

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

PLANNING BOARD

ROCCO FERRARO
Chairman

ROBERT WILCOX
Attorney

PAULA COOPER
Secretary



MEMBERS

Emad Andarawis
Eric Ophardt
Ram Lalukota
Andrew Neubauer
Denise Bagramian
Greg Szczesny

(alternate) Keith Martin

Planning Board Minutes
October 14th, 2020

Those present at the October 14th, 2020 Planning Board meeting were:

Planning Board: R. Ferraro, Chairman, E. Andarawis, R. Lalukota, A. Neubauer, E. Ophardt, G. Szczesny
Keith Martin – 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.
R. Wilcox, Counsel
P. Cooper, Secretary

Mr. Ferraro, Chairman, called the meeting to order at 7:00 p.m. 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.

Mr. Ferraro stated that in the absence of Ms. Bagramian tonight, Mr., Martin would be a voting member.

Mr. Ferraro stated that Mr. Robert Wilcox will be replacing Mr. Morelli as the Planning Board Counsel.

Minutes Approval:

Mr. Neubauer moved, seconded by Mr. Martin, approval of the minutes of the September 22nd, 2020 Planning Board meeting as written. The motion was unanimously carried.

Public Hearings:

None

Old Business:**2019-008 DCG Tallow Wood Apartments**

Applicant proposes to construct a 12,000 +/- sf 3 story 34 unit apartment building, convert the existing 19,000 +/- sf office space into a 16 unit apartment building and utilize existing parking area in compliance with local zoning. New building will connect to CPWA water and SCSD Sewer. Area of disturbance <1.0 acre with no change to total impervious area. Development will utilize existing stormwater pond, 855 Rt 146, Zoned: TC4, Reviewed by Technical Advisory Committee. Status: PB preliminary review

SBL: 271.-3-67.1 To be reviewed by: MJE

Consultant: EDP

Applicant: DCG

Consultant/Applicant Presentation:

Joe Dannible – EDP – Mr. Dannible stated that this application is a residential/commercial mixed use project. He stated this was last seen in 2019, but has had multiple meetings with the Town Advisory Committee (TAC). Mr. Dannible stated that he acknowledges that there is no County review received to date. However, the applicant would like to receive preliminary approval tonight, or be able to table the application until the next meeting. Mr. Ferraro stated that they cannot take action tonight because the County has not offered a recommendation on the application and are an interested agency.

Mr. Dannible showed on the videoconferencing screen a map of Route 146 and Tallow Wood Drive. He stated that the property is 8.3 acres and has 3 existing buildings with one of the buildings being occupied by Saint Peter's Health Partners, it is 2 stories with a parking garage. Mr. Dannible stated that the property has two frontages, one on Route 146 and one on Tallow

Wood Drive; in the rear of the site there is a building with a daycare facility. Mr. Dannible stated that both of those buildings will not change. The third building is 19,000 square feet, and is proposed to be developed, as a 3 story building fronting Tallow Wood Drive with multifamily residential. Mr. Dannible stated it is in the TC4 Zoning District and this is an allowable use. Mr. Dannible stated that 65% of the parcel would be commercial and 35% would residential, which is within the allowable percentages.

Mr. Dannible showed on the screen the site plan from February 2019, and then compared it on the zoom meeting screen to the current modified proposal showing existing and added buildings. He stated that the third building would contain 16 apartments 8 on the first floor and 8 on the second and a new 3 story residential building adjacent to Tallow Wood Drive. He stated that per TAC recommendations, parallel parking has been removed from Tallow Wood Drive but landscaping and a sidewalk have been added to comply with the intent of the Town Center Code. Mr. Dannible stated that there are 82 parking spaces being proposed, but there are over 500 parking spots in the area. Mr. Dannible stated that the greenspace is 43% and there is less than one acre of disturbance to the project area. Mr. Dannible stated that there is minimal increase to impervious materials in the area and that project drains are proposed to go to current storm water management areas that are adequately sized to handle the additional runoff. Mr. Dannible stated that the storm water areas have been cleaned out to accommodate the proposed project. He stated that water and sewer will be connected to public supply.

Mr. Dannible stated that peak traffic hours in the evening were looked at for the proposal by a traffic engineering using Institute of Transportation Engineers (ITE) trip generation standards based on use and occupancy codes. It was determined that if a medical building were built as allowed by zoning, there would be 20 cars in and 50 out, for an office building 4 cars in and 19 out, and for the residential proposal trips would be 15 cars in and 9 out. He stated that this proposal based on the traffic analysis conclusions would have no impact on traffic.

Mr. Dannible showed images on the Zoom screen prepared by Cotler Architecture displaying building elevations of what the proposed new building would look like. He stated the mechanicals would be on the building's roof and screened. Mr. Dannible showed on the Zoom screen all the materials proposed to be used as well as the façade renderings of the rear of the new proposed building.

Mr. Martin asked if the model showed actual plantings. Mr. Dannible stated that the plans show the exact plantings and the model of the renderings did not, as it was to show the building not the plantings.

Staff Comments:

Steve Myers, Director of Building and Development issued a memo dated 9/28/20 stating:

- For clarity it was determined by the town attorney that residential would be allowed on the first floor of this project as the TC-4 zoning does not allow it
- It is quite a distance to the “shared refuse” area for the new building
- Street trees appear to be eliminated
- I find no hydrant at the daycare or along Tallow Wood. Hydrants are required within 100’ of the fire department connections

Scott Reese, Stormwater Management Technician issued a memo dated 10/9/20 with the following comments:

1. No further comments, other than the TDE’s October 9th, 2020 review comments that pertain to stormwater and erosion and sediment control.

The Environmental Conservation Commission held a meeting on 10/6/20 and issued a memo recommending:

1. The ECC has no comments at this time.

The Trails Subcommittee submitted the following comments for the Planning Board to consider in its decision making:

1. This property location along Tallow Wood Driver and the connection to existing paths and sidewalks along Route 146 presents an excellent opportunity to expand pedestrian access to the proposed residential complex. Expanding pedestrian access to a residential complex that is in close proximity to the many existing pedestrian corridors in the area of Route 146 would provide a benefit to both the residents and surrounding neighborhoods.
2. There is currently an existing sidewalk that starts just before Route 146 (on the southwestern corner of the property) which would provide a natural connection point. The Open Space Trails and Riverfront Committee (“OSTRC”) strongly encourages the creation of a sidewalk along the entire western frontage of the property. At a minimum, the sidewalk should extend to the existing driveway on the northwestern corner of the property. The sidewalk should include a marked crosswalk at points where the path would travel across any proposed driveways or entrances.

John Scavo, Director of Planning issued a letter dated 9/25/20 with recommendations he made:

1. Since the project location is within 500’ of NYS Route 146, a referral to the Saratoga Co. Planning Board has been made for a recommendation in accordance with GML §239(m)

& (n). Approval for the application cannot be made until a response is received back from the County Planning Board for consideration by the Clifton Park Planning Board. The County Planning Board will consider their recommendation for this project at their October 15th scheduled meeting.

2. The proposed project appears to be an unlisted action pursuant to SEQRA and as such coordinated review is optional.
3. The 911 address assigned by the Town Fire Marshall, shall be added to the final plan.
4. On September 17th, the Town authorized Prime Engineering to conduct a Sanitary Sewer Analysis on behalf of the Clifton Park Sewer District to determine if there is adequate capacity and infrastructure to service the proposed residential units. The Planning Board cannot be approved the final site plan until the analysis is completed and determination is made on the ability of the Sewer District to ability to handle and service the additional sewage.
5. Pursuant to Response #6 in a reply letter dated September 18th, prepared by EDP to MJ Engineering. The applicant is current in noting a variance is not required for the first floor residential. However, a waiver from the Planning Board as dimensional requirement to allow the residential on the first floor rather than commercial is still required and if such dimensional waiver is granted the Planning Board shall note such in its Final Notice of Decision.
6. The applicant should ensure the underside of the proposed balconies are constructed to encapsulate the horizontal structural support beams which should not be visible from the streetscape.

Mr. Scavo would like applicant to add EV charging station and state it on the plan. And to check to make sure with the architectural building engineer to see if it would be able to accommodate future EV charging stations and for possible future rooftop solar.

Professional Comments:

Walter Lippmann, P.E. of MJ Engineering in a letter dated 10/9/20 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. 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 is not necessarily limited to the following:
 - a. Town of Clifton Park Highway Department: town highway work permit
 - b. Clifton Park Water Authority: Taking of additional water.

- c. Saratoga County Planning: 239m referral due to the project's proximity to NYS Route 146.
- d. Saratoga County Sewer District: Additional reserve sewer capacity.

Additional involved/interested agencies may be defined as the project proceeds through the Town's regulatory review.

SHORT ENVIRONMENTAL ASSESSMENT FORM

2. Under Part.I.8, the response indicates the action will not result in traffic substantially above present levels. Depending upon the number of vehicle trips, a formal traffic assessment may be necessary. This assessment needs to account for other projects proposed within proximity of the project site (Rosegate Apartments). See traffic comments below #27 through #31.
3. No further comments at this time. Additional comments may be forthcoming as the project advances.

SITE PLANS

4. Consider an additional catch basin in the southeast parking lot to collect runoff from road and the new proposed eight (8) parking spaces.
5. Consider an additional garbage refuse area closer to the proposed apartment building.
6. Consider relocating the drywell outside of the sidewalk.
7. It is understood that a SWPPP is not required as the project disturbance will be less than 1-acre, however an infiltration practice (drywell) is being provided to contain the additional roof runoff. Provide a calculation worksheet to indicate the drywell is adequately sized to handle to anticipated flows.
8. The original SWPPP shall be modified to reflect the following:
 - a. Redevelopment of the parking lot and proposed apartment building
 - b. Include the post construction operation and maintenance for the drywell.

9. Since the stormwater management area will be owned and operated by the applicant, a Town of Clifton Park Maintenance Agreement will need to be executed and filed with the Town.
10. The lighting pole base detail 7 on Sheet 10 indicates the maximum pole height is 30 feet. Please indicate if this is the case and in what locations.
11. The landscaping shown on Sheet 7 of 10 needs to be modified to meet the requirements of Section 208-26 of the FBC as follows:
 - a. Section 208-26(5)(D)(3) requires that street trees shall be a minimum caliper of three-inches and a minimum height of eight feet. The four (4) proposed trees in the front are not labeled on the planting plan to verify requirement is met.
12. Identify on the Sheet 7 of 10 the locations of the proposed plantings of species Arborvitae (TP), Rhododendron (PJ) and Flowering Crabapple (MA).
13. The footcandle analysis indicates the footcandles in the area of the ADA parking spaces and entrance on the north side of the proposed 34-unit apartment will be between 0.0 and 0.1. Additional lighting on the north side of the building shall be considered.
14. Pedestrian walkway light fixtures located not adjacent to a parking area shall not exceed 10 feet in height. The four (4) L-1 light poles along Tallow Wood Drive are shown as 12 feet.
15. Show how the foundation drains will be connected to the storm system.
16. 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.
17. The spot elevations provided exceed the surface slope of 2% in all directions specifically the north/south direction. Provide spot elevations at these locations to confirm conformance.
18. The proposed buildings will be in excess of thirty feet in height. As such, appropriate aerial apparatus access roads shall be provided conforming to Appendix D, Section D105 of the IFC. It appears Tallow Wood Drive on the south side of the building is being provided for aerial access. This condition shall be reviewed by the Fire Department.

19. 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.
20. The project proposes work within Tallow Wood Drive right-of-way. This proposed work is subject to the review and approval of the Town of Clifton Park Highway Department.
21. Pursuant to Section 6.3.6 of the NYSSMDM, the Erosion Control Plan needs to note that infiltration practices shall never serve as a sediment control device during site construction phase. In addition, the Erosion and Sediment Control plan for the site shall clearly indicate how sediment will be prevented from entering an infiltration facility.
22. The erosion and sediment control plans should indicate construction vehicles should not utilized the proposed drywell location.
23. The Site Plan, Sheet 8 of 11 shows the accessible parking spaces. With the proposed 34-unit apartments, the required parking spaces would require three (3) ADA accessible spaces. There should be a review of the placement of accessible spaces in relation to the apartment buildings.
24. Pursuant to Section 208-25.7 of the FBC, mechanical equipment, including roof-mounted, facade-mounted or ground-level-mounted, shall be screened from view from adjacent public rights-of-way, properties and pedestrian walkways. If any such equipment is proposed, the required screening shall be illustrated on Sheet 7 of 11.
25. The applicant is currently in the process of obtaining documentation indicating CPWA's ability and willingness to provide potable water to the project. Any approvals offered by the Planning Board should be conditioned on receipt of CPWA's review and approval.
26. The applicant is currently in the process of obtaining documentation indicating both the Town's and SCSD's ability and willingness to provide sewer capacity to the project. Any approvals offered by the Planning Board should be conditioned on receipt of Town's and SCSD's review and approval.

TRAFFIC

27. Identify the reference manual utilized to determine peak hour trips including edition number and year of print.
28. Provide the Land Use Code used for each building for both existing and proposed conditions.

29. Provide the existing and proposed trips for both AM and PM peak hours separately. These should include how many trips are entering and exiting the site for each peak hour under existing and proposed conditions.
30. As additional information is provided, additional comments MJ will Provide additional information, we cannot verify the information provided in the letter or complete our review of the trip generation memo for the project.
31. We will reserve further comments until a revised report is submitted.

Public Comments:

Anthony LaFleche – 21 Wheeler Drive – Mr. LaFleche asked if the TC4 zone required the apartments to be on the road front and how far from the road the building would be. Mr. Scavo stated that there is a build-to line with the front of the building to face the roadway. Mr. LaFleche asked how far the building would be from the property line or roadway. Mr. Dannible stated that the building would be 5-10 feet from the property line and that all codes are being met with this proposal. Mr. LaFleche asked that the sidewalk be far enough from the roadway so that when the road is cleared from snow it will not be pushed onto the walkway.

Planning Board Review:

Mr. Ferraro stated that there was a resident concern letter that was distributed to all the Planning Board Members.

Mr. Martin stated he likes how the project has evolved and would just like to see some plantings changed within the plan. Mr. Dannible stated that the street trees are 40 feet apart and that the lighting makes them seem sparser but he will make the plantings and tree canopies more clearly shown on the plan. Mr. Martin stated he would like to see more trees and would like to see possible rain gardens instead of another storm water basin if needed. Mr. Dannible stated that more trees can be added to the plan. He stated that there is no proposal for new storm water basins at this time; the proposal will be providing a dry well due to the internal sidewalk structure.

Mr. Andarawis stated that the shared parking is a good proposal and would work well. He also stated he agrees with Mr. Scavo's comment on EV charging stations and would like them to be put in when construction is done and not waiting. Mr. Donald MacElroy – DCG – stated that charging stations in all of their properties are going to be installed in Clifton Park.

Mr. Neubauer stated that he was on the TAC. He asked the applicant what would be seen on the rooftop as the roof looks to be pitched. Mr. Dannible stated that the roof is not fully pitched but rather just slightly pitched at the edges to hide the mechanical systems. Mr. Ferraro asked how high the pitch to screen would be. Mr. Dannible stated it seems to be 6 ft. but he is unclear on the exact height.

Mr. Ferraro stated he prefers the sidewalk in the current proposal over the parallel parking that was on the previous one and that he would like to see a future connection to Route 146. He stated that the roof top pitch needs to be reconciled before the next meeting.

Mr. Dannible asked if the application can be tabled until the October 27th, 2020 meeting to hopefully get approval from the County Planning Board. Mr. Scavo it can be done and this application does not need a public hearing. Mr. Ferraro stated that he agrees it can be tabled until October 27th, 2020.

Old Business:

2020-032 Hubbs Road Active Solar SUP

Applicant proposes constructing 6.7 MW(DC) ground mounted solar energy facility that will use approximately 16,896 solar panels. The panels will be mounted on a system of steel posts and racks. Two concrete pads with the electrical equipment are located near the panels and will include inverters and transformers. The site will be surrounded by a 7 ft chain link fence, Hubbs Rd, Zoned: CR, Status: PB Preliminary Review w/ possible SEQOR determination to set a required Public Hearing SBL: 258.-1-6.3

To be reviewed by: MJE Consultant: Creighton Manning Applicant: A. Papa

Last Seen on: 9/9/20

2020-031 Hubbs Road Active Solar Site Plan

Applicant proposes constructing 6.7 MW(DC) ground mounted solar energy facility that will use approximately 16,896 solar panels. The panels will be mounted on a system of steel posts and racks. Two concrete pads with the electrical equipment are located near the panels and will include inverters and transformers. The site will be surrounded by a 7 ft chain link fence., Hubbs Rd, Zoned: CR, Status: PB Preliminary Review w/ possible SEQOR determination SBL: 258.-1-6.3 To be reviewed by: MJE

Consultant: Creighton Manning Applicant: A. Papa **Last Seen on: 9/9/20**

Mr. Andarawis stated that for the record he lives within ¼ mile of the location of the application. He has participated in the past discussions.

Consultant/Applicant Presentation:

Ryan Farnum – Creighton Manning Engineering – Mr. Farnum stated he is here on behalf of Active Solar. Mr. Farnum stated that this project is in an open screened field and will generate 6.7 megawatts of electricity that will be available to the public. He stated that there will be a gravel access road with chain link fencing around the entire site. Mr. Farnum stated that there have been some additional panels added to the west side of the project. He noted, when developing the project some numbers for the wattages were less than expected and the additional panels would make up the difference. Mr. Farnum stated that there will be swales and ponds on the site for storm water management and the center gravel access road has been moved to allow for minimal wetland disturbance. He stated on the east side of the property there will be screening on the uplands with 2 rows of spruce trees that will be offset and maintain the wooded buffer area from the neighboring property. Mr. Farnum stated that there is wetlands on the property and that applications have been submitted to DEC and the Army Corp of Engineers; DEC sent a letter stating there are no DEC wetlands on the site and that he still speaking with Army Corp about the other wetland impacts on the site. A SHPO study has been complete and the applicant has received the letter of no effect.

Mr. Farnum stated that 3 visual assessment areas were looked at since the last meeting; he provided a map to the Zoom screen to show the areas that the 3 locations were done at. He stated that #1 is on the north side of the site on Schauber Road and he showed an image of what the visual impact would be in no leaf conditions, #2 is on Schauber Road and Mr. Farnum stated that there is little see-through at that location as well with no leaf conditions, but that there is a tree line, filed then another tree line before the panels can be seen. Mr. Farnum showed photo #3 that was taken on Hubbs Road facing north which would only show existing wooded areas and the connectivity poles as well as the access road to the site.

Mr. Farnum stated that on Monday photos were taken from inside the site looking out, approximately 200ft from Hubbs Road. Mr. Frank McCleneghen, Active Solar, described the photos that were taken. Mr. McCleneghen stated that the photos were taken from 225 ft from the edge of the road and the panels would start 300ft back from the roadside. Mr. McCleneghen stated he walked in a west to east pattern while taking the pictures that were presented on the Zoom screen.

Mr. Ferraro asked Mr. McCleneghen why the pictures were taken from inside the site and not the roadways. Mr. McCleneghen stated that he tried to get the best vantage point for the Board and that with short notice he could not get permission from other property owners to enter their property for photos, and stated that his photos are not to be misleading but to try and help the Board and other participants in the meeting get a feel for the layout as taking the pictures from the roadway or other properties would not give good ideas about the panel views as they are not in the ground yet.

Mr. Ferraro stated that the additional panels are of a concern to him as they were not on previous submittals and they are now in a new location on the site and it has no visual barrier as indicated on position #2 in Schauber Road. Mr. McCleneghen stated that a buffer is needed around the pond area and for additional landscaping on the change for landscaping, therefore some panels were lost. Mr. Farnum stated that on the east side of the site there were tree clearing up to the edge of the site and now some panels were lost to help buffer. Mr. Martin asked about the visual spot #2 and the effect of the new panels on this. Mr. Farnum stated there is a tree line, followed by another tree line before the panels can be seen from visual spot #2

Staff Comments:

Steve Myers, Director of Building and Development issued a memo dated 9/28/20 stating:

- No further comments

Scott Reese, Stormwater Management Technician issued a memo dated 10/9/20 with the following comments:

1. No further comments, other than the TDE's October 9 th, 2020 review comments that pertain to stormwater and erosion and sediment control.

The Environmental Conservation Commission held a meeting on 10/6/20 and issued a memo recommending:

1. The ECC recommends that the Town Designated Engineer to verify if the decommissioning surety is adequate for this project.

The Trails Subcommittee submitted the following comments for the Planning Board to consider in its decision making:

No Comments

John Scavo, Director of Planning issued a letter dated 9/29/20 with recommendations he made:

1. The Planning Board is required complete the SEQR Review process prior to opening the public hearing for the special use permit.
2. A referral of the preliminary site plan and special use permit applications were made to the Saratoga Co. Planning Board in accordance with GML §239(m)&(n). The County Planning Board noted in a response letter that the project would have, “No Significant County-wide or Intercommunity Impact.” The County Planning Board also noted, “the need for a wetland disturbance permit at the proposed wetland crossing for the access gravel road in the middle of the site.”
3. On September 11, 2020, I spoke with Sheryl Reed, Town Fire Marshall who conveyed:
 - a. The fire department would not spray water on any electrical fire.
 - b. A brush fire truck would be deployed to handle any brush fire at or near the solar panels in the field.
4. All my prior outstanding technical comments related to the site plan and special use permit have been satisfied based on the applicant’s current submittal.

Professional Comments:

Walter Lippmann, P.E. of MJ Engineering in a letter dated 10/9/20 had the following comments:

STATE ENVIRONMENTAL QUALITY REVIEW

1. The applicant shall revise and resubmit the SEAF based on the revised site plan for review.

SITE PLANS

2. Sheet C-7.0 indicates Phases 2 through 5 will disturbance 5-acre. These phases should be further reduced with an additional phase(s) added as it is an unrealistic to expect the contractor to work within these tolerances.
3. Correspondence with the USACOE shall be provided to the Town for their records. Any approvals offered by the Town should be conditions upon the applicant receiving the necessary permits for activities planned within the regulated wetlands.
4. The proposed parcel also has frontage along Schauber Road. Indicate on the plans if any additional access from Schauber Road will be needed during construction.

5. On Sheet C-5.0 we would highly suggest diversifying the planting. This is beneficial for many reasons – availability of plantings initially, visual interest, and most importantly biodiversity, so that if there is a disease, pest, etc that effects a tree, not all go at once.
6. Clarify detail 2 on Sheet C-6.0, the plans reference this detail as s stone diaphragm, if this is the case revised aggregate material accordingly.
7. The applicant shall provide a cross section detail for the infiltration basins shown. The cross section should provide design elevations including stone invert, pipe invert and depth of runoff by storm event as reported by the SWPPP.
8. Pursuant to Section 3.5 of the NYSSMDM, the proposed stormwater practice needs 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.

DECOMMISSIONING PLANS

9. The applicant shall revise and resubmit decommissioning plan for review.

STORMWATER POLLUTION PREVENTION PLAN

10. Provide clarification on the stormwater practices proposed that provides water quality, RRv and water quantity controls with the appropriate NYSDEC designation number. The calculation worksheets in Appendix E indicate infiltration basin (I-2), dry swale (O-1) and bioretention (F-5), however plans appear to indicate vegetated swales (RR-5) and ponds, revised worksheets and/or plans accordingly. It is not clear on the submitted plans where these facilities are being proposed.
11. Section 1.1 indicates 1.7 acres of impervious, Section 5.3 indicates 1.8 acres of impervious, however calculation worksheets indicate 1.51 acres, revise accordingly.
12. HydroCAD models 8P, 9P and 10P as ponds not infiltration basins, if infiltration is proposed then in-situ soil testing is required.
13. Section 5.2 of the SWPPP indicates that the proposed project will not increase the peak runoff except of AP-1. In reviewing Table 9, the post development runoff from AP-3 for the 10-year, 24-hour event will be 6.61 cfs, where under existing conditions it is 5.7 cfs. These conditions for AP-1 and AP-3 are outside the tolerance allowed by NYSDEC of 5% of the pre-developed condition for the design storm as outlined in Chapter 4.
14. The NOI in the SWPPP is not legible, please resubmit for review.

15. On Sheet C-5.0 indicate locations of wetland protection fencing.
16. The SWPPP shall include the operation and maintenance required of the installed stormwater management facilities pursuant to Part III.B.2.f of GP 0-20-001. Appendix G does not include the post construction inspection requirements as noted in the table of contents of the SWPPP.
17. As noted in Comment 10 of our September 4, 2020 review, consultation with NYS SHPO is required in order to obtain a “letter of no effect”. The applicant has performed a Phase 1A/1B archeological investigation and shall provide a copy of the correspondence to the Town upon completion. Any approvals offered by the Planning Board should be conditioned on receipt of SHPO review and approval. Please submit revised site plan to SHPO as additional areas to the west appears to be in archeological sensitive area and the area of potential effect (APE) may need to be expanded.
18. Since it appears the on-site stormwater management facilities will be privately owned, this shall be acknowledged in the SWPPP and a maintenance agreement and easement for access executed with the Town of Clifton Park will be required. Any approvals offered by the Planning Board should be conditioned on receipt of agreement for review and approval.

Public Comments:

Mr. Scavo stated that there have been resident letters of concern received by the Town. Mr. Scavo stated that these letters have been distributed to the Board for review prior to tonight’s meeting.

Ms. Helen Wilson stated that she has photos of other previously approved solar sites showing their impact. Ms. Wilson stated that she sent a letter to the Town before this meeting for review. She stated that one of her concerns is the adherence of the Town Code and to have the project keep up within the area’s character and neighborhood and feels this would change the rural area and decrease the residential property values. Mr. Scavo downloaded the pictures and showed them on the screen for all to see that are attending the meeting. Ms. Wilson stated that she had the opportunity to walk the site with Mr. Papa on his property and she stated that she feels that the visual impact would be impacted especially in the hill areas. She stated she feels the access road should be on Schauber Road and not on Hubbs Road. She also stated that the views submitted omitted views from others homes and the traffic going by. Ms. Wilson stated that the

access road and the poles are unattractive and should not be on Hubbs Road. She stated she had concerns about the decommissioning plan that she stated was described in her letter, as well as the 2011 solar array that was in someone's back yard.

Bill Dahlin – 30 Hubbs Road – Mr. Dahlin stated he is directly across from where the field would be. He stated that Mr. Papa has been very accommodating and a good neighbor. Mr. Dahlin stated that as he walked the property with Mr. Papa he was able to clearly see his home from where the panels are proposed to be. He stated the elevation increased the visual of his home and the neighbor's home. He stated that he would like a solar field that would not negatively impact the residents surrounding the property. Mr. Dahlin stated he would like Town Board Members and neighbors and the company to walk the proposal for impact.

Mr. Ferraro stated the group chat shows there are individuals both supporting and opposing the project.

Ralph Savage – Mr. Savage stated that he has submitted a letter that the Board should review if they have not already. Mr. Savages stated that he has read through the SUP code for solar arrays and stated it is restricted to a primary residence or building on the homeowner's property. He stated that it only mentioned was for the homeowners use and installation; it did not talk about commercial solar use. Mr. Savage stated he looked at documentation from 2011, and this did not mention commercial, only residential. Mr. Savage stated that this commercial solar is against the code. Mr. Savage also stated that other sections of the Code that the use goes against such as the CR Zone and how it will impact property value.

Mr. Ferraro asked for clarification on the SUP as it relates to solar arrays. Mr. Scavo stated that Mr. Myers as the Chief Zoning Officer has the authority to interpret the code. Mr. Scavo stated that in 2015 NYS gave guidelines for community solar arrays and referred to the code Section 208-7 for the Town's definition of a ground mounted solar array. Mr. Savage asked Mr. Wilcox to look at the interpretation of the code. Mr. Ferraro stated that he has reviewed the code, Section 208-79 and that he did not see more of an evaluation of solar farms just more for residential use, but this is allowed to date with interpretations that this is allowable under the SUP and issued by the Chief Zoning Officer.

Lydia Savage – Ms. Savage stated that she feels that there is limited liability for the property owner and the developer. She also stated that it interferes with the character in the neighborhood, and with the new roadway that was put in and people drive fast on that road making it dangerous for installation as well as speeding traffic on Schauber Road.

Planning Board Review:

Mr. Andarawis stated that he also has concerns with the added arrays beyond what was shown previously and that he does not feel visual impacts would be substantial. Mr. Andarawis also stated that having the arrays would be saving existing farm land that is productive and a better option than developing for residential homes but the new layout expanding the project footprint would be taking part of the farm land that would have been saved.

Mr. Martin agrees with Mr. Andarawis and stated that he feels that solar arrays in the town have not been as well regulated as developing in the CR zone. Mr. Martin stated he would like the decommissioning plan to be broken down more. Mr. Scavo stated that when the preliminary approvals are made the town staff and designated engineer will look more at the decommissioning bond.

Mr. Ophardt asked if there was any thought to moving the access road from Hubbs Road to Schauber Road and moving some of the arrays more to the west. Mr. McCleneghen stated that Hubbs road access is in front of a treed area and this is the shortest route, not directly in front of other houses and would have the least impact on the land. Mr. Ophardt asked if the arrays can be moved around to better fit the needs of minimizing visual impact. Mr. McCleneghen stated that moving these can cost close to 1 million dollars.

Mr. Ferraro asked if there could be underground connections coming from the site for less impact. Mr. McCleneghen stated that National Grid has standards and that they require the poles, and that a twist in the road was put in to help with visual impact. Mr. Ferraro asked what can be done to better disguise the panels that are 200ft to Hubbs Road as the concerns here tonight are mostly about the visual impacts. He suggested additional screening or decreasing the number of arrays.

Mr. Szczesny stated that there is a concern about the community impact that needs to be addressed and that there are now more panels than there was in prior meetings, and why the changes were made to the number of panels now. Mr. McCleneghen stated that by adding buffering to the rear of the site some panels had to be removed and made up for. Mr. Farnum stated there was also a discrepancy with the panel count.

Mr. Szczesny suggested that the next step would be Board Members walk the site. Mr. Ferraro agreed with Mr. Szczesny and asked for a trip to the site be arranged by Mr. Scavo with the applicant and the property owner and have Members go out in groups accordingly.

Mr. Ferraro asked the Board Members if they would rather see a solar array or see the property developed since if this is denied the applicant could come back with a development application. Mr. Martin, Mr. Andarawis, Mr. Ophardt, and Mr. Lalukota agreed that they would prefer a solar array over a development with about 28 housing units.

Mr. Ferraro would like it put in the plan that if this array is approved that there be no more land clearing or development on this parcel as long as the array is in commission. Mr. Andarawis agrees as to ensure the buffers remain.

New Business:

None

Discussion Items:

None

Mr. Szczesny moved, seconded by Mr. Ophardt, adjournment of the meeting at 10:02 p.m. The motion was unanimously carried.

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

Respectfully submitted,

Paula Cooper

Paula Cooper, Secretary