

Town of Clifton Park Planning Board
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PLANNING BOARD

ROCCO FERRARO
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ANTHONY MORELLI
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Emad Andarawis
Denise Bagramian
Jeffery Jones
Andrew Neubauer
Eric Ophardt
Greg Szczesny

(alternate) Teresa LaSalle

Planning Board Meeting
August 8, 2017

Those present at the August 8, 2017 Planning Board meeting were:

Planning Board: R. Ferraro, Chairman, E. Andarawis, D. Bagramian, J. Jones, A. Neubauer,
E. Ophardt
T. LaSalle – Alternate Member

Those absent were: G. Szczesny

Those also present were: J. Scavo, Director of Planning
J. Bianchi, M J Engineering and Land Surveying, P.C.
A. Morelli, Counsel
J. Dean, Secretary

Mr. Ferraro, Chairman, called the meeting to order at 7:04p.m. All in attendance stood for recitation of the Pledge of Allegiance.

Mr. Ferraro announced that Ms. LaSalle would be sitting as a full voting member of the Planning Board at this evening's meeting in Mr. Szczesny's absence.

Minutes Approval:

Ms. Bagramian moved, seconded by Mr. Ophardt, approval of the minutes of the July 11, 2017 Planning Board meeting as written. The motion was unanimously carried.

Public Hearings:

[2017-038] **Smachlo Ground Mounted Solar Installation – 112 Vischer Ferry Road** – 32 Panels within a 31’1.6” x 43’11.6” area behind existing residence, 112 Vischer Ferry Road – Preliminary public hearing for Special Use Permit #81135, site plan review and possible determination. SBL: 287.-1-24

Mr. Ferraro explained the review 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. He explained that although the Planning Board would pronounce the application complete, assume Lead Agency status, and issue a negative declaration, these actions would neither grant nor imply approval of this Special Use Permit application. Should it be determined that additional environmental review is warranted based on input received at the public hearing, SEQRA discussions will be reopened and a decision rendered when deemed appropriate.

Mr. Ophardt moved, seconded by Mr. Neubauer, to establish the Planning Board as Lead Agency for this application, an unlisted action, and to issue a negative declaration pursuant to SEQRA. The motion was unanimously carried.

Mr. Ferraro, Chairman, called the public hearing to order at 7:05p.m. The Secretary read the public notice as published in the Daily Gazette on July 26, 2017.

Ms. Lindsey Halse, representative of Kasselmann Solar and consultant for the applicant, introduced this application that calls for the installation of 32 ground mounted solar panels on a 31’1.6” x 43’11.6” area behind existing Smachlo residence located at 112 Vischer Ferry Road within the CR (Conservation Residential) zoning district. The 106.13 acre property currently contains a 3,840 SF single-family residence. There will be no change to the residence. The application is made pursuant to Section 208-16D(3)(a)[22] of the Town Zoning Code.

Mr. Scavo reported that all comments prepared by Mr. Myers, Director of Building and Development, Ms. Reed, Chief of the Bureau of Fire Prevention, the ECC, Mr. Reese, Stormwater Management Technician, Mr. Dahn Bull, Highway Superintendent, M J Engineering and Land Surveying, P.C., and the Trails Subcommittee of the Open Space, Trails, and Riverfront Committee for items on this evening’s agenda have been forwarded to Board members for their consideration.

Mr. Scavo explained that Mr. Myers, Director of Building and Development, offered the following comments regarding this application in a memo dated July 25, 2017. This 106 acre parcel is located within the CR (Conservation Residential) zoning district. It appears that there are no issues with the proposed installation.

Mr. Scavo reported that he prepared the following comments regarding this application. The property appears to be zoned CR (Conservation Residential) and the proposed ground mounted solar array is subject to the granting of a Special Use Permit pursuant to the considerations outlined within §208-79(3) of the Town Code. The project appears to be an unlisted action pursuant to SEQRA. It is important to note that the proposed 2017 SEQRA Amendments by NYS DEC once adopted would

classify this action in the future as a Type II Action (installation of a 5 MW solar energy array on an existing, non-historic structure). Based on the proposed location within the ±106 acre parcel there appears to be no adverse visual or auditory impacts to adjacent property owners and no additional screening requirements or conditions are recommended.

There being no public comment on this application, Mr. Ferraro moved, seconded by Ms. Bagramian, to close the public hearing at 7:12p.m. The motion was unanimously carried.

In response to Mr. Andarawis' question regarding fuel storage equipment, Ms. Halse explained that energy collection would be limited to the grid: no battery back-up or storage equipment will be installed. When questioned by Mr. Ophardt about fencing of the area, the speaker responded negatively stating that no fencing would be installed on the property. No tree removal will be necessary.

The Planning Board first considered approval of Special Use Permit #81135.

Mr. Jones offered Resolution #10 of 2017, seconded by Mr. Andarawis, to approve Special Use Permit #81135, to permit the installation of 32 ground mounted solar panels on a 31'1.6" x 43'11.6" area behind existing Smachlo residence located at 112 Vischer Ferry Road. Ayes: Neubauer, Andarawis, Bagramian, LaSalle, Jones, Ophardt, Ferraro. Noes: None.

The Board then considered site plan approval.

Ms. LaSalle moved, seconded by Mr. Neubauer, to grant preliminary and final site plan approval to this application conditioned upon satisfaction of all items listed in the final comment letter issued by the Planning Department. The motion was unanimously carried.

Old Business:

[2017-021] **Abele Limited Partnership** – Proposed (14) lot duplex subdivision, Christinamarie Drive – Revised conceptual review. SBL: 284.-1-10.21

Mr. Address, consultant for the applicant, introduced Mr. Ed Abele, applicant, and presented this application for the Board's consideration, highlighting revisions were made to the plan following its initial review, Board discussion, engineering and staff reviews, and public comment at the April 26, 2017 meeting. The project plan calls for development of a 20.74 acre parcel of land located on the southerly side of Crescent Road with possible connections to Christinamarie Drive and John J. McKenna IV Way. The property lies within the R1 zoning district.

Mr. Address provided a brief overview of a number of development plans put forth by the applicant that preceded the current proposal. Two years ago the applicant applied to the Town Board for approval a PDD that would allow the development of ninety-four (94) apartment units. Many concerns were expressed regarding the proposed density and the plan was reduced to seventy-eight (78) units. The plan never progressed. The applicant then proposed a forty-four (44) unit townhouse development, again through the PDD process, that was never forwarded from the Town Board to the Planning Board for a recommendation.

This evening's presentation consisted of a conventional subdivision design plan that illustrated the construction of fourteen (14) duplex units (28 total dwelling units) with setbacks of 50' feet for the front, 25' for the rear, and 10' for the side and a cluster design plan that utilized a front setback of 20', a side setback of 8', and a rear setback of 10' except along Christinamarie Drive where the setbacks would be 25'. Each plan includes a notation that reads as follows:

After construction of each duplex unit the lot shall be subdivided to provide for ownership of each side.

The roadway through the subdivision would be held and maintained privately by a homeowners' association.

Mr. Andress attempted to address several of the concerns identified by town staff members and M J Engineering and Land Surveying, P.C. after review of plans submitted several weeks ago for review at this evening's meeting. Speaking to the issue of the flag lot that was included within the cul-de-sac, Mr. Andress explained that such lot configurations could be approved by the Board and was included in this plan to "provide a reasonable yield plan analysis." Noting that a significant portion of the property has been deed restricted pursuant to an agreement between the applicant and the ACOE for violation of that agencies' policies during the construction of Christinamarie Drive, he explained that, although there were minor areas of identified isolated wetlands on the parcel, no buildings were proposed in close proximity to such wetlands. The speaker explained that the land disturbance would fall below the five-acre threshold. The project plan would include roadway construction that would not require the typical closed drainage system: no detention basin would be required. He pointed out that the proposed duplex units would not be desirable for families with small children. Mr. Andress explained that the revised plan presented at this evening's meeting has been modified to eliminate the keyhole lot, move the proposed homes further away from deed restricted non-disturbance areas, and illustrate a "yield plan that was clearly buildable."

During a verbal volley that lasted over an hour, Planning Board members, Mr. Andress, and Mr. Abele discussed their respective perspectives regarding the application. Reading from two memos issued by the ACOE in 2003, Mr. Ferraro expressed his concerns with the applicant's ability to accurately illustrate on the subdivision plan adequate protections for deed restricted lands, wetlands, and an identified stream corridor. Mr. Andress explained that the agreement reached between the applicant and the ACOE requires that no construction, cutting, or development of any kind be permitted on the apportioned deed restricted land owned by the Abeles and that it is understood that any proposed future impacts to delineated jurisdictional wetlands must be reviewed by that agency. He emphasized the fact that the plan presented does not propose any disturbance of these wetlands, the stream corridor, or restricted areas. Mr. Andress recognizes that the existing stream corridor is still protected under "waters of the US" standards and that review by the ACOE will be required if it is to be disturbed. While he encouraged the Planning Board to provide the applicant with "some direction" regarding the subdivision plan, Mr. Ferraro called for some assurance that the "ACOE was 'on board' with the proposed development plan." Mr. Andress argued that the proposal presented was "nothing different than a regular subdivision that will require the crossing of a stream bed." Mr. Ferraro countered that the applicant must confer with town staff members as well as representatives of the ACOE to clearly outline the boundaries of restricted lands, label constraints imposed by the site's topographical features, and identify any other potential environmental impacts so that an accurate determination regarding density may be made.

Mr. Address asked the Board to review this application as it would any other subdivision proposal, noting that the number of lots to be created utilizing a conventional design would be the number transferrable to a cluster design. Focusing on the advantages of the cluster design over the conventional one, he noted that the cluster design minimizes the distances between houses while increasing distances of construction from delineated wetlands. He pointed out that establishment of a homeowners' association would add an "extra layer of protection" for environmentally sensitive lands since such an association would have enforcement powers to manage any disturbance and/or encroachment issues. The speaker explained that the revised plan no longer called for the construction of a full access roadway as an extension of Christinamarie Drive which was a major concern for the existing residents. Mr. Ferraro advised the applicant that it would be necessary to "follow the required ordinances" to achieve approval of the requested number of units, commenting that the proposed development plan which anticipated the eventual creation of twenty-eight (28) lots would require approval of a significant number of variances from the Zoning Board of Appeals. Ms. Bagramian, former member of the Zoning Board of Appeals, remarked that the ZBA would "likely be concerned about the number of variances requested," pointing out that it would be viewed "almost as a self-created hardship." Mr. Abele commented that he was aware that future approvals from the Zoning Board would be required.

Mr. Ferraro referenced a letter issued by the Clifton Park Water Authority that spoke to the issue of the installation of water lines within a privately-held and maintained right-of-way. Mr. Address explained that an agreement regarding maintenance of utility lines would be formalized with the Authority. Mr. Bianchi explained that the applicant must consider the legal implications of establishing a transportation corporation within the boundaries of an existing district. Mr. Ophardt, referencing the conventional subdivision plan, questioned whether or not several of the proposed lots – particularly Lots #2, 3, 4, 5, and 11 – would be "buildable" considering the proximity of the proposed homes to restricted areas. Mr. Address argued that the orientation of the homes on the lots could be adjusted slightly to provide adequate room for construction. Mr. Neubauer didn't "see an issue" with the number of proposed lots illustrated in the conventional plan, explaining that he did not find it "insurmountable" for the applicant to design the plan to accommodate the fourteen (14) proposed units. Mr. Ferraro criticized the plan's failure to clearly identify constrained lands and potential impacts to environmental features, questioning whether the plan as proposed would seriously address issues and adequately accommodate stormwater management facilities. Mr. Address assured the Board that run-off would be effectively accommodated. Mr. Jones stated that he appreciated the applicant's efforts to address the specific housing needs of the aging Clifton Park population and young professionals who do not wish to maintain an expansive property. Following Mr. Andarawis' comment that the Zoning Board of Appeals would be required to determine whether or not variances would be reasonable based on the conventional design, Mr. Neubauer pointed out that, should the Zoning Board determine that re-subdivision of fourteen (14) lots is not advisable, the Planning Board's "theoretical exercise" in attempting to determine an appropriate number of lots would be moot. Mr. Ferraro described the applicant's proposal to ultimately create 28 lots as an "attempt to circumvent the PDD process" and called upon the Town Board to consider revision of the Town Code which allows the approval of duplexes via the Special Use Permit approval process throughout the town. Mr. Hartnett, speaking as a member of the audience, asked that the Board require the same approval process as applied to the Vistas development located on Route 146.

Mr. Andress called for the Board to outline the specific issues of concern to be addressed by the applicant. Mr. Ophardt asked that the applicant demonstrate that calculations regarding the number of permissible lots illustrated on the conventional design were accurate and to illustrate how the project's cluster design would provide for the "protection of open space" and "provide some benefit to the town." Mr. Ferraro, referencing comments issued by Ms. Reed, Chief of the Bureau of Fire Prevention, asked that the applicant investigate the possibilities (with the ACOE if necessary) for providing a loop system for the proposed water lines and a roadway connection of the dead end streets. Mr. Jones supported the cluster design, stating his approval of the limited backyard areas. Mr. Neubauer supported establishment of a homeowners association since it would provide for greater protection of restricted lands. Both Mr. Ferraro and Ms. Bagramian questioned whether owner occupied versus rental properties would impact the effectiveness of homeowners' association policies. Mr. Ferraro called upon the applicant to address the concerns expressed by Mr. Reese, Stormwater Management Technician. Mr. Neubauer generally supported a cluster design explaining that such a plan tends to allow for a buffered perimeter and create a better social neighborhood. He approved of the proposed common area with a gazebo, though he recommended that the applicant consider Ms. Viggiani's request for more connectivity to adjoining neighborhoods and commercial areas. In response to Mr. Hartnett's comment regarding negative visual impacts of the proposed dual driveways for each parcel, Mr. Abele explained that no specific design plans had been prepared. Mr. Ferraro approved of the pathway connection, rather than full service roadway, to Christinamarie Drive, though Mr. Jones found the lack of a roadway connection disappointing. Mr. Scavo appeared to agree with one Board member's "overwhelming concern" that an unrestricted roadway would create an undesirable "cut-through road," pointing out that such a connection would likely create "an additional choke point" on Crescent Road in the vicinity of the existing park and ride lot at Exit 8. Mr. Hartnett pointed out that subdivision plans often carry a notation which states that no further subdivision is permitted and questioned how such a notation would impact the future separation of the duplex units. Mr. Ferraro explained that twenty-eight (28) units appears to be the number of development parcels. Mr. Neubauer recommended that the Planning Board condition any recommendation or approval on the restriction that either all fourteen (14) properties be subdivided or that none of the properties be further divided. Mr. Andress noted that it is likely that the homeowners' association would control such a decision. The consultant agreed to consider all of the comments issued by Planning Board members.

[2016-049] **Galluzzo Medical Building** – Proposed 6,961 SF office building, 954-956 Route 146 – Preliminary site plan review and possible determination. SBL: 271.-4-5

Mr. Andress, consultant for the applicant, presented this project plan which calls for the construction of a 6,961 SF office building at 954 Route 146. The parcel slated for development is part of an integrated site plan that includes three existing office buildings on 4.26 acres located on the southerly side of Route 146 approximately ½ mile east of its intersection with the entranceway to the Shenendehowa School District complex and directly opposite Green Meadow Drive. The site is situated within the B1 zoning district. Mr. Andress explained that all of the property within the complex is owned by Satin Beak, LLC and that the firm now requests approval to construct a 6,961 SF one-story office building on Lot #954. He noted that a 4,800 SF single-story medical office building was previously approved for the site though the building was never fully constructed: a building foundation remains but will be removed prior to construction of the new building. Plans now call for the construction of a 6,961 SF building and a new parking area on the common drive

that serves all (4) buildings, specifically placed on Lots #950 and 952 which currently house medical office uses. Variances for building size and parking setbacks were approved by the Zoning Board of Appeals on June 20, 2017. Section 208-33B of the Town Code allows a maximum area of 4,800 SF: a 2,161 SF variance was granted to allow for construction of the proposed building. Section 208-35D(2) of the Code requires a 25' parking setback from: a 25' variance was required and approved. Section 208-35D(4) requires a 10' buffer along the property line: a 10' variance was granted. It appears that all other B1 zoning requirements have been met. Mr. Andress explained that runoff generated from the 2,161 square feet of additional rooftop will be conveyed through roof drains to a proposed new dry well adjacent to the building. Stormwater will infiltrate into the sandy soils as in the previously approved design. The 2,672 square feet of asphalt parking will be pitched west to east toward the existing catch basins by 952 Route 146. Runoff is conveyed to an existing drywell for infiltration with an overflow connection to an additional existing drywell. The existing system has sufficient capacity and no further modifications are necessary. The runoff discharge from the proposed development will be handled by infiltration onsite. Existing landscaping on the site will be preserved. Water and sewer connections will be made in conformance with current guidelines. Easements have been established for possible future connection(s) to properties to the east and west of the site.

Mr. Scavo read comments prepared by Mr. Myers, Director of Building and Development. Mr. Myers explained that all necessary variances have been granted. He recommended that the Planning Board address access and access easements for parking. He noted that the Planning Board may wish to recommend that excess parking spaces be "landbanked" until their installation is warranted. It is recommended that the applicant provide stormwater details in the proposal even though a new Stormwater Pollution Prevention Plan is not required since there has been a drastic change to stormwater regulations since the 2008 plan was approved.

Ms. Reed, Chief of the Bureau of Fire Prevention, offered no comment on this application.

Mr. Scavo reported that, after review of the application, the ECC offered no comment or recommendations regarding the project.

Mr. Scavo read the following comments provided by Mr. Reese, Stormwater Management Technician, in a memo dated August 3, 2017. He requests that the applicant consider relocation of the proposed drywell to the southwestern corner of the proposed medical office building with the overflow pipe connecting to the existing drywell located at the northeast corner of Building 956. The memo states that the existing drywells and stormwater management areas should be inspected and maintained as needed prior to the issuance of a MS4 Acceptance Form for the proposed project.

Mr. Scavo offered the following comments issued by the Planning Department. The proposed project is subject to Section 239 of General Municipal Law and was referred to the Saratoga County Planning Board on July 26, 2017 for a recommendation. Area variances were granted by the Town's Zoning Board of Appeals at its June 20, 2017 meeting based on the current site plan configuration. The area variances were conditioned on the following stipulation: "upon site plan approval, the applicant will file a cross access easement agreement for parking and access between 950 and 954 Route 146." Sign-offs from the Clifton Park Water Authority and Clifton Park Sewer District are required prior to stamping the final site plan. Sewer Note #1 on Sheet 1 of 4 should be changed

from SCSD #1 to the Clifton Park Sewer District. The applicant should indicate whether or not any work is anticipated within the right-of-way. Should such work be required, a note should be added to the plan that states:

If any construction and/or disturbance activity is proposed within the NYS DOT right-of-way, the property owner must obtain a curb-cut permit from the New York State Department of Transportation.

The building elevations calling out exterior material types shall be included with the final site plan set for stamping purposes. New parking spaces other than ADA spaces should be delineated with white painted lines (based on an aerial image it appears the existing parking stalls are marked by yellow paint). Mr. Scavo noted that Ms. Viggiani, Open Space Coordinator, has recommended that a sidewalk connection be made to link the existing sidewalk along Route 146 with the proposed building.

Mr. Bianchi reported that, after review of the materials presented for review, M J Engineering and Land Surveying, P.C. provided the following comments for the Board's consideration. As noted in Comment 4 of the September 23, 2016 review letter, additional parking spaces are proposed on an adjacent lot. A cross-lot easement for access and parking would be required. As noted in Comment 7 of the September 23, 2016 review letter, the applicant is asked to indicate on the plans the locations of the Knox Box and fire department connection or to provide a note on the plans indicating that the final location will be determined as part of the building permit process and is subject to the Town of Clifton Park's review and approval. The Planning Board may consider conditioning approval on the establishment of a cross-lot access easement to improve upon access management along Route 146. The applicant is asked to provide infiltration tests and stormwater calculations for the proposed drywell that will capture roof runoff. There should be consideration of an emergency overflow for the drywell that will safely convey runoff. The Burning Bush is a regulated species pursuant to NYCRR Part 575; therefore, the applicant is asked to provide a replacement species.

Mr. Address reported that the "regulated species" has been replaced with an acceptable landscaping species.

Ms. LaSalle requested clarification of details regarding the proposed parking area and impacts to existing vegetation. Mr. Address explained that an additional fourteen (14) spaces will be added parallel to the entry drive from Route 146 between buildings situated on Lots #950 and 954 and that all other existing spaces will remain. The number of proposed parking spaces has been reduced by one since there is an existing electrical box that requires protection. There will be no impact to existing vegetation. Mr. Ferraro commented that the existing trees along the proposed parking area may require significant trimming. Mr. Neubauer observed that although the first page of the architectural drawings submitted with the plans indicated that there would be a basement level, the first floor plan did not show stairs to that level. Dr. Galluzzo explained that the entry to the basement was to be provided outside the building. Mr. Ferraro called the applicant's attention to the discrepancy in building size from that shown on the proposed building and that included within the site statistics table, asking that the site plan be corrected to reflect the accurate size of the building. Mr. Ferraro supported the sidewalk recommendation offered by Ms. Viggiani and suggested that the amenity be placed between the fire hydrant and the site identification sign to the west of the entranceway. Mr. Jones asked that the applicant consider the installation of a conduit for support of

future vehicle charging stations since such installation was more practical during initial construction than as retrofitted at a later date.

Mr. Jones moved, seconded by Ms. Bagramian, to establish the Planning Board as Lead Agency for this application, an unlisted action, and to issue a negative declaration pursuant to SEQRA. The motion was unanimously carried.

Ms. LaSalle moved, seconded by Mr. Jones, to grant preliminary and final site plan approval to this application conditioned upon sign-off letters from both the Clifton Park Water Authority and the Clifton Park Sewer District, the construction of a sidewalk link between the existing concrete walkway along Route 146 and the sidewalk surrounding the proposed new building, and satisfaction all items listed in the final comment letter issued by the Planning Department. The motion was unanimously carried.

New Business:

[2017-037] **Milton CAT** – Proposed installation of a gravel display area and equipment demonstration area, 500 Commerce Drive – Preliminary review and possible determination. SBL: 259.-2-95.11

Mr. Brad Farrin, Corporate Facilities Manager, introduced Mr. Wayne DeRosa, Construction Manager, and Ethan Flinkstrom, Engineering Consultant, who were in attendance at the meeting. He then presented this application for the Board's consideration. The property to be improved is located to the rear of Commerce Drive, approximately ½ mile from the Northway - Ushers Road Exit 10 exit ramp within the LI2 zoning district and lies within the Wood Road Corridor GEIS Study area. The parcel consists of 25.24 acres north of the railroad and 2.86 acres south of the tracks. Plans call for the installation of a gravel display area with a stabilized construction entrance and an equipment demonstration area in the northwesterly portion of the site. Existing green area on the site totals 15.50 acres. After site improvements, the site will have 14.69 acres of greenspace or 52% of the site which exceeds the required 40%. All disturbed areas outside the equipment demonstration area and the gravel display area will be treated with 4" loam, seed, and mulch. Mr. Flinkstrom explained that, as plans have been revised and disturbed area has increased, the project design now calls for the installation of a sediment pond: this pond would be provided to supplement the two existing stormwater management areas. An updated Stormwater Management Plan will be prepared as required.

Mr. Scavo reported that Mr. Myers, Director of Building and Development, offered the following comments regarding this application in a memo dated July 25, 2017. The proposed use is an allowed use in a LI2 zone. The stormwater management analysis is sketchy. There should be some discussion of runoff control from this unpaved expansion since it can be an issue as evidenced by the issues with Nortrax. Some type of stabilization and maintenance of this area to limit runoff must be provided.

Ms. Reed, Chief of the Bureau of Fire Prevention, offered no comment on this application.

Mr. Scavo reported that the ECC offered the following comments and recommendations regarding this application after review of the project plan at its August 1, 2017 meeting. The ECC requests that the applicant retain sufficient vegetation and distance to screen the proposed project from Ushers Road. The project site shall have sufficient stormwater sediment basins and filtration basins to intercept the runoff from the site going southeast to the Prestige Sales site. Due to the close proximity to the Colonie Channel Aquifer, the ECC recommends that the applicant use an impervious surface for the storage of motorized equipment and incorporate sediment traps and oil water separators with appropriate capacity to limit the migration of vehicular contaminants into these sensitive environments.

Mr. Scavo explained that Mr. Reese, Stormwater Management Technician, provided the following comments in a memo dated August 3, 2017. The Erosion Control Mix for Sediment Barrier Detail on Sheet C-501 is not approved pursuant to NYS Standards and Specifications for Erosion and Sediment Control. The Short Environmental Assessment Form presented with the application states that 1.6 acres of land will be physically disturbed. If more than one (1) acre is being disturbed, a Full Stormwater Pollution Prevention Plan per the NYSDEC SPDES General Permit is required.

Mr. Scavo offered comments prepared by the Planning Department. The applicant is asked to add the following notes to the plan:

There shall be no clearing, grading, construction, or disturbance of soil and/or native vegetation until five business days from the date the NYS DEC received the complete Notice of Intent.

This site plan is bound by all covenants, restrictions, and conditions of the site plan approval for Planning Board Project #1998-033 and shall be incorporated as a site plan modification to that project.

The applicant is advised that since the site was within 500' of NYS Route 9, the Clifton Park Planning Board has forwarded a copy of the application to the Saratoga County Planning Board for a recommendation in accordance with §239m of General Municipal Law. The speaker reported that Mr. Kemper, Director of Planning for Saratoga County, has provided a sign-off from the Saratoga County Planning Board in the form of a Memo of Understanding (MOU) that states that the County Board finds that there will be no inter-municipal or county-wide environmental impacts from the proposed development. Mr. Scavo also reported that, after an on-site inspection, he determined that the minor site clearing proposed would not visually impact those traveling on Ushers Road.

Mr. Bianchi reported that M J Engineering and Land Surveying, P.C. provided the following comments regarding this application. Based upon review of Part 617 of NYS Environmental Conservation Law, the project appears to be an "Unlisted" action. Assuming 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: NYS Department of Environmental Conservation – permit coverage under stormwater SPDES, identification of threatened and endangered species, potentially taking of additional water, impacts within a wetland buffer area; NYS Office of Parks, Recreation and Historic Preservation – identification of cultural or historic resources. Additional involved/interested agencies may be defined as the project proceeds through the town's regulatory review. Several comments related to the Short Environmental Assessment Form submitted with the application. Under Part I.2, the applicant is asked to add all agencies that will be issuing approvals. At this time it would appear that the NYSDEC will have jurisdiction as the stated area of disturbance

will be in excess of 1 acre (refer to Part I.3.b). Under Part I.3.b the total area of disturbance is noted as 1.6 acres. If this is correct, a site specific Stormwater Pollution Prevention Plan (SWPPP) shall be provided as part of subsequent submissions. Under Part I.12.b. the response indicated that the site is not located in an archeologically sensitive area. In reviewing the CRIS database, the site appears to be located within an identified archeologically sensitive area. If a project SWPPP is required, a "no effect" letter will be required from the NYS Office of Parks, Recreation and Historic Preservation. Additional comments related to the site plan presented for consideration. The project resides within the town's LI2, Light Industrial District. The proposed outdoor display, while not explicitly identified as a permitted use, would be considered ancillary to the pre-existing permitted use. On sheet C-101, the applicant is asked to delineate the limits of disturbance and provide the numerical value. It is noted that the project materials provide different values for the expected areas of disturbance. If the total disturbance exceeds 1 acre, the stormwater facilities as proposed would need to be modified to account for water quality control measures. The silt fence shown of Sheet C-101 should be placed more parallel with the contours rather than solely at the edge of the proposed soil disturbance areas. The applicant is asked to delete the sediment barrier and use the silt fence as the sediment barrier is not a recognized practice in the NYS Blue Book. The final comment related to the stormwater management analysis. The Short Environmental Assessment Form indicated 1.6 acres of disturbance while Section 1 of the report indicated 0.74 acres of disturbance. The applicant is asked to resolve this discrepancy and revise the expected area of disturbance appropriately. If disturbance will be greater than 1 acre, a project Stormwater Pollution Prevention Plan will be required.

In response to concerns regarding possible contamination of the site, Mr. Farrin explained that the new equipment would use little fuel and/or contaminants and that standards are in place for spill prevention and containment. Mr. Ferraro expressed his concerns with potential site contamination due to the proximity of the area to the aquifer recharge area: Mr. Farrin explained that site inspection is required once every two years and that spill prevention plans are in place. In response to Mr. Andarawis' question regarding containment of machinery within the equipment demonstration area, Mr. Farrin explained that the natural contours and site topography would be utilized to limit the practice areas. Mr. Scavo also noted that disturbance boundaries would be clearly established on the site plan. Citing the comments issued by Mr. Reese, Mr. Ferraro questioned whether or not the applicant would be able to satisfy the stormwater management concerns. Mr. Scavo explained that, since the site has already contains an existing warehouse, a sign-off letter from the State Office of Parks, Recreation, and Historic Preservation is anticipated.

Mr. Ophardt moved, seconded by Mr. Jones, to establish the Planning Board as Lead Agency for this application, an unlisted action, and to issue a negative declaration pursuant to SEQRA. The motion was unanimously carried.

Mr. Jones moved, seconded by Mr. Neubauer, to grant preliminary and final site plan approval to this application conditioned upon the preparation of an acceptable Stormwater Pollution Prevention Plan and satisfaction of all comments issued by the Planning Department in the final comment letter. The motion was unanimously carried.

Mr. Jones moved, seconded by Mr. Neubauer, adjournment of the meeting at 10:00p.m. The motion was unanimously carried. The next meeting of the Planning Board will be held as scheduled on August 22, 2017.

Respectfully submitted,

Janis Dean, Secretary

Notice of Decision

Resolution #10 of 2017

Special Use Permit Approval

At a meeting of the Planning Board held at the Town Hall of the Town of Clifton Park, Saratoga County, New York, held at the Town Office Building, One Town Hall Plaza, on August 8, 2017 there were:

Present: R. Ferraro, Chairman, E. Andarawis, D. Bagramian, J. Jones, A. Neubauer,
E. Ophardt,
T. LaSalle – Alternate Member

Absent: None

Mr. Jones offered Resolution #10 of 2017, and Mr. Andarawis seconded, and

Whereas, an application was made to this Board by Kasselmann Solar on behalf of Mark Smachlo for approval of Special Use Permit #81135 to permit the installation of 32 ground mounted solar panels on a 31'1.6" x 43'11.6" area behind existing Smachlo residence located at 112 Vischer Ferry Road pursuant to Section 208-16D(3)(a)[22] of the Town Zoning Code;

Whereas, the Planning Board was established as Lead Agency for this application, an unlisted action, and a negative declaration was issued pursuant to SEQRA on August 8, 2017, and

Whereas, pursuant to Section 276 of the Town Law, a public hearing was advertised and was held on August 8, 2017;

Whereas, it appears to be in the best interest of the Town that said application be approved,

Now, therefore, be it resolved that Resolution #10 of 2017 Special Use Permit #81135 to permit the installation of 32 ground mounted solar panels on a 31'1.6" x 43'11.6" area behind existing Smachlo residence located at 112 Vischer Ferry Road pursuant to Section 208-16D(3)(a)[22] is granted approval.

Resolution #10 of 2016 passed 8/8/2017

Ayes: Neubauer, Andarawis, Bagramian, LaSalle, Jones, Ophardt, Ferraro

Noes: None

Rocco Ferraro, Chairman