as possibly present and the applicant is currently waiting on a letter from DEC with clarification for the potential for Blue Karner Butterfly at that site.

Staff Comments:

The Environmental Conservation Commission and issued a memo recommending:

- Per Town Code chapter 208-69.1 B. The ECC requests the applicant show the 100-foot adjacent area of the NYSDEC Wetlands. The applicant shall contact the NYSDEC to verify the exact location of the wetland boundaries and regulated adjacent areas. A copy of this shall be provided to the Planning Department.
- Per Town Code 208-69.2 A. No building or structure shall be built, expanded, or altered for any purpose within the areas depicted on the Official Zoning Map as L-C except under certain circumstances (see Town Code). It appears that this proposal does not qualify as an exception.

John DeSimone, Fire Marshall issued a memo:

- Assure your engineer designs the new structure from the NYS Commercial Building Code 2020 edition.
- Assure your engineer uses the correct occupancy classification based off the NYS Commercial Building Code 2020 edition.

Scott Reese, Zoning Administrator issued a memo stating:

- The applicant is proposing a garage addition for storage. The parcel is located in the Light Industrial - 2 Zoning District. Town Code 208-64 B. (2) Storage, warehousing, or distribution of manufactured products is a permitted use in the Light Industrial 2 Zoning District.
- Currently there are boats and vehicles parked on the site. If the applicant is proposing outdoor storage and/or parking areas this should be shown on the site plan. Some of the vehicles are marked for sale. The applicant shall describe all the proposed uses they would like to have on this parcel.
- Show all appropriate setbacks, existing utilities, and verified wetland boundaries on the site plan.

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- It appears that the proposed addition will be in the 100-foot adjacent area of the NYSDEC Wetland. Per Town Code 208- 69.1 A (1) the towns Land Conservation boundaries include the 100-foot adjacent area. Per Town Code 208-69.2 A. no building or structure shall be built, expanded or altered with in the Land Conservation boundaries. Per Town Code 208- 69.2 C. In order for this application to move forward, the applicant will need to obtain approval by the NYSDEC and a variance from the Zoning Board of Appeals.
- Per Town Code 208-69.3 The applicant must furnish sufficient data to demonstrate that the proposed activity will not result in any of the following: (1) Alteration of aquifer capacities. (2) Reduction of flood-carrying capacities of watercourses or increased hazards associated with flooding. (3) Deterioration of water quality or impairment of best usage of waters. (4) Alteration of water retention capabilities; increase in siltation of surface water bodies and adjacent areas. (5) Significant disturbance to fish and wildlife populations and natural plant communities. (6) Impairment of any natural function of a wetland or its adjacent buffer area. (7) Alteration of the flow pattern of a watercourse area. (8) Increase in the velocity of surface water runoff.

Scott Reese, Stormwater Management Technician issued a memo stating:

- Show all expanded fill areas and cleared vegetation that has occurred since the current property owners purchase

John Scavo, Director of Planning issued a memo stating:

- Please provide clarification if the notation on the site plan showing "Line of DEC Wetland Boundary Designation" includes the 100' DEC adjacent area buffer to a State regulated wetland.
- Please confirm that no improvements, construction activity, grading, or clearing work is proposed within the NYS DOT Right Of Way.
- Pursuant to Section 208-98 of the Clifton Park Town Code, titled Special Setback Lines, U.S. Route 9 requires no building or part of a building, other than steps, eaves, and similar fixtures, shall extend nearer to the center line of the street or road than 130 feet in the case of a building. Therefore, please adjust the front setback dimension to show the required and proposed front setback accordingly.
- 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.
- If new lighting is proposed for the l parking area, luminaires shall be aimed straight down, have no uplight, and shall meet IESNA full-cutoff/fully shielded criteria. For the lighting of predominantly non-horizontal surfaces, such as, but not limited to, building facades, landscaping, business signs, and vehicle displays, luminaires shall be adequately shielded and shall be installed and aimed so as to not project their output into the windows of neighboring properties, adjacent uses, past the object being illuminated, skyward or onto the public roadway. Cut-off shields may be necessary to meet building/wall pack lighting requirements.
- The New York State EAF Mapper Summary Report (see attached), checked "yes" for question 15 of the SEAF Part I noting the potential presence of Frosted Elfin, and Blue Karner Butterflies. Please amend Part I of the EAF to reflect this information. When the EAF Mapper lists a threatened or endangered animal in or near a project site, the

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applicant must contact the appropriate NYS DEC Regional office for a determination letter if the species is present on the project site or not.

Professional Comments:

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

STATE ENVIRONMENTAL QUALITY REVIEW

1. Based upon our review of Part 617 of NYS Environmental Conservation Law, the project appears to be an “Unlisted” action. In Town Code Section 208.95(F)(9): Subject to and in accordance with the State Environmental Quality Review Act (SEQRA), the Planning Board shall be the lead agency for the purpose of conducting the environmental review of the application for a site plan. The Planning Board shall conduct an integrated comprehensive environmental review of the proposed project in combination with its review of the application under this article. If the Planning Board is to request Lead Agency status under SEQRA, the need to undergo a coordinated review is optional. Under a coordinated review, involved / interested agencies to be engaged may include, but is not necessarily limited to the following:
 - a. Town of Clifton Park Planning Board: Plan approval
 - b. Saratoga County Planning: GML 239-m County Referral
 - c. NYS Historic Preservation Office: Archeological sensitive area
2. Part 1. 12.b. – The response indicates that the project site is located within or adjacent to an area designated as sensitive for archeological sites on the NY State Historic Preservation Office (SHPO) archeological site inventory. The applicant should provide a correspondence letter from SHPO to confirm the presence or absence or archeologically sensitive resources.
3. Part 1. 15 – The response indicates that the project site contains species of plant or animal listed by NYS as rare or as a species of special concern, including the Frosted Elfin and Karner Blue. The applicant should ensure that this response is inclusive of the U.S. Fish and Wildlife Service IPaC tool to ensure no federally identified species of concern.
4. Part 1. 20 – The applicant had indicated no however, the EAF Mapper response indicates the site of the proposed action, or an adjoining property has been the subject of remediation. The applicant should review and provide additional information regarding remediation.
5. No additional comments.

SITE PLANS

6. The project is located within the Town’s Light Industrial District (LI-2). The proposal for a storage garage should be reviewed by the Town Zoning Officer.
7. The site statistics table on Sheet A-8 should be revised to reflect Section 208-98 of the Town Code: No building or part of a building, other than steps, eaves and similar fixtures, shall extend nearer to the center line of the street or road than 130 feet in the case of a building in any other district besides residential.
8. On Sheet A-8, along the silt fence provide orange wetland protection fencing along the 100-foot buffer to prevent construction activities from encroaching.
9. The site contained what appears to be regulated NYSDEC Wetlands. Provide a note on the plan regarding when and by whom these wetlands were delineated.

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10. Provide the NYSDEC 100-foot buffer on the plans as it appears the proposed addition will be within this regulated area.
11. The typical lot layout provided on Sheet A-10 indicates new utilities will be installed as part of this project, if so please show on plans and proposed connections potentially within the Route 9 right of way.

Public Comments:

No public comment.

Planning Board Review:

Ms. Bagramian asked if the garage would be used for personal space or if the applicant would be leasing it. Mr. Tisencheck stated he is unaware of leasing space, which would be used for boat storage and vehicle storage and for the applicant to work on them. Ms. Bagramian asked if there would be chemical storage in the garage and if an oil separator is needed. Mr. Tisencheck stated they would not be working on the vehicles in that large a capacity. Ms. Bagramian asked if there would be floor drains proposed. Mr. Tisencheck stated there are not. Ms. Bagramian asked for the applicant to come back with a definition of what work would be done there and what would be stored. Ms. Bagramian stated the applicant needs to provide elevations and landscaping with the next submittal.

Mr. Ophardt asked if the applicant was looking to restore the existing building or if it would be demolished and rebuilt. Mr. Tisencheck stated he would be rehabbing and restoring the existing building along with the addition, and the work would be completed together. Mr. Ophardt asked where the LC zone is. Mr. Tisencheck stated they will label it on the map and follow the 100' buffer, but he believes they are inside of it now so they have to have DEC evaluate the delineation. Mr. Scavo stated that they can try for an ECC and DEC waiver due to fire, but it is up to the DEC to evaluate and decide. Ms. Bagramian asked if this would have to wait until spring. Mr. Lippmann stated it the current information is based on state GIS mapped layers but a field delineation can supersede that information as more accurate.

New Business:

#2024-057 365 Miller Rd In-Law Apartment SUP

SBL: 276.-2-42.2 Construction of and In -Law Suite on existing house, 365 Miller RD, Zoned: R1 - Residential Status: Concept Applicant: M. Sharma, Consultant: The Smith Company GC LLC – N. Smith

Consultant/Applicant Presentation:

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Application was not present at the meeting.

Mr. Scavo stated he will reach out to the applicant to see if they still want to move forward with the application.

Chairwoman Bagramian stated the hearing will be postponed until the next meeting.

Discussion Items:

SCPB 2025 Planning & Zoning Conference

Mr. Scavo stated the next Conference is scheduled for February 5, 2025.

Ms. Fariello moved, seconded by Mr. Fantini, adjournment of the meeting at 8:51 p.m. The motion was unanimously carried.

The next meeting of the Planning Board will be held as scheduled on January 28, 2025.

Respectfully submitted,

Paula Cooper

Paula Cooper, Secretary