

Town of Clifton Park Planning Board
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PLANNING BOARD

ROCCO FERRARO
Chairman

ANTHONY MORELLI
Attorney

PAULA COOPER
Secretary



MEMBERS

Emad Andarawis
Eric Ophardt
Jason Beach
Andrew Neubauer
Denise Bagramian
Greg Szczesny

(alternate) Ram Lalukota

Planning Board Minutes
April 28th, 2020

Those present at the April 28th, 2020 Planning Board meeting were:

Planning Board: R. Ferraro, Chairman, E. Andarawis, J. Beach, A. Neubauer, E. Ophardt,
G. Szczesny
R. Lalukota – Alternate Member

Those absent were: D. Bagramian

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

Mr. Ferraro, Chairman, called the meeting to order at 7:00 p.m. Mr. Ferraro stated that in the absence of Ms. Bagramian, Mr. Lalukota would be a voting member this evening. Mr. Ferraro stated that the Planning Board meeting for tonight is being held remotely due to the current health crisis and inability to hold large gatherings in one place.

Minutes Approval:

Mr. Szczesny moved, seconded by Mr. Neubauer, approval of the minutes of the April 14th, 2020 Planning Board meeting as written. The motion was unanimously carried.

Public Hearing and Old Business:

Moved from the April 14th Meeting Agenda

2020-011; 2020-012 Appleton Road Solar Array Site Plan & SUP

Applicant proposes construction of a 5.0 MW AC ground-mounted solar energy generating facility. The facility will cover approximately 27.7 acres and be surrounded by a 7' fence and an associated road will cover an additional 1.42 acres, 94 Appleton Rd, Zoned: CR, Status: PB Public Hearing, Preliminary Review w/possible Final Determination Hearing
SBL: 270.-1-50.1

To be reviewed by: MJE Consultant: Borrego Solar Applicant: Jeanne Lindsey
Last Seen on: 2-25-20

Mr. Ferraro 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. He 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 site plan application. Should it be determined that additional environmental review is required, SEQRA discussions will be reopened and a decision rendered when deemed appropriate.

Mr. Neubauer moved, second by Mr. Beach, to establish the Planning Board as Lead Agency for this application, an Unlisted Action, and to issue a negative declaration pursuant to SEQRA.

Mr. Ferraro, Chairman, called the public hearing to order at 7:07p.m. The Secretary read the public notice as published in the Daily Gazette on April 18th, 2020.

Consultant/Applicant Presentation:

Greg Gibbons – Borrego Solar - Mr. Gibbons showed on the videoconferencing screen the aerial site plan for everyone on the meeting to view. Mr. Gibbons stated that the west side of the parcel on Appleton Road would not be developed and neither would the open field nearest to the roadside on the east side. He stated there would be a 20 ft. wide driveway covering approximately 3700 linear ft. Mr. Gibbon stated that there will be up to 7 utility pole interconnections at the entrance to the site, there will be 27 acres of fenced area being developed with 30% open space, and 66 acres of the property left undeveloped. 20,000 modules would be placed on the property which would be 40 ft. by 12 ft. and will be 9 ft. off of the ground. Mr. Gibbons stated that there are no chemicals or heavy metals used to make the panels and that the panels are silicone based and sealed. He also stated that there will be a 7ft high fence shown around the solar array areas with a 6 inch wildlife gap, the grounds would be mowed twice per

year and that a wildflower mix would be planted to provide a habitat for pollinators. Mr. Gibbons stated there would be approximately 53 blue spruce trees along the southern property boarder. Mr. Gibbons stated that the company worked with Saratoga Associates to find the visual impact points. There were 3 locations found off of Appleton Road. Mr. Gibbon stated that the applicant would be leaving as much vegetation and trees as possible along the property line as there is natural existing buffering. Mr. Gibbons showed via screen the picture of existing vegetation not going over the property line but on the applicant's property so that the buffer could be visualized. Mr. Gibbons explained it would take a few years for tree plantings to fully grow and cover the panels, but with existing vegetation the screening is still intact. Mr. Gibbons displayed a picture of the property with proposed vegetation that would be 300-400 ft. away from the panels to not shadow them.

Lindsay McEntire – Borrego Solar – Ms. McEntire stated that the energy created on this site would be sold back to the community to offset National Grid prices and a provide green/renewable energy supply source to the grid. Ms. McEntire stated that this location was chosen due to the natural screening of the land, and that homes will not be able to see the modules, only a small portion of farm land would have visual impacts.

Staff Comments:

Steve Myers, Director of Building and Development issued a memo dated 4/8/20 stating:

- It is not believed the proposed GEOWEB Reinforced access road will meet the requirements of emergency access roads in the Fire Code. It is also doubtful such construction will work in the wetland crossing areas. Plans note to avoid use of this product in poorly drained areas.
- The meeting to discuss the access roads mentioned has not occurred to date. Proof of the road's load capabilities should be provided at this meeting.

Mr. Scavo stated that Mr. Gibbons has been in contact with Mr. Myers to discuss the roadway. Mr. Scavo stated that Mr. Myers would like to see the roadway at 20ft. but if there are points where they can be cut it can be discussed. Mr. Gibbon stated that in wetlands he had proposed a 16ft. roadway to cut down on wetland impact. He stated he can discuss this with Mr. Myers to further discuss. Mr. Ferraro stated that he feels this is a good idea and since Ms. Reed and DEC seem to be in favor of or not commenting on it, it should be explored to see if Mr. Myers would allow the width reduction in areas constrained by wetlands. Mr. Scavo stated there will be no traffic so the fire issue should be met with turn around and no through traffic or other vehicles will be present.

Sheryl Reed, Chief of the Bureau of Fire Prevention:

No comments

Scott Reese, Stormwater Management Technician issued a memo dated 4/24/20 with the following comments:

1. The applicant has provided responses to my comment letter dated April 10, 2020. The revised SWPPP will need to be submitted and reviewed to see how the comments were addressed.
2. Provide documentation from the NYSDEC that allows the placement of the solar panels in the NYSDEC Wetland Adjacent Area.
3. Provide documentation from the NYSDEC that allows the proposed roadway construction and placement in the NYSDEC Wetlands and Adjacent Area.

The Environmental Conservation Commission held a meeting on 4/7/20 and issued a memo recommending:

1. The ECC is interested in reviewing the prepared report from the professional wildlife biologist when it is available.

John Scavo, Director of Planning issued a letter dated 4/9/20 with recommendations he made:

1. Provide documentation showing the approximate distance, at grade, from the proposed Community Solar Array to the nearest residential dwelling located to the south of the array on the adjacent parcel.
2. Add a site statistics table showing proposed site conditions for the following characteristics:
 - a. Lot Size,
 - b. Total Lot Coverage Acreage & Percentage,
 - c. Remaining Open Space Acreage & Percentage
 - d. Undistributed Open Space Acreage & Percentage,
 - e. Wetlands Percentage.
3. On Sheet C-3.1, add the typical height for the Blue Spruce Plantings shown along the southern fence line.

Professional Comments:

Walter Lippmann, P.E. of MJ Engineering in a letter dated 4/10/20 had the following comments:

State Environmental Quality Review

1. The applicant indicated a bald eagle was documented nesting within 0.5 miles of the project site by the NY Natural Heritage Program. They will be performing a study of our site to determine if any additional steps are needed. A copy of the letter should be provided to the Town upon receipt.

Mr. Lippmann stated that a letter was received from DEC and it stated that there is no permit required at this time.

Decommissioning Plan

2. No further comments.

Site Plans

3. Identify the width of the access road over the culvert crossings. It appears it necks down to a narrower width.
4. Identify the inverts of the proposed wetland crossing culverts. Ensure proper depth on culverts to account for heavy vehicle traffic.
5. Provide the turning movements of an emergency vehicle along to access road to verify the road widths are adequate especially in some of the tight turns.
6. In the areas where the solar arrays or access road are in close proximity to the property line, consider additional landscaping to buffer views from neighboring properties.
7. The Planning Board may consider a visual simulation be provided as to how the solar arrays will be viewed from various vantage points.
8. Is a proposed staging area needed, if so, this should be shown on the plans.
9. Sheets C-4.1 and C4.2 should identify all areas in which silt fencing will be installed.
10. On Sheet C-3.1 and C-3.2, label all gates associated with the perimeter fence.
11. On Sheets C-4.1 and C-4.2, identify all locations for concrete washout basins
12. On Sheets C-4.1 and C-4.2, show all proposed grading including vegetative swale along roadway.
13. On Sheet C-5.2, Details 1 and 2, verify stationing of each type of surface. It appears there may be some overlap.
14. On Sheet C-5.1, Detail 6 shows a detention basin detail, however the labels in HydroCAD indicate infiltration practices. Please verify.
15. Sheet W-2.0 show the POA's on the plan.
16. Once the stormwater management areas are finalized, submit revised grading and erosion and sediment control plans. Upon receipt of the SWPPP, additional technical comments may be forthcoming.

17. Subsequent submissions shall show how site disturbances will occur without exceeding 5-acres of ground disturbance at one time.
18. Pursuant to Section 3.5 of the NYSSMDM, the proposed stormwater practices need to have a conspicuous and legible sign posted. The plans need to provide the standard sign with the applicable language as well as the location.

Stormwater Pollution Prevention Plan

19. Since there is an increase in impervious surfaces associated with the new access road, the stormwater pollution prevention plan (SWPPP) shall provide post construction stormwater management practices in accordance with Part I.C of the General Permit. Additional technical data is required in order for the stormwater management approach to be considered compliant with the NYSDEC and Town of Clifton Park stormwater management regulations specific to water quality (WQv) and run off reduction (RRv).
20. Provide a section which includes post construction control
21. The SWPPP indicates three phases. Provide a drawing(s) showing the phasing along with proposed disturbance areas for each.
22. Provide a draft NOI for review.
23. Provide a narrative on how the pre-development CN (82) is greater than the post development CN (78).
24. The applicant should provide justification for the CN for the proposed geoweb system. In the HydroCAD model in the geoweb portions, the subbase material could be modeled as storage, however the CN should represent a gravel road. In addition, the existing soils do not seem suitable for infiltration so possible piping or daylighting of the subbase material is necessary.
25. The HydroCAD model indicates the use of infiltration basins. Provide on site soils testing (test pits/infiltration tests) in the proposed basin locations. The SWPPP indicates the site contains Group D soils with a shallow water table. Separation from groundwater table of at least four feet in sole source aquifers. The applicant should consider other stormwater practices in this area.
26. The HydroCAD model labels each basin as infiltration, please correct if necessary.
27. Section 3.5.2 include a table with pre and post development runoff rates.
28. Section 5.2 refers to temporary sediment basins. If these are proposed they should be shown on the E&SC Plans.
29. The HydroCAD shows 8” pipes out of each infiltration basin. Show all proposed outlet pipes on plans for each basin and associated inverts.

30. Provide an operation and maintenance plan for all post construction management areas.

Public Comments:

Mr. Scavo stated that there was only one public comment submitted ahead of time by Carl Springle on Appleton Road; he noted a desire for wildlife accessibility to be maintained through the solar array areas, as there are deer that travel through the area. Mr. Scavo stated this has been addressed with the fencing layout.

Anthony LaFleche – 21 Wheeler Drive – Mr. LaFleche asked how far apart the trees will be planted. Mr. Gibbons stated that the trees will be 20 ft. apart so that at maturity they will grow together. Mr. LaFleche asked if the trees would fill in like a wall and how long it would take, Mr. Gibbons stated yes it would the full maturity and take about 7-9 years. Mr. LaFleche asked who would maintain the buffer on the property. Mr. LaFleche asked if the fully grown trees would affect the solar array in the future. Mr. Gibbons stated that they will interfere some when fully grown and some impact is better than no panels. Mr. LaFleche asked Mr. Scavo if this project would warrant a trail easement. Mr. Scavo stated there are no plans for a trail, road expansion, or subdivision.

There being no additional public comment, Mr. Beach moved, second by Mr. Szczesny, to close the public hearing at 7:47 p.m. The motion was unanimously carried.

Planning Board Review:

Mr. Szczesny stated that he supports the narrowing of the roadway in the wetlands.

Mr. Andarawis wanted to make sure that the operation of the panels are not affected by tree growth and that in the future the trees would be cut down due to disruption and then new ones planted. Mr. Gibbons stated that the mature trees for buffering and that the only tree cutting that would occur would be for the clearing of the land for the farm. Mr. Gibbons stated that the spruces max out in height at 20-30 feet, and that is why this type of planting was chosen.

Mr. Ferraro stated that he has concerns about the future removal of trees on adjacent properties. Mr. Gibbons stated that the applicant can pull back from the fence lines proposed to add more vegetation to the buffer to the west and eastern portion. Mr. Ferraro stated that the access road is close to the boarder as well and he has concerns. Mr. Gibbons stated that currently, from the east property line to the road is 35 ft. and from the fence to the roadway is 28 ft. Mr. Gibbons stated that they can move the fence line so the distance between the fence and the roadway can be

reduced to allow for a larger vegetation buffer of 20 feet. Mr. Gibbons also stated this will keep the buffer consistent with the west side.

Mr. Ferraro also stated that he feels the tree plantings are far apart at 20 feet and asked the applicant to tighten the spacing or adding a second staggered row to help with visual impact more. Mr. Lalukota suggested planting the trees 15 ft. apart instead of 20 ft. Mr. Gibbons stated that he thinks moving the trees closer would be more beneficial to the applicant than adding another row. Mr. Gibbons noted a second row would require clearing into the established nature vegetative buffer. Mr. Scavo stated he asked Mr. Reese about the distancing and Mr. Reese stated that 20 ft. is optimal growth. Mr. Beach asked that if optimal distance is 20 ft. for the trees and if we do decrease the distance to 15 ft. would that affect the trees when they reach full maturity? Mr. Scavo stated that if there are trees that are affected that he has seen in the past the removal of the dead or dying tree and a new one replaced in its location. Mr. Ophardt asked what the full maturity length would be, Mr. Gibbons stated that 7-10 years for the trees to reach maturity. Mr. Scavo stated for this area the average growth is 9 inches per year and he would check with Mr. Reese and MJE to see what the optimal spacing would be, but if trees are too close then it is possible for the trees to die and it is a possible to have to remove every other tree. Mr. Lippmann stated he did ask his company and is waiting for a response and when he gets one he will relay it to the Board. Mr. Ferraro asked who would be responsible for the trees if they do die. Ms. McEntire stated the tree is warrantied for the first 3 years after purchase and after that there is no guarantee on the tree. Mr. Andarawis stated that the buffer needs to be maintained if the tree dies. Ms. McEntire stated that the buffer will be maintained by Borrego Solar as part of their overall site maintenance responsibilities.

Mr. Ferraro asked what the storage capacity would be for the project. Ms. McEntire stated that she has provided the plans for the National Grid substation plan; it shows that there is room for this project but with this project it will be almost at capacity.

Mr. Ophardt asked if this would be a phased project and if it is due to the capacity. Mr. Scavo stated that originally he did not see capacity on the National Grid Hosting Capacity Mapping Site but he did receive the documents from Ms. McEntire.

Mr. Ophardt offered Resolution No. 8 of 2020, seconded by Mr. Lalukota to waive the final hearing for this application for the Appleton Road Solar Array Special Use Permit 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.

Conditions:

1. All stormwater comments offered by MJ Engineers and Mr. Reese are reconciled.
2. Fire access road to be reconciled to 16 feet instead of 20 feet to reduce wetland impact unless a significant fire issue is found.
3. Tree buffering is less than 20 feet and based on recommendations to be reconciled by MJ Engineering and Mr. Reese.

Roll Call:

D. Bagramian - Absent
 E. Andarawis - Yes
 E. Ophardt - Yes
 J. Beach - Yes
 A. Neubauer - Yes
 G. Szczesny - Yes
 R Ferraro - Yes
 R. Lalukota – Alternate Member - Yes

Ayes 7

Noes: 0

The resolution is carried.

Mr. Beach moved, second by Mr. Neubauer, to waive the final hearing for this application for site plan review of Appleton Road Solar Array, 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 listened in the final comment letter issued by the Planning Department.

Conditions:

4. All stormwater comments offered by MJ Engineers and Mr. Reese are reconciled.
5. Fire access road to be reconciled to 16 feet instead of 20 feet to reduce wetland impact unless a significant fire issue is found.
6. Tree buffering is less than 20 feet and based on recommendations to be reconciled by MJ Engineering and Mr. Reese.

Ayes 7

Noes: 0

The motion is carried.

New Business:

Moved from the April 14th Meeting Agenda

2020-020 DCG Ushers Rd 3 lot Subdivision

Applicant proposes to subdivide the 33.6 acre parcel into 4 lots. Three of the lots will be utilized for zoning compliant site developments and one lot will be merged with an adjacent parcel under common ownership. A 60 ft wide private road ingress/egress and utility easement will be established for use by all 3 parcels. Stormwater management will be provided for the new impervious areas, 279 Ushers Rd, Zoned:L-2, Status: PB Concept Review

SBL: 259.-2-74.3 To be reviewed by: MJE Consultant: EDP Applicant: DCG

Consultant/Applicant Presentation:

Joe Dannible – EDP – Mr. Dannible stated that the property is owned by DCG, it is located on Ushers Road and there has been clearing and grading done, which the applicant has gotten permits for in 2010. Mr. Dannible stated that back in 2010, the applicant received documentation stating there are no archeological impacts on the land, in 2017, DEC issued a letter to the applicant that there are no DEC wetland on the property, in 2010, the Army Corp was last updated so this does need to be looked at again as it is expired. Mr. Dannible stated that in 2010 an endangered species plan was provided and incorporated into the shovel ready site plan. Mr. Dannible stated that the proposal is to subdivide the land into 3 lots with line adjustments. He stated that lot 1 will be zoning compliant in land use, lot 2 will be zoning compliant in land use, possibly a travel center, and that lot 3 will be absorbed by an existing DCG property on Wood Road and parcel 4 would be the next application for a Nortrax site. One lot that is adjacent to Ushers Road is B3 and others are zoned L2. Mr. Dannible stated that a trail easement indicated in green on the map presented will link Ushers Road property to Wood Road property. There will be a shared access road from Ushers Road to lots 1, 2, and 4 and that stormwater management will be installed and maintained by all 3 parcel owners.

Staff Comments:

Steve Myers, Director of Building and Development issued a memo dated 4/8/20 stating:

- Proposal is to create a land locked parcel with access to Ushers Road via a new private road through another parcel which fronts on Ushers Road
- Many parcel dimensions and identifying SBL numbers missing.
- It appears new parcel was chosen since it has frontage on I-87. The previous location of this business had screening facing I-87 which was removed without approval. The intent of this new location should be full reviewed. Approval from NYSDOT for displays and signage facing I-87 is probably required
- Since the proposed parcel does not front on any public road other than I-87 the determination of front, rear and side setbacks is not possible. (The property could be said

to front on either Ushers or Wood Road) Landlocked parcels are not usually allowed and I-87 is not considered since there is no access.

- Handling of stormwater appears to be pre-determined without any documentation by the appearance of management areas on the plans.
- A full SWPPP will be required and should at a minimum including the newly constructed road on the other parcel.
- Much more detail required to complete a review

Sheryl Reed, Chief of the Bureau of Fire Prevention:

1. Postal verification

Scott Reese, Stormwater Management Technician issued a memo dated 4/24/20 with the following comments:

1. Any vehicle fueling station, service, maintenance, and/or cleaning area that is exposed to stormwater runoff will need to be managed as a stormwater hotspot.
2. Any shared stormwater management areas between the proposed parcels will need to have access / maintenance easements for each parcel.

The Environmental Conservation Commission held a meeting on 4/7/20 and issued a memo recommending:

1. The ECC notes that access to the Nortrax parcel is through an adjacent parcel. This will require a maintenance agreement between the owners of the two parcels in the event there is separate ownership.
2. The ECC requests that the proposed trail right of way be retained and completed connecting Ushers Road to Wood Road.

John Scavo, Director of Planning issued a letter dated 4/9/20 with recommendations he made:

1. The proposed project is located within the limits of the Wood Road Corridor GEIS Study Area. As such, if the proposed project is deemed consistent with the findings of the GEIS, no additional SEQR action will be required.
2. Since the project is adjacent to I-87, a referral of the preliminary plan will be made to the Saratoga Co. Planning Board in accordance with §239m of GML.
3. The linear feet should be shown for all property line boundaries for each of the 4 proposed parcels.
4. A north arrow should be added to the plan.
5. Proposed utilities and any off-site improvements or tie-ins for development with Parcel #4 should be shown on the plan to determine if easements will be required to be shown on the subdivision plat.
6. Pursuant to §208-65 A. Lot Area. ... "The minimum frontage may be calculated along property abutting a public right-of-way, or along a privately owned and maintained road,

which allows access to more than one parcel or lot, which is normally open to the public and upon which persons other than the owner located thereon may also travel.”

7. A draft copy of the ingress/egress easement for access along the private roadway should be provided to the Town’s Planning Board Attorney for review prior to approval of the final Plan. The applicant should clarify which of the four parcels will have rights and maintenance responsibilities for the private roadway with a curb cut shown on Ushers Road.

Mr. Scavo stated he reached out to Ms. Viggiani and there was concern about speaking about the trail; easement that was proposed back in 2010.

Professional Comments:

Walter Lippmann, P.E. of MJ Engineering in a letter dated 4/10/20 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. 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: Subdivision approval
 - b) Saratoga County Planning: 239m and n referral due to location along I-87
 - c) NYS Dept of Environmental Conservation – permit coverage under stormwater SPDES, confirmation of threatened or endangered species
 - d) NY State Historic Preservation Office: correspondence with SHPO to ensure no archeologically sensitive resources on project site.

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

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

2. Part I.3a – The response indicates that the proposed action will disturb more than one acre of land. As such a Stormwater Pollution Prevention Plan (SWPPP) will be required.
3. Part I.12b – The response indicates that the project site is located within or adjacent to an area designated as sensitive for archeological sites on the NY State Historic Preservation Office (SHPO) archeological site inventory. The applicant should provide a

correspondence letter from SHPO to confirm the presence or absence of archeologically sensitive resources.

4. Part I. 13a – The SEAF indicates that a portion of the site of the proposed action, or lands adjoining the proposed action contain wetlands or other waterbodies regulated by a federal, state, or local agency. In future plans for the project site the applicant will need to provide documentation to confirm the presence or absence of state or federally regulated wetlands on or adjacent to the project site.
5. Part I.15 – The response indicates that the project site may contain species of animals or associated habitats, listed by the State or Federal government as threatened or endangered, including the Frosted Elfin and Karner Blue Butterfly. The applicant will need to provide correspondence from the Permits staff at the NYSDEC Region 5 Office to confirm the presence or absence of these listed species and for any permit considerations for the project. The applicant should also provide correspondence from the NN Natural Heritage Program to confirm the presence or absence of rare plants or animals and significant natural communities.
6. Part I.20 – The SEAF indicates that the project site is located on or is within 2,000 feet of a hazardous waste remediation site. The applicant will need to describe the type of hazardous waste that was or is on the site or within the vicinity of the site, including how large an area it covered, when it was remediated or other general information about the site. This information can be found through the NYS Department of Environmental Conservation (DEC) Environmental Remediation Database at <https://www.dec.ny.gov/cfm/xtapps/derexternal/index.cfm?pageid=3>. Information can also be found through the DEC Environmental Facilities Navigator at <http://www.dec.ny.gov/gis/facilities/>.

No further comments at this time. Additional comments may be forthcoming as the project advances.

Subdivision

1. The project is located within the Town's Light Industrial District (LI-2). The proposal for storage/sale/service is a permitted principal use within the LI-2 District as noted in Section 208-64(B)(3) of the Town's Zoning.
2. The subdivision plat shall be prepared by a surveyor licensed to practice in the State of New York.
3. Update the site statistics table to account for the special setback requirements from Ushers Road as defined in Section 208.98 of the Town's Zoning.

4. In reviewing the proposed lot configuration, the created lots appear to be deficient in regard to meeting the minimum standard requirements outlined in Section 208-651 of the Town's Zoning. The noted deficiencies are as follows:
 - a. Section 208-65. B - Buildings, parking areas, including maneuvering areas, stormwater retention areas and other site amenities that are an integral and necessary part of the use shall not occupy more than 60% of the total lot area. The stormwater retention area may be included in the green space calculation upon proof that the stormwater retention area will be improved to form an integral part of the landscaping scheme and would enhance the overall aesthetics and thus serve the purpose of the green space requirements of this article. If the stormwater management area is not included in this calculation, then green space percentage is not met.
 - b. 208.65. D - For any building or structure proposed over 35 feet in height, the Planning Board will conduct a visual assessment and require the applicant to complete Appendix B of the State Environmental Quality Review, Visual EAF Addendum for its consideration. The Planning Board shall also require a line-of-sight-profile with control points to be determined by the Board. Height to be determined.
5. The project is proposing to be serviced with public water from the Clifton Park Water Authority. The applicant shall provide the Town documentation of the CPWA's ability and willingness to service the project with potable water. Any action on the application should be conditioned upon receipt of plan approval from the CPWA.
6. The project is proposing to be serviced with public sewer from the Saratoga County Sewer District. The applicant shall provide the Town documentation of the SCSD's ability and willingness to service the project with public sewer. Any action on the application should be conditioned upon receipt of plan approval from the SCSD.
7. Since the applicant is proposing to subdivide the property and make improvements only on Lot 4 at this time, we suggest that the following sentence be added to the plan: Lots 1, 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.
8. It is recommended that at a minimum the number of peak hour vehicle trips, including truck trips and sight distance analysis, be provided.
9. Provide notation on the plan as follows:
 - a. No Utilities shall be installed beneath the proposed driveways.

- b. Any work required within the Town right-of-way shall be subject to any permitting from the Clifton Park Highway Department (driveway, culvert, water service, sewer).
10. 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.
11. 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.
12. Considering this plan is conceptual in nature, subsequent comments will be provided with a preliminary plan submission.

Public Comments:

Anthony LaFleche – 21 Wheeler Drive – Mr. LaFleche asked if there needs to be an easement or an actual trail on the land. Mr. Scavo stated that there was an easement at the prior approval in 2010 for a future trail and was recorded on the subdivision map. Mr. LaFleche asked how wide the trail easement would be and what the surface would be made of. Mr. Dannible stated it is a 10ft. wide easement. Mr. LaFleche asked if the internal proposed road would connect to Wood Road, Mr. Dannible stated it is not currently in the plan.

Planning Board Review:

Mr. Ferraro asked about the southwestern boundary shows an easement for a freestanding sign for parcel 1 as Mr. Myers had brought it up as well, and asked about the clearing for the signage and what the buffering would be since I-87 is next to the property. Mr. Ferraro also stated he would like to know about the future clearing for the land as there is buffering needed for I-87. Mr. Dannible stated that the plan is to clear land along I-87 for frontage and signage for the Nortrax site and for the possible Travel Center. Mr. Dannible stated that with the original plan it was approved to cut down the trees that have already been removed. Mr. Ophardt asked if there was a NYSDOT easement that restricts the cutting near I-87, as he thinks there might be a 100ft. easement. Mr. Ferraro stated that he has concerns about removing more trees along I-87 but would like to keep the I-87 corridor more natural. Mr. Dannible stated that he was involved in 2010 and that there is a plan now for signage. Mr. Dannible also showed the Board a picture of an adjacent property owner's sign placement with DOT approval.

Mr. Ophardt asked if the applicant is suggesting a clear cut to I-87. Mr. Dannible stated that they are not going into the state right of way but wants to clear their own land. Mr. Dannible gave some examples of commercial sites with no buffering that has been allowed in Clifton Park.

Mr. Neubauer stated that he is against clearing the land proposed beyond what has already been cleared and feels that the potential machines on the developed area are a source of advertising for the applicant. Mr. Ophardt stated that he agrees with Mr. Neubauer and is agreement for limiting the clearing.

Mr. Andarawis stated the display area for the Nortrax site is a concern for him as well.

Mr. Ferraro stated that there are 4 Planning Board members that are against the clearing along I-87. Mr. Dannible stated that the proposal is not to clear cut the land but he is asking to be treated the same as the other applications that were granted frontage along I-87.

Donald Mac Elroy – DCG – Mr. Mac Elroy stated that back in 2010 the clearing was done with no idea of the use of the property, and that they only cut what was necessary for grading and did not go any farther. Mr. Mac Elroy also stated that the plan proposal is not to clear all the way to the fencing but to strategically cut for the needs of the site and take into account the Board's feedback and it will be brought to the next meeting for the Board to see.

Mr. Dannible stated that the comment made by the Trails Subcommittee, to have a trail located along the proposed access road is not needed since the access road will not be connected to Wood Road.

New Business:

Moved from the April 14th Meeting Agenda

2020-021 Nortrax Site Plan

Applicant proposes to construct a 26,000 sf building with 70 parking spaces, outdoor storage area, and equipment testing area. The facility will be for sales and service of heavy machinery. The property will be accessed from a private road sharing access with other property within the future commercial light industrial park. The property will be serviced by both municipal sewer and water supplies and Stormwater will be managed on site, 279 Ushers Rd, Zoned: L-2, Status: PB Concept Review
SBL: 259.-2-74.3 To be reviewed by: MJE
Consultant: EDP Applicant: Nortrax, Inc.

Consultant/Applicant Presentation:

Joe Dannible – EDP – Mr. Dannible stated that this site plan is for a new facility for sales and service for a Nortrax facility. Service for this site plans were discussed in the previous DCG 3 lot

subdivision. Mr. Dannible stated that he knows concerns from the Board regarding the clearing of the land close to I-87 and they will be reviewed. Mr. Dannible stated that the land being proposed is the northwest parcel on the subdivision and then he highlighted on the conceptual site plan the proposed service road coming off of Ushers Road. The main building would be a 26,000 sq. ft. sale and service building with an additional 8,000 sq. ft. proposed. He stated that the proposal has 70 parking spots which would be located in the front of the building facing east and there would be 42% greenspace remaining. Mr. Dannible stated that there would be a trip generation done for traffic, and he then presented proposed building elevations, of the front and rear of the building. Mr. Dannible stated that Clifton Park Water Authority and Saratoga County Sewer District would service the site and a SWPPP would be done following DEC guidelines, and cutting along I-87 would be provided.

Staff Comments:

Steve Myers, Director of Building and Development issued a memo dated 4/8/20 stating:

- Proposal is to create a land locked parcel with access to Ushers Road via a new private road through another parcel which fronts on Ushers Road
- Many parcel dimensions and identifying SBL numbers missing.
- It appears new parcel was chosen since it has frontage on I-87. The previous location of this business had screening facing I-87 which was removed without approval. The intent of this new location should be full reviewed. Approval from NYSDOT for displays and signage facing I-87 is probably required
- Since the proposed parcel does not front on any public road other than I-87 the determination of front, rear and side setbacks is not possible. (The property could be said to front on either Ushers or Wood Road) Landlocked parcels are not usually allowed and I-87 is not considered since there is no access.
- Handling of stormwater appears to be pre-determined without any documentation by the appearance of management areas on the plans.
- A full SWPPP will be required and should at a minimum including the newly constructed road on the other parcel.
- Much more detail required to complete a review
- Two parcel #2's shown on subdividing plan. It is assumed parcel #1 is supposed to be the 16.8-acre parcel. The easement for a sign for parcel #1 shown at the bottom of the parcel #4 assumes a sign will be allowed by NYSDOT and that a variance for an offsite sign will be granted by the Town Zoning Board.

Sheryl Reed, Chief of the Bureau of Fire Prevention:

1. Postal verification
2. Specify location of existing and new fire hydrants.

Scott Reese, Stormwater Management Technician issued a memo dated 4/24/20 with the following comments:

1. Test pits and percolation tests will need to be done for proper placement and sizing of the stormwater management areas.
2. When grading plans progress, determine how much soil material will need to be imported / extracted from the site and how that will be addressed to meet State requirements.
3. Any vehicle fueling station, service, maintenance, and/or cleaning area that is exposed to stormwater runoff will need to be managed as a stormwater hotspot.

The Environmental Conservation Commission held a meeting on 4/7/20 and issued a memo recommending:

1. In keeping with the recommendations and goals of the Town Comprehensive Plan, the Applicant should retain existing vegetation and/or use landscaping and grading to provide visual and auditory buffering between the project and the Northway. In addition, the ECC requests that the Planning Board specifically prohibit the display of any products or signs that are visible from Interstate 87 by retaining the vegetative buffer that presently exists.

John Scavo, Director of Planning issued a letter dated 4/10/10 with recommendations he made:

1. The proposed project is located within the limits of the Wood Road Corridor GEIS Study Area. As such if the proposed project is deemed consistent with the findings of the GEIS, no additional SEQR action may be required.
2. Pursuant to the Findings Statement for the FGEIS for the Wood Road Corridor, the following issues should be addressed:
 - a. Per Finding No. 34, traffic mitigation fees are required to address cumulative impacts of the proposed development. The applicant's consultant should submit an analysis of the projected trip generation so that the respective mitigation fee can be assessed.
 - b. A mitigation fee is due for the original review of the DGEIS in the amount of \$74.28 per acre. Based on a 14.3-acre site, the respective mitigation fee is \$1,062.20.
 - c. Per Finding No. 40 and No. 41, the habitat of the Karner Blue Butterfly is protected and that no site plan proposal will be approved if such would involve the destruction of or disturbance to the habitat. Because significant time has passed since the original investigation, an updated investigation of Karner Blue Butterfly habit should be performed within the limits of the project.
 - d. Per Finding No. 73, a Phase I Environmental Audit shall be conducted and submitted at the initiation of site plan review.
 - e. Per Finding No. 78, the applicant shall contact NYSOPRHP regarding historic sites and archeologically sensitive resources near the project area. Copies of the correspondence should be sent to the Town and to our office for our files.

Per Finding No. 79, the Light Industrial zoning district was amended to allow only uses such as warehousing, fabrication and similar low intensity land uses. Additional information regarding the proposed uses is required to determine if the uses are consistent with those outlined in the GEIS and the zoning regulations. Please note that this some of

the information requested may have previously been submitted with the prior DCG Shovel Ready Project Site Plan. Relevant documents from that project may be used by the applicant to respond to the current request.

3. In accordance with Section 239m of GML, a referral of the preliminary site plan will be made to the Saratoga Co. Planning Board for a recommendation.
4. Proposed utilities and any off-site improvements or tie-ins should be shown on the plan.
5. The liner feet should be shown for the side property boundary shared with the adjacent parcel labeled, "Remain Lands of DEG Development" and for the property boundary adjacent to Lands of Edmund T. Staniak.
6. A north arrow should be added to the plan.
7. It is understood that the current plan is before the board for conceptual consideration. As future submittals are advanced the applicant should review and provide documentation for compliance with the Development Standards prescribed by §208-66 of the Clifton Park Town Code.

Professional Comments:

Walter Lippmann, P.E. of MJ Engineering in a letter dated 4/10/20 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. 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:
 - e) Town of Clifton Park: Subdivision approval
 - f) Saratoga County Planning: 239m and n referral due to location along I-87
 - g) NYS Dept of Environmental Conservation – permit coverage under stormwater SPDES, confirmation of threatened or endangered species
 - h) NY State Historic Preservation Office: correspondence with SHPO to ensure no archeologically sensitive resources on project site.

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

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

2. Part I.3a – The response indicates that the proposed action will disturb more than one acre of land. As such a Stormwater Pollution Prevention Plan (SWPPP) will be required.

3. Part I.12b – The response indicates that the project site is located within or adjacent to an area designated as sensitive for archeological sites on the NY State Historic Preservation Office (SHPO) archeological site inventory. The applicant should provide a correspondence letter from SHPO to confirm the presence or absence of archeologically sensitive resources.
4. Part I. 13a – The SEAF indicates that a portion of the site of the proposed action, or lands adjoining the proposed action contain wetlands or other waterbodies regulated by a federal, state, or local agency. In future plans for the project site the applicant will need to provide documentation to confirm the presence or absence of state or federally regulated wetlands on or adjacent to the project site.
5. Part I.15 – The response indicates that the project site may contain species of animals or associated habitats, listed by the State or Federal government as threatened or endangered, including the Frosted Elfin and Karner Blue Butterfly. The applicant will need to provide correspondence from the Permits staff at the NYSDEC Region 5 Office to confirm the presence or absence of these listed species and for any permit considerations for the project. The applicant should also provide correspondence from the NN Natural Heritage Program to confirm the presence or absence of rare plants or animals and significant natural communities.
6. Part I.20 – The SEAF indicates that the project site is located on or is within 2,000 feet of a hazardous waste remediation site. The applicant will need to describe the type of hazardous waste that was or is on the site or within the vicinity of the site, including how large an area it covered, when it was remediated or other general information about the site. This information can be found through the NYS Department of Environmental Conservation (DEC) Environmental Remediation Database at <https://www.dec.ny.gov/cfm/external/index.cfm?pageid=3>. Information can also be found through the DEC Environmental Facilities Navigator at <http://www.dec.ny.gov/gis/facilities/>.

No further comments at this time. Additional comments may be forthcoming as the project advances.

Site Plan/Subdivision

1. The project is located within the Town's Light Industrial District (LI-2). The proposal for storage/sale/service is a permitted principal use within the LI-2 District as noted in Section 208-64(B)(3) of the Town's Zoning.
2. The project also proposes a subdivision of one parcel to three reconfigured parcels. Identify the location of Lot 1.
3. Update the site statistics table to account for the special setback requirements from Ushers Road as defined in Section 208.98 of the Town's Zoning.

4. In reviewing the proposed lot configuration, the created lots appear to be deficient in regard to meeting the minimum standard requirements outlined in Section 208-651 of the Town's Zoning. The noted deficiencies are as follows:
 - a. Section 208-65. B - Buildings, parking areas, including maneuvering areas, stormwater retention areas and other site amenities that are an integral and necessary part of the use shall not occupy more than 60% of the total lot area. The stormwater retention area may be included in the green space calculation upon proof that the stormwater retention area will be improved to form an integral part of the landscaping scheme and would enhance the overall aesthetics and thus serve the purpose of the green space requirements of this article. If the stormwater management area is not included in this calculation, then green space percentage is not met.
 - b. 208.65. D - For any building or structure proposed over 35 feet in height, the Planning Board will conduct a visual assessment and require the applicant to complete Appendix B of the State Environmental Quality Review, Visual EAF Addendum for its consideration. The Planning Board shall also require a line-of-sight-profile with control points to be determined by the Board. Height to be determined.
5. The project is proposing to be serviced with public water from the Clifton Park Water Authority. The applicant shall provide the Town documentation of the CPWA's ability and willingness to service the project with potable water. Any action on the application should be conditioned upon receipt of plan approval from the CPWA.
6. The project is proposing to be serviced with public sewer from the Saratoga County Sewer District. The applicant shall provide the Town documentation of the SCSD's ability and willingness to service the project with public sewer. Any action on the application should be conditioned upon receipt of plan approval from the SCSD.
7. The project will disturb more than 1-acre of land. As such, it will be subject to the NYSDEC Phase II Stormwater Regulations and General Permit GP-0-15-002. Therefore, a full SWPPP will be required that addressed water quantity and quality controls. As the project proceeds through the Town's regulatory review process, a fully conforming SWPPP shall be provided for review.
8. Subsequent plans shall describe or illustrate the project's proposed landscaping to ensure conformance with Section 208-66(B) of the Town Zoning. The overall intent of this section is to promote and achieve, where possible, a well-landscaped site that takes into consideration the surroundings and the total environment. Consideration shall be given to preservation of natural and existing vegetation as well as new plantings throughout an entire site.

9. Subsequent submissions shall include building elevations to demonstrate conformance with Section 208-66(C) of the Town Zoning.
10. The plan shows providing 70 parking spaces. Provide a narrative on how they were derived.
11. Since the applicant is proposing to subdivide the property and make improvements only on Lot 4 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.
12. It is recommended that at a minimum the number of peak hour vehicle trips, including truck trips and sight distance at the project entrance be provided.
13. There needs to be a determination if the proposed building construction and use will warrant automatic sprinklers as prescribed in the Building Code of New York State. This information is needed to determine whether an on-site hydrant is required to satisfy the requirements of Section 508.8 of the FCNYS.
14. Determine if a Knox Box is required based upon the building arrangements, occupancy and materials of construction. If one is required, its location is subject to the review and approval of the Fire Chief.
15. The proposed driveway shall comply with the IRC and New York Supplement. Details or description of the proposed drive materials of construction shall be provided, confirming it can support the load of the responding emergency vehicles.
16. Provide notation on the plan as follows:
 - c. No Utilities shall be installed beneath the proposed driveways.
 - d. Any work required within the Town right-of-way shall be subject to any permitting from the Clifton Park Highway Department (driveway, culvert, water service, sewer).
17. Considering the plan submitted is conceptual in nature, we will reserve further comments until more detailed plans and reports are submitted. Subsequent submissions shall include information as outlined in Section 208-115 of the Town zoning specific to site grading, lighting, sewage disposal system, erosion control and stormwater management to fully assess the design and its compliance to the applicable standards.

Public Comments:

Anthony LaFleche – 21 Wheeler Drive – Mr. LaFleche asked how many feet away from I-87 would the building be, either in the future or immediately. Mr. Dannible stated that the nearest building would be 300-400 ft. from I-87. Mr. LaFleche asked why the applicant wants to remove trees along I-87. Mr. Ferraro stated that the applicant will come back with more information at the next meeting. Mr. LaFleche asked if there is a certain width for the roadway proposal coming off of Ushers Road. Mr. Dannible stated that it will be consistent with town roadway specs, being 26-30 ft. and the right of way would be 60 ft. wide due to trailers and large equipment.

Planning Board Review:

Mr. Ferraro asked Mr. Scavo about the previously approved trail easement as it is not a part of the current proposed subdivision, and requested that a note be attached to the subdivision stating the easement can be evaluated to put in the trail on any future site plans for those lots that the trail easement is part of. Mr. Scavo stated that when it comes time for signage, Mr. Myers would have to look at what is acceptable and would be attached to the site plan. Mr. Dannible stated that the sign easement would be in place as a part of the subdivision, and any clearing of the travel center would be a part of the travel center site plan. Mr. Ferraro noted that based on the proposed sign location, any clearing to accommodate the sign would have to be done on the adjacent parcel that is not part of this subdivision or site plan. Mr. Ferraro asked what right the adjacent property owner has over clearing of their land for the sign after the site plan is approved for Nortrax which is on the adjacent site. Mr. Scavo stated that the adjacent property owner would have to come to the Planning Board for site plan approval for any clearing since it is a commercial site.

Old Business:

None

New Business:

2020-022 Purushotham 2 Family SUP

Applicant proposes to construct an addition to their existing home to turn it into a 2 family home for their elderly parents who already live in the home. A variance will be required for Lot Size (40,000 sf required, 22,000 available), 69 Blue Jay Way, Zoned: R-1, Status: PB Concept Review SBL: 276.-7-3-35 To be reviewed by: N/A Consultant: Mark Bergeron
Applicant: Rajani Purushotham

Consultant/Applicant Presentation:

Rajani Purushotham - Applicant – Ms. Purushotham stated that they have elderly parents living with them; the parents have difficulty with the stairs in the home so they would like to create a single story addition for them which would include a living room, bathroom, bedroom, and a kitchen. Ms. Purushotham stated that the entrance to the addition would be from within the existing home.

Staff Comments:

Steve Myers, Director of Building and Development issued a memo dated 4/20/20 stating:

- Applicant requests to construct an addition to their existing single family dwelling which will make the house into a two family dwelling.
- Dwelling units are required to be separated by a minimum one hour fire separation.
- A variance for lot size will be required due to 20,000 sf per dwelling required, 22,000 sf available

Sheryl Reed, Chief of the Bureau of Fire Prevention:

No comments

Scott Reese, Stormwater Management Technician issued a memo dated 4/24/20 with the following comments:

1. No stormwater comments

The Environmental Conservation Commission held a meeting on 4/22/20 and issued a memo recommending:

1. The variance being requested is significant (reference Local Law 6-2018) and out of character with the neighborhood.
2. The ZBA should validate that the side yard setback meets the R-1 requirement of 10 feet.

John Scavo, Director of Planning issued a letter dated 4/23/20 with recommendations he made:

1. The applicant should clarify if the special use permit request is for a two-family dwelling or an in-law addition. Pursuant to attached Local Law #6 of 2018 and the attached excerpt from the Clifton Park Town Zoning Code, if the request is for an in-law apartment, the density does not increase as required for a two-family dwelling, both of which are permitted by way of an SUP.
2. If the Planning Board deems the proposed modifications acceptable in concept form, a public hearing will be scheduled for preliminary consideration with a possible final determination for the application.

Professional Comments:

No professional comments.

Public Comments:

No public comments.

Planning Board Review:

Mr. Ferraro provided clarification that despite the agenda item stating it is a 2 family, the proposal is actually for an in-law apartment. If that is the case, he stated that as an in-law apartment the requirements are different from a two family and once the family members are no longer occupying the space there are still restrictions on who can occupy that living area. Mr. Ferraro also stated that the in-law apartment cannot be rented out to someone whom does not fit the criteria in the law, and the applicant stated they understand this.

Mr. Szczesny stated that when the home is sold that the future buyer needs to be notified and understand that it is not a rental. Mr. Scavo stated that the home records would reflect this and that it would be stated that this is an accessory dwelling unit upon selling. The applicant would also have the opportunity to remove the kitchen and turn it back into a single family dwelling before selling as well. Mr. Scavo stated that the future buyer would have to come before the town again and request a Special Use Permit for use of the structure if there was a desire to convert the in-law apartment into a duplex..

Mr. Neubauer stated that he thinks this is a well thought out plan with the applicant. He appreciates the layout and the renderings shown and likes that they are keeping within the look with the other single family homes in the neighborhood.

New Business:

2020-023 Stewart's 923 Riverview Road Site Plan

Applicant proposes redevelopment of the existing shop with gasoline filling stations. The new store will be approximately 3,900 sq ft, 923 Riverview Rd, Zoned: HM, Status: PB Concept Review SBL: 269.-3-21 To be reviewed by: MJE Consultant: Scott Kitchner
Applicant: Stewart's Shops

Consultant/Applicant Presentation:

Marcus Andrews – Stewart’s – Mr. Andrews stated the new Stewart’s building will be on the corner of Riverview Road and Route 146. There is a parcel of land under purchase from the Edison Club that is just less than 1 acre of land, and a lot line adjustment will be needed. The new building would be 3,975 sq. ft. building with 8 new fueling stations and a diesel low flow station; after the new building is complete the old building will be removed along with the old fueling stations. He stated that there will be LED lighting and concrete parking spots on the parcel along the building with bollards and it will be flush with the walkway. On the south side Mr. Andrews stated that there will be a patio area with a bike rack and a sidewalk from the building to Riverview Road and then along Riverview Road connecting to the stub on Route 146. Stormwater management will, have to be evaluated and there would be some wetlands impacted due to sidewalks if required. Mr. Andrews stated that the curb cut on Route 146 would remain and a new curb cut is being proposed on Riverview Road and shifted to the east to allow for traffic to enter and exit in both directions. Mr. Andrews stated that there will need a variance from the ZBA for approval for the size of the building due the Hamlet Zoning after conceptual approval.

Staff Comments:

Steve Myers, Director of Building and Development issued a memo dated 4/20/20 stating:

- Applicant proposes to expand property ownership by adding 0.965 acres to its parcel at 922 Riverview via transfer of land from the Edison Club. The current Stewart’s is in the HM zone and the Edison Club is in the CR zone
- Existing and proposed numbers for lot area, width and frontage are the same in the table on S-2 and should be different. Existing should be before addition of property from Edison Club
- Developer appears to believe the land transfer from the Edison Club results in the property changing from CR to HM zoning. Zoning changes usually require town board action. As a result a full review of this proposal cannot be completed until the zoning changes are verified.
- Previous variances #80262, 80263 and 80854 will have to be evaluated against this proposal once the site plan is finalized to determine if further variances are required. The zoning change will also need to be resolved for this to occur.

Sheryl Reed, Chief of the Bureau of Fire Prevention:

No comments

Scott Reese, Stormwater Management Technician issued a memo dated 4/24/20 with the following comments:

1. Applicant shall discuss if this project will move forward as a Redevelopment Activity per the New York State Stormwater Management Design Manual. Further

information on the existing drainage and if there are any existing stormwater pollution controls on site should be provided in the next submittal. Redevelopment projects provides an opportunity to correct existing problems and reduce pollutant discharges from older developed areas that were constructed without effective stormwater pollution controls. This site is considered a “Stormwater Hot Spot” per the NYSDEC with the vehicle fueling stations

The Environmental Conservation Commission held a meeting on 4/22/20 and issued a memo recommending:

1. The trails committee shall explore the concept of a trail starting at this site going north along the east side State Route 146.

John Scavo, Director of Planning issued a letter dated 4/27/20 with recommendations he made:

1. The Applicant should review §208-43.(1)(a)[1][2][3]&(3b) of the Town Code and amend the proposed building size to comply with the standard or apply for an area variance.
2. The application notes sanitary sewer will be serviced by Glenville Sewer District. While this is correct, the sewer gets to the Glenville Sewer District via a tie-in to the Old Nott Farm Treatment System as an outside user. Therefore, approvals from both the Clifton Park Sewer District and Glenville Sewer District will be required.
3. As plans progress and the layout of the site is agreed upon, the applicant should demonstrate the ability of a fuel tanker truck and delivery vehicles to navigate through the site.
4. The applicant shall obtain all necessary permits and approvals from regulatory agencies for the removal of the existing fuel tanks, installation and operation of the fueling station including an underground storage tank permit from the NYS DEC and a spill response/containment plan.
5. The applicant should review the proposed drive isle width between the fuel canopy and asphalt wing curb at the southwest portion of the fueling island. The minimum drive aisle width should be 22 feet.
6. The preliminary plan should include a photometric layout for the site, existing topography, a listing of previous area variances granted, and proposed grading (attached is an excerpt noting the prior variances from the 2001 site plan).

Mr. Scavo explained that the variances carry with the land. He stated the setback variances previously granted will carry over to this proposal. He also stated that the application would need a referral to Saratoga County Planning Board and NYSDOT will be included in correspondence.

Mr. Scavo stated that traffic patterns have changed but would like to see the buildings pushed back to allow for roadway improvements. He also referred to 208-4 of the zoning code and stated that the Zoning Officer is to decide if the Hamlet zoning boundary can be expanded to include the proposed area based on the revised property lines.. Mr. Myers stated to Mr., Scavo to find out from the Board their feelings on the zoning and design and layout as to whether to make it a Hamlet zone. Mr. Scavo also asked for a floating easement in the rear of the property to be able to create a possible walkway to the development of the housing on the Edison Club's property to help connect the area. Mr. Andrews stated he can do this but would need more information on the layout of the Edison Club project. Mr. Scavo stated that he can follow up with him to see what can be done, but this is conceptual at this point.

Professional Comments:

Walter Lippmann, P.E. of MJ Engineering in a letter dated 4/24/20 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. 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:
 - i) Town of Clifton Park: Site Plan approval
 - j) Saratoga County Planning: 239m and n referral due to location along Route 146
 - k) NYS Dept of Environmental Conservation – permit coverage under stormwater SPDES, confirmation of threatened or endangered species
 - l) NY State Historic Preservation Office: correspondence with SHPO to ensure no archeologically sensitive resources on project site.

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

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

2. Part I.3a – The response indicates that the proposed action will disturb more than one acre of land. As such a Stormwater Pollution Prevention Plan (SWPPP) will be required.
3. Part I.12b – The response indicates that the project site is located within or adjacent to an area designated as sensitive for archeological sites on the NY State Historic Preservation

Office (SHPO) archeological site inventory. The applicant should provide a correspondence letter from SHPO to confirm the presence or absence of archeologically sensitive resources.

4. Part I.13a – The response indicates that a portion of the site or lands adjoining the site of the proposed action, contains wetlands or other waterbodies regulated by a federal, state or local agency. The applicant has provided documentation that confirms the presence of federally regulated wetlands adjacent to the project site. The applicant should include a 100' wetland buffer on future site plan submissions.
5. Part I.15 – The response indicates that the project site may contain species of animals or associated habitats, listed by the State or Federal government as threatened or endangered, including the Bald Eagle. The applicant will need to provide correspondence from the Permits staff at the NYSDEC Region 5 Office to confirm the presence or absence of these listed species and for any permit considerations for the project. The applicant should also provide correspondence from the NY Natural Heritage Program to confirm the presence or absence of rare plants or animals and significant natural communities.
6. Part I.17 – The response indicates that the proposed action will create stormwater discharge. A stormwater analysis should be conducted to ensure there will be no adverse impacts to adjacent or down gradient properties.
7. No further comments at this time. Additional comments may be forthcoming as the project advances.

Site Plans

8. The project is located within the Town's Hamlet Mixed Use District (HM) Zoning District. The proposal for a convenience food store is a permitted principal use within the HM District pursuant to Section 208-43.2 of the Town's Zoning, however the acquired property from the Edison Club is zoned Conservation Residential (CR) in which a convenient store is not a permitted use.
9. In our review of the concept plan submitted, it appears that there are instances where the bulk lot requirements are not satisfying the minimum requirements set forth in Sections 208-43.3 and 208-98 of the Town's Zoning. The potential lot deficiencies identified are as follows, noting that there are existing area variances in effect for the lot that have not been identified:
 - a. Section 208-98 of the Town Zoning indicates that 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. The proposed gas canopy/pump is within this requirement for both NYS Route 146 and Riverview Road.

- b. Section 208.43.3 of the Town Zoning indicates the base density for retail uses is 2,000 gross square feet per acre. The project is proposing 3,975 square feet on 1.781 acres (3,562 SF max.).
10. The plat shall include the following pursuant to Section 179.8 of the Town Subdivision Law:
 - a. Contour lines at five-foot intervals to United States Geological Survey (USGS) datum pursuant to Section 179-8 of the Town Subdivision Law.
11. Provide a delineation of the area of expected disturbance associated with the project along with the numerical value.
12. The project will disturb more than 1-acre of land. As such, it will be subject to the NYSDEC Phase II Stormwater Regulations and General Permit GP-0-20-001. Therefore, a full SWPPP will be required that addressed water quantity and quality controls. As the project proceeds through the Town's regulatory review process, a fully conforming SWPPP shall be provided for review.
13. Provide the setback lines on the plan.
14. The submitted information indicates the project is proposing to connect to an existing water main(s) within proximity to the parcel. These mains are owned and operated by the Clifton Park Water Authority (CPWA). It is recommended that the Town be furnished with documentation that the CPWA is willing and capable of providing potable water to the project.
15. The submitted information indicates the project is proposing to connect to an existing sewer main(s) within close 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. Provide the locations of the existing potable water and sanitary sewer laterals that the project will be connecting to.
16. The plans show various improvements within the County Route 91 and State right-of-ways. These improvements need to be coordinated with and reviewed by the Saratoga County Dept of Public Works and NYSDOT. As the project proceeds through the Town's review, the applicant must provide the Town with plan comments from the County Dept of Public Works and NYSDOT.
17. At the driveway access to Riverview Road, a curb ramp should be installed on the either side of the crosswalk entering the sidewalk.
18. Will the access onto Riverview Road remain as Do Not Enter from eastbound traffic on Riverview Road?

19. Provide information on the plans to indicate how potential sump pump laterals may be positioned which shall be in conformance with Section 86-7(A)(6) of the Town Code.
20. Provide notation on the plan as follows:
 - a. No Utilities shall be installed beneath the proposed driveways.
 - c. Any work required within the State or County right-of-way shall be subject to any permitting from the NYSDOT and Saratoga County Highway Department (driveway, culvert, water service, sewer).
21. The final subdivision plat must be stamped by a licensed surveyor.
22. Considering the plan submitted is conceptual in nature, we will reserve further comments until more detailed plans and reports are submitted. Subsequent submissions shall include information as outlined in Section 208-115 of the Town zoning specific to site grading, lighting, landscaping, erosion control and stormwater management to fully assess the design and its compliance to the applicable standards.

Public Comments:

Anthony LaFleche – 21 Wheeler Drive – Mr. LaFleche asked what the setback of the fueling station canopy would be from the corner of Route 146 and Riverview Road. Mr. Andrews stated it would be 75 feet, and added that on between would only be a free standing Stewart’s sign. Mr. LaFleche asked if the “Welcome To Clifton Park” sign would remain. Mr. Andrews stated it will stay but may be repositioned. Mr. LaFleche stated that the may be a time in the future that there may be a right hand turning lane heading northbound and asked if the applicant could push back the building and canopy as far as possible, and to add a wider easement on the east side for other improvements that may occur on Riverview Road as well. Mr. LaFleche also asked for EV parking stations on the site.

Planning Board Review:

Mr. Neubauer stated he supports the floating easement with the Edison Club. He stated he would like the single or gable look of the canopy style. He stated that the design sits as is and asked what could be done for landscaping from entering Clifton Park. Mr. Scavo stated that there is a national historical property to the south west of the corner so if a roundabout needs to be put in it would defer to the Stewart’s property. Mr. Andrews stated that if for some reason the roundabout goes in he understands the effect on the property.

Mr. Andarawis asked for the 146 entrance to be pushed as north as possible as the entry now is close to the intersection and can cause traffic concerns. Mr. Ophardt agrees with Mr. Andarawis.

Mr. Andrews stated that there are utility poles there but he can move it, but it would create more internal pavement.

Mr. Ophardt asked if the signage would move as well. Mr. Andrews stated that he can look into further to see if there is already an agreement with the town or work with the town for maintenance on the town sign and flower beds.

Mr. Ferraro stated he has concerns about removing the current landscaping; he would like the applicant to maintain some of the land scape and see trees remain. Mr. Andrews stated that the trees would be staying; the shrubs would be removed and replaced to make the area look nice.

Discussion Items:

2019-052 Plank Road Apartments

Mr. Ferraro stated that there was a distribution of the façades for the Plank Road project that Mr. Scavo has sent out and he would like feedback.

Mr. Neubauer stated that he is happy with the updates submitted and the renderings due to it being on a possible corner. He stated that he feels the applicant is starting to resolve issues that the Board has brought to them. Mr. Szczesny stated he also likes the façades submitted.

Mr. Ferraro stated that he is happy with the applicant moving the commercial side of the building to the south and feels his primary concerns have been addressed by having the front entrances to the apartments along Plank Road.

Mr. Scavo announced to the Board that the Town Board approved the density incentive for the old Kmart location to accommodate 100 residential units.

Mr. Ophardt stated he still feels like the buildings are close at 26 feet and that the new building would overshadow the 2 story buildings behind it.

Mr. Scavo announced that there were no applications submitted for the May 14th, 2020 meeting so the meeting is cancelled and the next meeting will be May 27th, 2020.

Mr. Szczesny moved, seconded by Mr. Ophardt, adjournment of the meeting at 10:40 p.m. The motion was unanimously carried.

The next meeting of the Planning Board will be held on May 27th, 2020.

Respectfully submitted,

Paula Cooper

Paula Cooper, Secretary