

Town of Clifton Park Planning Board
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PLANNING BOARD

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Eric Ophardt
Ram Lalukota
Andrew Neubauer
Denise Bagramian
Greg Szczesny

(alternate) Keith Martin

Planning Board Minutes
December 8th, 2020

Those present at the December 8th, 2020 Planning Board meeting were:

Planning Board: R. Ferraro, Chairman, E. Andarawis, D. Bagramian, R. Lalukota, A. Neubauer, G. Szczesny
Keith Martin – Alternate Member

Those absent were: E. Ophardt

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 designated Keith Martin as a voting member in the absence of Eric Ophardt.

Minutes Approval:

Mr. Szczesny moved, seconded by Mr. Neubauer, approval of the minutes of the November 24th, 2020 Planning Board meeting as written. The motion was unanimously carried. Ms. Bagramian abstained as she was not present at the November 24th, meeting.

Public Hearings:

None

Old Business:**2019-050 15 Synergy Park Drive - Site Plan**

Applicant proposes to construct a 40,000 sf office/warehouse that will house 2 tenants. Tenant 1 will have 15,000 sf of garage space and 10,000 sf of office space. The garage space will house service vehicles. Tenant 2 will occupy the remaining office/warehouse space. There will be 91 parking spaces that will be shared by the 2 tenants. Stormwater management will be handled on site. The site will have public sewer by SCSD1 and Water serviced by CPWA., 15 Synergy Park Dr, Zoned: B-5, Status: PB Preliminary Review

SBL: 265.-5-8

To be reviewed by: MJE Consultant: ABD Applicant: MJ Properties **Last Seen on: 10-22-19**

Mr. Ferraro stated that this application will be heard tonight with feedback provided by the Planning Board but the Board will not be taking action this evening pending feedback and comment from the County Planning Board which will not be meeting to review this application until later this month.

Consultant/Applicant Presentation:

Luigi Palleschi – ABD – Mr. Palleschi stated that Mr. John Hitchcock is also participating in the meeting as he gave the first presentation to the Board. Mr. Palleschi stated that comments given by the town and MJE have been addressed during concept review. He stated that he is in receipt of additional comments and would like to move forward with obtaining approvals for this project once the new set of comments have been adequately addressed. He stated that the water and sewer lines have been installed to the U-Haul building, which also go in front of this site and can be hooked up when ready. Mr. Palleschi stated that the proposal is for a 40,000 s.f. one-story

building on the lot for office/warehouse. He stated it would house 2 tenants, one a national tenant, with 10,000 sf of office space along the road and the other in the rear of the building with 14,000 sf of office space. Mr. Palleschi stated there would be 2 curb cuts from the private roadway, one for employees to access 90+/- parking spaces, then another entrance for vehicles entering and exiting the building for the tenant's vehicles. To maneuver the vehicles into the building, the site will be provided with at grade doors and loading docks for potential tenant #2. He stated the entrance for tenant-2 would be shared with tenant-1 where work vehicles would enter. Mr. Palleschi stated that there would be a pedestrian walkway to the building for the employees from their parking area that will be built with pressure treated wood. The landscape would be buffered from the road with a 50 foot strip of plantings. Mr. Palleschi stated that a bio retention area would be located at the west of the site and an additional stormwater area at the front of the site. He stated they were able to eliminate a stormwater area and take the roof and pavement runoff to the original stormwater area from the original subdivision plan for the park that is located on lot 28. Mr. Palleschi stated that this is a 1 story building; 30 ft in height and will be fully sprinklered to accommodate the fire code building access. Aerial access is not required for a single story building and needed "T" turnarounds are provided in from both entrances to either side of the building. He showed on the Zoom screen the building elevations from the front of the building. Mr. Palleschi stated that the cumulative total for build-out on the site including the proposed buildings is 202,000 sq.ft. with the 50% total build out threshold for the right turn lane established from Kinns Road onto Rt. 9 at 203,000 sq.ft.. He commented that Mr. Meyer's comments were addressed about fire apparatus and the accessibility to the rear of the building and again stated that he felt the applicant is meeting the fire and building code requirements. Mr. Palleschi stated that there is a hydrant at the southwest corner of the property that is within 100ft of the building. Mr. Palleschi stated that the ECC had comments about vehicles maintenance and he stated that to his knowledge there will be no maintenance on site; the tenant would only store the vehicles indoors when not in use. He stated that there may be snow melt inside but an oil/water separator can be put in the plan if the Board feels there needs to be such. Mr. Palleschi stated retaining walls will be used, and highlighted limits of grading and locations of the walls as shown on the plans. He stated that he would like to continue to move forward towards approval.

Staff Comments:

Steve Myers, Director of Building and Development issued a memo dated 12/3/20 stating:

- Site location plan needed with submission
- Access roads are required within 150' of all portions of the building. This may be increased by the code official if the building is sprinklered. Access thru wetlands or via footbridge do not qualify
- All parking areas and roadways shall have minimum travel lane width of 26', not the 24' or 22' shown

- Parking areas require turnarounds and the turn in the south parking area does not appear viable for emergency apparatus
- Building parking areas or the structure within 5' or less of wetlands does not seem practical since contamination of the wetlands appears inevitable
- Hydrant must be within 100' of the fire department connection
- Handicapped parking must be the closest to spaces to the building entries. This cannot be determined
- The drainage on the north side of the building seems to direct runoff out to the road and then into a SWMA that is intended to combine road runoff with that from this building. This SWMA must be included in the SWPPP. Again, the proximity to wetlands is concerning
- Permit(s) for crossing the wetlands will be required
- The SWPPP summary states the soil investigation is from 2010. A more recent report should be required
- Further SWPPP comments from Scott Reese and MJ Engineering are expected

Wade Schoenborn, Chief of the Bureau of Fire Prevention:

1. Provide fire hydrant within 100' of Fire Department connection
2. Provide fire apparatus access t within 150' of all portions of the building.

Scott Reese, Stormwater Management Technician issued a memo dated 12/4/20 with the following comments:

1. An updated Stormwater Management Report for Synergy Park Drive dated August 14, 2020 is under review at the town. MJ Engineering issued a review letter to ABD dated November 24, 2020. The stormwater comments will need to be addressed in that letter as it will affect stormwater comments for this project since most of the project is sharing a stormwater management system.
2. The applicant is proposing to use Bioretention Areas for Overbank and Extreme Flood Protection. The NYS Stormwater Management Design Manual has Bioretention areas only suitable for water quality treatment. A flow regulator shall be supplied to divert the WQv to the filtering practice and allow larger flows to bypass the practice.
3. Deep test holes to determine soils and seasonal high-water elevations and percolation tests shall be conducted to determine what SMA practices are feasible.
4. The drainage from the proposed building and northern asphalt area are proposed to route to the stormwater management system at 28 Synergy Park. The stormwater report shall show how the drainage system will handle volume of runoff up to the 100-year storm event, so it will not bypass catch basins and flow into the Dwaas Kill instead.
5. Per the Amended "Overall Site Plan – Synergy Technology park – Phase 1, by ABD Engineers, LLP dated February 11, 2019 – shows a Stormwater Management Area to handle site runoff as well as runoff from Synergy Drive on 15 Synergy Park Drive. Future plans shall show how the SMA will handle the proposed runoff from onsite and offsite conditions as originally intended.
6. Show additional details for the temporary sediment basins that include the Temporary Sediment Basin Design Data Sheet per the New York State Standards and Specifications

for Erosion and Sediment Control. Show the grading signatures for the installation of the Temporary Sediment Basins on the Existing Conditions and Erosion Control Plan.

7. Per the NYS Stormwater Management Design Manual section 6.4.4 required elements Bioretention systems shall consist of four feet deep planting soil bed not 2.5 feet in depth.
8. Planting schedules and plans shall follow NYS Stormwater Management Design Manual Section 6.4.5 Landscaping. Provide a planting plan with spacing as the design guidance provides. Trees should be included in the planting plan as well.
9. The Notice of Intent in the SWPPP shall be updated to General Permit # GP-0-20-001.

The Environmental Conservation Commission held a meeting on 12/1/20 and issued a memo recommending:

1. If hazardous materials will be stored on this site, the Applicant must submit a plan for approval addressing handling and storage and spill response to the Town of Clifton Park Stormwater Management Technician before such materials are stored.
2. The Applicant should indicate all other environmental permits that may be required for the activities that are proposed under the planned use of the site.
3. The ECC notes that the project may include vehicle maintenance operations and the installation of storage tanks that may be regulated under the state petroleum or chemical storage regulations. The ECC recommends that the Planning Board require the applicant to provide evidence of registration of these tanks prior to placing in service. In addition, the applicant must maintain NYS compliant pollution controls as necessary.
4. The ECC notes that the project includes extensive paving adjacent to, or in the vicinity of the LC Zone, State or Federal Wetlands. The ECC recommends that the Planning Board require the Applicant to incorporate sediment traps and oil water separators with appropriate capacity to limit the migration of vehicular contaminants into these sensitive environments.
5. The ECC notes that the project may result in intrusion into Federal Jurisdictional Wetlands for a pedestrian bridge. The Applicant must avoid intrusion into ACOE Wetlands or apply for a Federal Wetlands Permit for any disturbances for the project. The Town of Clifton Park should be provided with copies of all related correspondence

John Scavo, Director of Planning issued a letter dated 12/3/20 with recommendations he made:

1. The Building Permit information for the U-Haul Facility appears to reflect a building that is 156,200 gross square feet. Please provide the anticipated gross square footage for this Site Plan. Then, provide the cumulative gross square footage for both sites. Per my prior review letter, Synergy Phase I is required to construct a dedicated right turn lane from Kinns Road to the Route 9 Intersection at 200,000 sq.ft. of build-out. This threshold may be met with the current proposal.
2. The borders of all land that is to remain undisturbed shall be clearly marked on the site before site preparation begins. These on-site boundary markers shall remain until construction is completed and soils are stabilized. I am specifically concerned about grading and clearing into the Land Conservation Overlay District for permanent and

temporary construction disturbances. The applicant should provide the methodology that will be used in the field to ensure clearing & grading limits as shown on the site plan are honored.

3. The Stormwater Management System located in the northeast portion of the site plan appears to lie within Lot 28 and provides treatment for a portion of the stormwater from 15 Synergy Park Drive. The ownership and responsibility for maintenance of this basin should be assigned to the ownership entity of Lot 28 Synergy Park Drive. The Town does not want to get into a finger pointing exercise between private property owners in the future based on proportioned impacts on stormwater if enforcement actions to maintain the basin is required.
4. The Town Fire Marshall has the ability to require “No Parking – Fire Lane” signs along the fire access drive and hammerhead turnaround now or in the future if it is found to be blocked by vehicles parking within the accessway.
5. The applicant should verify that the plantings proposed within the bioretention basin are deer resistant species.
6. The “Typical Bioretention Planting Plan” Detail, Page 5 of 6 notes:
 - Cardinal Flower & Winterberry to be planted on slopes.
 - Blue Flag Iris & Sedges to be planted along bottom of the basin in rows spaced 10’ on center. *This Should be modified to read 2.5’ on center.*
 - Plant species may be substituted as desired per the NYS Stormwater Management Design Manual (Appendix H).

The following notes should also be added within the detail:

-The property owner is required to adhere to the New York State Stormwater Management Design Manual Section 6.4.5, Design Guidance; and 6.4.6, Maintenance Elements.

Town Staff will visually inspect the bioretention basin prior to the issuance of a Certificate of Occupancy to verify the plantings are healthy, the basin is not overgrown by weeds, and the basin is functioning as required for the designated practice.

7. The current submittal was forwarded to the Saratoga Co. Planning Board for a recommendation in accordance with GML §239(m)&(n). The County Planning Board is scheduled to consider their recommendation on December 17th. The Town Planning Board cannot take final action on the site plan until a response is received from the Saratoga Co. Planning Board.

Professional Comments:

Walter Lippmann, P.E. of MJ Engineering in a letter dated 12/4/20 had the following comments:

State Environmental Quality Review

1. No further comments.

Site Plans

2. Accessible parking spaces and access aisles shall be level with surface slopes not exceeding 1:50 (2%) in all directions pursuant to Section 4.6.6 of the ADA 2010 Standards. Provide spot elevations at these locations to confirm conformance.
3. The following comments are relative to the site plan and its conformance to the International Fire Code (IFC). The Town Fire Official shall have final authority on the applicability of these comments to the proposed site layout:
 - a. Section 912.2 of the IFC requires a fire hydrant to be located within 100-feet of the building's fire department connection. It is not clear from the plans where the fire department connection may be.
 - b. Section 503.1.1 of the IFC requires an approved fire apparatus access road be provided that shall extend to within 150 feet of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building. In reviewing the revised site layout plan, it appears the west side of the building may not have the appropriate access. The updated site layout needs to be reviewed by the Fire Dept.
 - c. Dead-end fire apparatus access roads in excess of 150 feet shall be provided with width and turnaround provisions in accordance with Table D103.4 of Appendix D of the IFC. Identify on plans the fire apparatus route.
 - d. The proposed building 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. At least one of the required access routes meeting this condition shall be located within a minimum of 15 feet and a maximum of 30 feet from the building, and shall be positioned parallel to one entire side of the building. These conditions shall be reviewed by the Fire Dept.
4. Correspondence with the USACOE regarding the pedestrian footbridge 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.
5. The lighting detail indicates the pole height is noted on the lighting schedule, however no lighting schedule is provided.
6. As shown, the bioretention facility is receiving runoff by a storm drain pipe or along the main conveyance system. Pursuant to Section 6.4.2 of the NYSSMDM, the filtering

practice shall be designed off-line. The arrangement of the bioretention facility shall be modified to meet the requirements of Section 6.4.2 of the NYSSMDM.

7. 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.
8. Each of the bioretention systems are proposed with a clay liner. It is recommended that an impermeable liner, be utilized as it will ensure that the soil mix will remain segregated from the surrounding soils and ensure high groundwater will not compromise system functions.
9. Provide a detail for and show the location of each on the site plan for the cleanouts noted on the bioretention details.
10. Provide a detail specific to the emergency overflow for each of the bioretention facilities. This shall include dimensions and type of surface treatments to protect against erosion.
11. Provide a detail for what appears to be a berm at the end section into the bioretention basin. This shall include dimensions and materials of construction.
12. On Sheet 3 of 6, indicate the locations of the proposed silt fence.
13. On Sheet 5 of 6, provide the soil media specifications for the Bioretention Detail. The planting soil shall meet the characteristics as established by NYSDOT Item 208.01030022.
14. Within the plan set, provide a generic planting plan (plan view) for the bioretention areas pursuant to Section 6.4.5 of the NYSSMDM.
15. Section 6.4.3. of the NYSSMDM requires dry or wet pretreatment be provided prior to the bioretention filter media equivalent to at least 25% of the computed WQv. Adequate pretreatment for bioretention systems should incorporate all of the following: (a) grass filter strip below a level spreader or grass channel, (b) gravel diaphragm and (c) a mulch layer.
16. Clarify the intention of the stone berm in each basin.
17. The plans shall show the location of the test pits and infiltration tests performed.
18. Provide a note on the plans stating, "Upstream construction shall be completed and stabilized before connection to a downstream infiltration facility. A dense and vigorous vegetative cover shall be established over the contributing pervious drainage areas before runoff can be accepted into the facility."

STORMWATER MANAGEMENT REPORT

19. A modified Stormwater Management Report and SWPPP for the adjacent Synergy Park Road project is currently being developed by the applicant. The northern portion of this project site is included in the stormwater design of the proposed roadway. Any approvals offered by the Town should be conditions upon the applicant receiving approval of the modified Synergy Park Drive plans and SWPPP.
20. The pre and post development watershed maps shall show the Tc travel paths, direction of flow and label each catchment.
21. The post development subcatchments do not appear to include all disturbed areas that are contributory to the stormwater management system and requires minor adjustment. Subcatchment boundaries should match disturbance limits. These values should be used when calculating the WQv and RRv.
22. Provide calculations that the appropriate pretreatment is being provided prior to the bioretention facility pursuant to Section 6.4.3 of the NYSSMDM.
23. The soil and groundwater section of the SMR shall include a discussion of the site-specific soil investigation completed in October of 2010.

STORMWATER POLLUTION PREVENTION PLAN

24. The SWPPP shall provide documentation illustrating eligibility for permit coverage pursuant to Part I.F.4 of the General Permit with respect to threatened and endanger species. This shall include both state and federally listed species.
25. Prior to site disturbances, the Notice of Intent shall be signed by the applicant.

Public Comments:

No public comments.

Planning Board Review:

Mr. Martin stated that he likes the water/oil separator suggestion and wants the plans to reflect their incorporation. He also asked about the wetlands and the LC Zone surrounding the property and asked if they have been deed restricted. Mr. Palleschi stated that it has been deed restricted under the subdivision approval and showed on the map the areas of restriction.

Mr. Neubauer stated that the grading and proximity to the buffer boundaries are tight and suggested to delineate the grading plan better to help indicate where retaining walls would be,

and also separate the grading plan from the utility plan for visual ease of review and include elevations of the walls as well. Mr. Ferraro stated he had the same concerns about the topography features and reinforced comments by town staff relating to the area between the building and land preservation areas. Mr. Palleschi showed on the Zoom screen the grading plan. He stated that the northern entrance is at grade and highlighted the tie into the road at the 238' elevation. He noted that this is higher than Synergy Park Drive. He stated the rear elevation is also at 238', so there is not a lot of grading to be done to the rear of the disturbance limits. Mr. Palleschi indicated where the buffer was in the rear of the building in proximity to the delineated wetlands. He stated that the building footings step down going north and south. Mr. Palleschi stated that the area adjacent to the rear north corner of the building was left open for fire access and he will adjust the access for the grading plan. He stated that the walls being proposed are redi-rock product or equivalent specifications and this would not have any negative effect on the buffer area for installation. Mr. Palleschi stated that drainage pipes would run the water from the catch basins to the management area as well. Mr. Neubauer asked what the grading on the southwest corner of the building was, Mr. Palleschi stated it was at the 224' elevation. He stated that the back wall will be the foundation of the building. Mr. Scavo asked if the construction of the building can be done without intruding on the buffer area. Mr. Palleschi stated he believes it can be. Mr. Neubauer suggested that if the building department is comfortable with the details then he would also be comfortable.

Mr. Ferraro asked what the elevation is from the parking lot on the southern lot. Mr. Palleschi stated it was at 236' and there would be a small wall along the drive. Mr. Ferraro asked if a retaining wall is present further west in the parking lot. Mr. Palleschi stated that there would be no wall and that area is graded towards the bio retention area with a berm created along the exterior of the lot.

Mr. Ferraro stated the primary concerns of the fire access appear to have been addressed and the stormwater management issues can be addressed, along with the addition of oil/water separators deployed in the building design. The applicant agreed to make the modifications required, address staff comments, and comments offered during the meeting for a resubmittal in the near future.

New Business:

None

Discussion Items:

Mr. Scavo stated that the town has set a moratorium date for solar arrays to potentially take effect on January 11th. The moratorium would be for a 6 month period. Mr. Scavo stated that there was an application for a 2.5mw solar array that would not be bound by the moratorium based on timing. Mr. Scavo stated it is on Blue Barns Road and is bound on both sides by railroad tracks. Mr. Scavo stated the town would like to look into more the hosting capacity limits of the existing electrical grid system and local substations. Mr. Ferraro asked Mr. Scavo if the facilities over 25mw would be reviewed by the state and that the town would still review it as well. Mr. Scavo stated that he will get a copy of the resolution and send it out to the Board but he believes that the town should still review the projects but to try to make sure he will address bringing to the table a 20mw cap instead of a 22 so that the applicant cannot opt out to go to the state level.

Mr. Szczesny moved, seconded by Mr. Neubauer, adjournment of the meeting at 8:15 p.m. The motion was unanimously carried.

The next meeting of the Planning Board will be held as scheduled on January 12th, 2021.

Respectfully submitted,

Paula Cooper

Paula Cooper, Secretary