

**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**  
**May 11<sup>th</sup>, 2021**

Those present at the May 11<sup>th</sup>, 2021 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

COVID-19 Note: Executive Order No. 202.1 suspends Article 7 of the Public Officers Law (also known as the Open Meetings Law), to the extent necessary to permit any public body to meet and take such actions authorized by law without allowing the public to be physically present at the meeting. The order also authorizes public bodies to meet remotely by conference call or similar service. For the Public Hearing Agenda Items during these unprecedented conditions, the Planning Board will provide the public reasonable and meaningful opportunities to submit comments via online videoconferencing technology during the meeting and in writing via email or mailed written comments.

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

### **Minutes Approval:**

Mr. Andarawis moved, seconded by Mr. Lalukota, approval of the minutes of the April 27<sup>th</sup>, 2021 Planning Board meeting as written. The motion was unanimously carried.

Mr. Ferraro stated that Mr. Scavo reached out to the Town Attorney regarding keyhole lots. Mr. Ferraro quoted from the Town Zoning Code. Mr. Ferraro read excerpts from the letter Mr. McCarthy, the Town Attorney, and stated that it was distributed to the Board members. Mr. McCarthy's letter stated that the Board should evaluate the applications based on merit and if they wish to deny the application, the Planning Board needs to rely on substantive aspects of the individual project before it and not on a disagreement with the Zoning Officers determination. Mr. Scavo stated that he would like to get a recommendation from the Planning Board to fix the Code to speak to the intent of the Law and keep it consistent to give the Planning Board the authority to determine approval. Mr. Martin stated that he is in general against keyhole lots. Mr. Ferraro stated he would like to recommend a change to the code. Mr. Andarawis stated that consistency in the code would be a good thing but resource analysis should be shown by the applicant to show why the keyhole lot would look like as well as having an alternate plan. Mr. Ophardt stated that if circumstances would impact the need for a keyhole lot and such situations should be looked at and mitigated.

Mr. Ferraro clarified density requirements of the CR Zoning versus lot sizes of the CR Zone. Mr. Ferraro stated that for determining density there are 3 options as outlined in Section 208-16-E (2): 1. Lots less than 10 acres can be developed at a maximum density of one dwelling unit per three acres of unconstrained land; 2. For parcels consisting of ten or more acres, they can be developed at a density of 1 units per 10 acres or at a density of .33 units per acre of unconstrained land provided 50% of the area is designated as permanent open space; and 3. A onetime single lot exemption for a parcel of greater than 10 acres to be subdivided into a maximum of two lots if initially owned by a family member. Mr. Ferraro informed the Board members on what they all meant and how they are to be distinguished from the minimum lot sizes for the CR zone based on the availability of public water and sewer as outlined in Section 208-11 of the Zoning Code. Mr. Scavo stated that Mr. Ferraro's statements were correct as pertaining to the Director of Zoning. Mr. Scavo stated from the Code and described the interpretation of the code and stated that he also confirmed with Ms. Viggiani who helped write the code.

### **Public Hearings:**

Mr. Andarawis recused himself from this application since he is a property owner within 500' of the project and does not want to convey an appearance of impropriety, even if a conflict of interest does not exist.

**2021-023 Clover Meadow Farm 2 Lot Subdivision**

*Applicant proposes subdividing existing 10.06 acre parcel into 2 residential lots, Hubbs Rd,*

*Zoned: CR, Status: PB Preliminary Review w/possible determination SBL: 258.-1-44.211*

To be reviewed by: MJE Consultant: Lansing Applicant: Clover Meadow, LLC

Last Seen on: 4-13-21

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

Mr. Neubauer moved, second by Mr. Lalukota, 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 7:36 p.m. The Secretary read the public notice as published in the Daily Gazette on May 1, 2021.

**Consultant/Applicant Presentation:**

Scott Lansing – Lansing Engineering – Mr. Lansing stated that the Board is familiar with this project but he would go over some background. Mr. Lansing stated that this application is located on 92 Hubbs Road and is a 10.06 acre parcel zoned CR. Mr. Lansing showed on the Zoom screen a map of the area and the project boundaries. Mr. Lansing stated that the constraints present are wetlands and he showed a map of the constrained lands and stated that the area of constraint includes a 100 foot buffer adjacent to DEC wetlands. Mr. Lansing stated that the applicant has met CR zoning requirements for a subdivision as well as density requirements for a single family lot within the CR Zone. Mr. Lansing stated that the project has 6.45 acres of buildable land and that the 80 foot minimum frontage is being met for both proposed lots, so it is not technically a keyhole lot. Mr. Lansing stated that the home could have gone closer to the roadway but that would make it inconsistent with the neighborhood. Mr. Lansing stated that because of this, the proposal is to have a shared driveway on the east side of the property with no environmental impacts to adjacent wetlands. Mr. Lansing showed on the Zoom screen the

proposal for the subdivision as well as the site plan. Mr. Lansing stated that both parcels meet the 40,000 square foot minimum lot size and that septic system area is included in the calculations. He stated that the grey area on the map will be designated as permanently protected open space but would not be donated to the town. Mr. Lansing stated that both homes would have individual wells and septic and that a full SWPPP was done and reviewed and approved by the town because it was grouped into the project to the east of this parcel. Mr. Lansing stated that a 15 foot easement will be granted for any future trails along Hubbs Road and that split rail fencing to identify the protected land would be added. Mr. Lansing stated that there is a retaining wall close to the western side boundary line but this is to try not to disturb the wetlands. He stated the wall is small and only goes up to about 3 feet. Mr. Lansing stated that due to comments received today he believes that the wall can be removed and the land graded and not impact adjacent property owners.

### **Staff Comments:**

**Steve Myers, Director of Building and Development issued a memo dated 4/27/21 stating:**

- Both lots are keyhole lots
- If lot #2 has 80' of frontage why does it appear to have a property line? If it has a property line it does not have frontage on a public road.
- Septic designs are not a part of the planning approval and shall be submitted with the building permits for approval. Verify septic systems are a minimum of 200' from NYSDEC wetlands since they appear uphill from wetlands.
- The minimum lot size in a CR zone is .33 units per acre (1 dwelling per 3 acres). The minimum lot size (40,000 sf) is what is required for preexisting lots that are less than three acres. The 40,000 sf is the minimum for lots in most residential zones for properties without public water and sewer. If the lot size is not adjusted to meet the three acre minimum I believe a variance should be required for being below the three acres. A new subdivision should be able to meet the requirements.
- Is the adjacent "open space" to be turned over to the town or not.

**Wade Schoenborn, Chief of the Bureau of Fire Prevention:**

1. No comment.

**Scott Reese, Stormwater Management Technician issued a memo dated 5/7/21 with the following comments:**

1. Applicant has submitted a FULL SWPPP for the 2-lot subdivision in conjunction with the previously approved 5-lot Subdivision of Lands of Santoro & Masseria, last revised February 4, 2021. The town has approved the stormwater management & erosion and sediment controls on March 4th, 2021. The SWPPP is subject to be revised with any modifications that is approved and/or denied by the Planning Board

**The Environmental Conservation Commission held a meeting on 5/4/21 and issued a memo recommending:**

1. As per Steve Myers comments “The minimum lot size in a CR zone is 0.33 units per acre (1 dwelling per 3 acres). The minimum lot size (40,000 sf) is what is required for pre-existing lots that are less than three acres. The 40,000 sf is the minimum for lots in most residential zones for properties without public water and sewer. If the lot size is not adjusted to meet the three acre minimum I believe a variance should be required for being below the three acres. A new subdivision should be able to meet the requirements”.
2. Until the Zoning Board has reviewed and approved the variance, this project should not be brought in front of a public hearing.
3. Per Town Code 208-16 E(3)(c) the applicant must provide proof of preservation in perpetuity for the permanent open space held in private ownership.

**Jennifer Viggiani, Open Space Coordinator and on behalf of the Open Space and Trails Subcommittee:**

- Will any of the permanent open space for this 2-Lot Subdivision be conveyed to the Town of Clifton Park for additional continuous public open space?
- Will this project provide any frontage along Hubbs Road to connect this 2-lot subdivision to the adjacent subdivision – and provide these two future homeowners with a trail access?

**John Scavo, Director of Planning issued a letter dated 5/6/21 with recommendations he made:**

1. Add a notation to the plan along the boundary of the permanent conservation easement that reads, “Boundary of Permanent Conservation Easement with Bearing & Distances Provided.” See Attached Mark-Up.
2. The applicant should confirm the ability to construct the retaining wall proposed on their property without the need to obtain any off-site easements. The Town does not have the ability to grant a property owner a temporary construction easement on lands that are privately owned.

**Professional Comments:**

**Walter Lippmann, P.E. of MJ Engineering in a letter dated 5/7/21 had the following comments:**

STATE ENVIRONMENTAL QUALITY REVIEW

1. No further comments.

SUBDIVISION

2. An additional test pit and perc test shall be conducted in the vicinity of the proposed Lot 2 septic system unless authorized directed by the Town Building Department.
3. A wetland protection fencing detail is provided but is not shown on the erosion and sediment control plans. Please provide locations on the plan.
4. The applicant proposes to service the lot with an on-site septic system. The proposed septic system will be reviewed and approved by the Town Building Department.
5. It appears the face of the retaining wall on the western property line is offset one foot from the property line. In order to construct the retaining wall additional lands will most likely be required in this location. How does applicant envision the constructability of the retaining wall.
6. Provide additional silt fence at the bottom of the retaining wall or edge of expected disturbances.
7. As per comment 18 from our April 9, 2021 review, the applicant has indicated that an evaluation is currently being performed. Once this is completed, a copy should be provided to the Town. If it determined that clearing of trees along the right-of-way will be necessary to obtain the minimum sight distance, indicate how this clearing will be maintained and responsible party, considering it is along the right-of-way and in some instances on private property.

### **Public Comments:**

Mr. Ferraro stated that the Planning Department and the Board has received a letter from the Rodeckers' in relation to this project.

Bridget Rodecker – Ms. Rodecker asked if the driveway could be moved as her property is adjacent to this one and the driveway would be in view of her home in her back yard and the wall may interfere with drainage. Ms. Rodecker stated that the letter she submitted goes into more detail on the driveway and layout concerns of the lots. Ms. Rodecker asked why there only needs to be a wall on one side of the driveway and that she feels that water would come onto her already wet property. Mr. Lansing stated that the water on the applicant's property does have a stormwater management plan which moves the drainage west to east and towards the stormwater area and the retaining wall was a solution to achieve such drainage away from her property. Ms. Rodecker asked why a small portion of the wetlands cannot be impacted to move the driveway. Mr. Scavo stated that to impact the wetlands, even as little as 1 foot would need to be approved by DEC and Army Corp, who both would ask the applicant to see if there is a design solution that could be used to eliminate a wetland impact. Mr. Lansing stated that that they will do all they can to move the driveway as far from the property line as possible.

Rosealie Masseria – Ms. Masseria stated that she has concerns about the homes being close together and about where they are in relation to the existing homes in the area. Mr. Lansing stated that Lot 1 home would be about 200-300 feet from the Masseria home and about 250 feet to the Rodecker home. Mr. Lansing stated that clearing shown on the map has no impacts to

natural resources and that the driveway is about 8-10 feet from the property line, not on the property line. Mr. Ferraro asked about the clearing needed for the driveway and lots. Mr. Lansing showed a map of the property and stated that the brown area is what is cleared and where the driveway would go as well and is fully on the applicant's property. Ms. Masseria asked why the other entry cannot be used to access this as well. Mr. Lansing stated that the driveway Ms. Masseria asked about is for another project and that it would cross a wetland if it were to be built. Mr. Scavo asked if the wall was to be removed, if the guide rail would be removed as well. Mr. Lansing stated that if the land is graded and the driveway moved, the guardrail and the wall could be removed.

Chris Rodecker – Mr. Rodecker stated that the homes are about 250 feet away. He asked if there is more land but the homes are close together this should be considered a keyhole lot. Ms. Rodecker stated that the grading or the wall would impact water movement as well as it being tight and asked if the driveway could be moved to allow space for neighbors. Mr. Lansing stated that this is not a steep incline and that the driveway has been placed where it is so not to impact the wetlands. Mr. Ferraro asked how far they can push the driveway. Mr. Lansing stated that they are 6-8 feet now and can go 8-10 feet with grading.

Sam Gowen – 42 Hubbs Road – Mr. Gowen asked what the plan is for mitigating the surface water and if there would be drainage for the driveway. Mr. Lansing stated that a SWPPP was done as a part of another project to the east of this one and that water retention areas are shown and mitigates flowing waters to the east and south east. Mr. Gowen stated that he feels that there is no place for the water to go and there is already standing water on the property. Mr. Lansing stated that he agrees with the statement of standing water but the stormwater management plan is in place in order to not frustrate the existing conditions. Mr. Gowen asked if there is a culvert at the roadway. Mr. Lansing stated that there is. Mr. Gowen stated that the water is poor in the area and asked if the applicant would have to prove a water source before a building permit is issued. Mr. Lansing stated that a well will be dug before construction begins. Mr. Gowen asked if the ground water depth was evaluated. Mr. Lansing stated that test pits have been done and that there is high ground water on this site and thus waste water would be above grade due to this as well.

Karen Gowen – 42 Hubbs Road – Ms. Gowen asked if shrubs can be planted to block the view of the driveway to her property. Mr. Lansing stated that there is vegetation there now that is not being removed but no added buffer is being proposed at this time.

There being no additional public comment, Mr. Ferraro moved, second by Mr. Ophardt, to close the public hearing at 8:33 p.m. The motion was unanimously carried.

### **Planning Board Review:**

Mr. Szczesny arrived at the beginning of the Public Hearing. Mr. Szczesny stated that he feels he is able to be a voting member for this application.

Mr. Ophardt asked how much fill would be needed for the driveway. Mr. Lansing stated that the driveway would be about 3 feet above ground water elevation. Mr. Ophardt stated that the water would move west to east and if this driveway would create a dam. Mr. Lansing stated that this would not, as the stormwater management is mitigating the water movement along Hubbs Road and to the management area to the east. Mr. Lansing stated that there is an area near Hubbs Road that goes towards the west, but he will double check the design with drainage.

Mr. Neubauer asked about the signage along the LC zoning and the frequency of the signage. Mr. Lansing showed on the Zoom screen a map and stated that they are 60-100 feet apart lining the LC Zone and pointed them out on the map as well. Mr. Neubauer stated that a lot of the conversation about the water movement is important but feels that the mapping and design is showing the proper engineering needed.

Mr. Lalukota stated that he would like to see the stormwater connections to the rear so that the neighbors are taken care of as far as the stormwater management connections.

Mr. Martin asked if the parcel could be developed without subdividing. Mr. Lansing stated that he has stated the lot is odd shaped and the frontage is met on both sides but the lot to the east would be tight and not fit into the neighborhood and that this layout would work better for that.

Mr. Ferraro stated that he does have some additional locations that he would like more signage but cannot show to the Board due to meeting virtually. He would also like that the designated permanent open space land be clearly identified on the deeds of the properties. Mr. Ferraro wanted to make sure that there is no negative situation being created to the adjacent properties and if there is a wall for the driveway as well as a railing it needs to be integrated into the plan. Mr. Ferraro stated that he would like to see additional greenery added along the driveway to help buffer the view from adjacent properties as well.

Mr. Ophardt offered Resolution No. 10 of 2021, seconded by Mr. Szczesny to waive the final hearing for this application for the Clover Meadow Farm 2 Lot Subdivision approval, and to grant preliminary and final subdivision approval condition upon satisfaction of all comments, provided by the Planning Department, Town Designated Engineer, and all items listed in the final comment letter issued by the Planning Department.

Conditions:

1. Relocate the driveway further to the east without disturbing wetlands and add screening along the west side of driveway.

2. Buffer east side of driveway.
3. Additional signage and fencing to designate the ACOE wetland area and along the 100 foot buffer adjacent to the NYSDEC wetlands.
4. Stormwater concerns addressed with no impact on adjacent properties.
5. Planning Board review and sign off of the final plans prior to being approved administratively and stamped.
6. Driveway agreement to be reviewed and approved administratively.

**Roll Call:**

D. Bagramian - Absent  
 E. Andarawis - Abstain  
 E. Ophardt – Yes  
 A. Neubauer -Yes  
 G. Szczesny -Yes  
 R Ferraro - Yes  
 R. Lalukota – Yes  
 Keith Martin - Alternate Member - No

Ayes 5

Noes: 1

The resolution is carried.

**Public Hearings:**

Mr. Andarawis recused himself from this application as an adjacent property owner to the project.

**2020-038 Robertaccio 6 Lot Subdivision**

*Applicant proposes subdividing the 84.21 acre lot into 6 residential lots creating a Cul-de -sac with 5 of the lots to be for larger estate lots with at least 5 acres of land, Hubbs Rd, Zoned: CR, Status: PB Preliminary Review w/possible determination*

SBL: 258.-1-6.2 To be reviewed by: MJE Consultant: EDP Applicant: M. Robertaccio

**Last Seen on: 2-9-21**

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

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

Mr. Ferraro, Chairman, called the public hearing to order at 9:07 p.m. The Secretary read the public notice as published in the Daily Gazette on May 1, 2021.

### **Consultant/Applicant Presentation:**

Joe Dannible - EDP – Mr. Dannible stated that this is a proposed 6 lot subdivision that is looking for preliminary and final approval tonight. Mr. Dannible stated that this project has been before the Board for almost a year and was originally a 2 lot subdivision but upon request from the Planning Board the full 6- lot subdivision is now being presented, as they wanted to see what could be done. Mr. Dannible stated that the property is mostly wooded with an open section of farm field to the south where the proposed construction would be. Mr. Dannible showed on the Zoom screen the map of the area as well as the proposed subdivision. Mr. Dannible stated that this property has 43 acres of upland and the rest are wetlands which is about half of the property. Mr. Dannible stated that the applicant is staying within 1 lot per 10 acres of density and that there is at least 1 acre of unconstrained land as well for each lot. He stated that per code, no dedication or open space is necessary for this application and is not being proposed. Mr. Dannible stated that a basic SWPPP was done as well as all of the other histories and evaluations of the land. Mr. Dannible stated that the driveway to Lot 2 would turn into a public road when the future development of the 6 lots is done for access to the remainder of the lots. Mr. Dannible stated that this project will be done in phases and that lots 1 and 2 will be completed first and then the remaining 4 lots will be developed at a later date.

### **Staff Comments:**

**Steve Myers, Director of Building and Development issued a memo dated 4/27/21 stating:**

- Lot #3 should be three acres.
- Lots appear to be unencumbered. Lots #1 and 2 will require emergency vehicle turn arounds within 100' of houses.
- Lot #1 (keyhole) requires planning board approval.
- Setback line closest to Hubbs Road does not appear to be 50'.
- Confirm septic fill systems are 200' away from NYSDEC wetlands if uphill from wetlands.

- Planning does not approve septic systems. They will be reviewed with the building permit applications.
- Lot dimensions still not shown.

**Wade Schoenborn, Chief of the Bureau of Fire Prevention:**

1. Specify 75,000 lb load capacity for the driveways on lots 1 and 2.
2. Specify dimensions and construction of Fire Dept. turnaround

**Scott Reese, Stormwater Management Technician issued a memo dated 5/7/21 with the following comments:**

1. Please updated the Short Environmental Assessment Form question #3(b) to equate to the Stormwater Management Narrative.
2. The Stormwater Management Narrative refers to two retention areas, please show and label on the plans.
3. The approximate limits of disturbance is shown on the plans and is very constrictive for a layout for this subdivision. The limits of disturbance should account for 50% expansion of septic systems, a usable yard, etc. The site developer / builder must be aware of the limit of disturbances otherwise the project will require a Full SWPPP if the disturbances exceed five acres.

**The Environmental Conservation Commission held a meeting on 5/4/21 and issued a memo recommending:**

1. The applicant has erroneously stated that there will be no open space in their response to comment 7 on EDP's response letter dated April 19, 2021 to Mr. Rocco Ferraro.
2. Per Town code there must be a minimum of 25% of unconstrained land deeded in permanent open space, either public or private. The applicant should indicate by shading on the plan where the open space will be permanently preserved (208- 16.E(3)). ECC recommends that the planning board require proof of preservation in perpetuity of the permanent open space as part of the subdivision approval. Per 208-16 E (2)(b) the parcel may be developed at a density not to exceed 0.33 units per acre of unconstrained land, provided that 50% of the area of the development site is designated as permanent open space pursuant to other conditions set forth in the CR Zoning.
3. The Planning Board should require delineation of the 100' Adjacent Area to the NYSDEC Wetlands by signage or split rail fence.

**Jennifer Viggiani, Open Space Coordinator and on behalf of the Open Space and Trails Subcommittee:**

- I did not see the calculation for "Permanent Open Space". For part of the 50% open space requirement, could a portion, a narrow portion go towards a trail strip that forks per the attached concept sketch. Yes, I realize there are wetlands, but as they are ACOE wetlands –perhaps seasonally it could be passable even without improvements. Perhaps even for cross country skiing. But from a Very Long View of the future, when you see how the land connects to adjacent large parcels in Ballston and an adjacent large parcel in Clifton

Park – requesting a simple 20 foot swath through this otherwise private land – would be a great future plan for pedestrian connectivity to points north in Ballston. When you “zoom out” you see how close you are to other neighborhoods and trails.

- The Robertaccio Subdivision – offers an opportunity to continue the north-south public trail route - - that starts down in Veterans Memorial Park/Mooney Carrese Forest, and is proposed to continue into the future 45 acres coming to the town from the Rolling Meadows subdivision, and then continue into the recent subdivision immediately east of Clover Meadow Farm, LLC 2-Lot subdiv north to Hubbs Road. Robertaccio’s property is immediately north of there – and provides a large area that would be great for connecting pedestrians to future neighborhoods in Ballston; and to the east to another large parcel in Clifton Park.
- The request is for reserving the land, a 2-foot wide strip to be laid out now – and would be a longrun future project for the community to consider making the actual trail improvements. If the property owner was willing to convey additional land for permanent open space to the public – fantastic – but just focusing on the trail route as the goal. Whatever is easier!

**John Scavo, Director of Planning issued a letter dated 5/7/21 with recommendations he made:**

1. Pursuant to the density standards set forth in §208-16(b) of the Town Code:  
Development on 10 acres or more. A parcel consisting of 10 acres or more may be developed at a density of one residential dwelling unit per 10 acres, provided there is at least one acre of unconstrained land available to accommodate a residential use, including any required well and septic system. In lieu of development at said density, such parcel may be developed at a density not to exceed 0.33 unit per acre of unconstrained land, provided 50% of the area of the development site is designated as permanent open space.
2. The applicant shall add the following calculations and note to the site statistics table:  
In accordance with §208-16(b) of the Clifton Park Town Code, Development on 10 acres or more. A parcel consisting of 10 acres or more may be developed at a density of one residential dwelling unit per 10 acres, provided there is at least one acre of unconstrained land available to accommodate a residential use, including any required well and septic system. This subdivision meets this required density option based on the following calculation:  $84.21 \text{ acres} \times .10 = 8.421$  (8 residential dwelling units). Based on the development option chosen by the applicant no further subdivision should be allowed to occur on at least 60 acres of the master parcel.

In lieu of development at said density proposed, such parcel could have been developed at a density not to exceed 0.33 unit per acre of unconstrained land, provided 50% of the area of the development site is designated as permanent open space.  $43.72 \text{ Acres} \times .33 =$

14.42 = 14 dwelling units with 50% of the area of the development site designated as permanent open space. This subdivision elected not utilize this development option.

3. The width at the ROW Line for Lot #1 with Hubbs Road appears to be 40' and should be labeled as such once confirmed.
4. Add a notation to the plan that states:  
The identified Freshwater Wetlands and buffers are protected and regulated under federal law (Section 404 of the Clean Waters Act) by the U.S. Army Corps of Engineers and Freshwater Wetlands Act, Article 24 of the Environmental Conservation Law of NYS. Prior to undertaking any project or disturbance that may be within or adjacent to these regulated wetlands or buffers, the property has the sole responsibility to, contact both the DEC Region 5 Office at (518) 623-1200, and the US Army Corps of Engineers at (518) 266-6350, to obtain required permits.

Mr. Dannible stated that in the future the applicant may want to further subdivide the remainder property. Mr. Scavo stated that there may be able to do 2 more parcels based on the topography and the protected lands.

### **Professional Comments:**

**Walter Lippmann, P.E. of MJ Engineering in a letter dated 5/7/21 had the following comments:**

#### **SHORT ENVIRONMENTAL ASSESSMENT FORM**

1. No additional comments.
- SITE PLANS**
2. The minimum road grade shall not be less than 1.0% per Town Code 86.6 (D)(2).
  3. Per Comment 10 of our February 5, 2021 review, the applicant shall confirm the proposed road has adequate site distance based on the post speed of Hubbs Road. Any action on the application should be conditioned upon receipt of site distance analysis.
  4. The existing well on Lot 5 to remain is located downgradient from the proposed septic system, therefore per NYSDOH Appendix 75A, the horizontal separation distance from the well to septic system shall be 200 feet.
  5. Sheet 6 of 9 indicate test pits and percolation tests were conducted on Lots 2, 3, 5 and 6. Additional tests shall be conducted on Lots 1 and 4. Septic system design will be reviewed and approved by the Town Building Department.
  6. Additional silt fence shall be placed along the westerly side of the driveways in Lots 1 and 2.

7. The proposed typical road cross section does not meet the current typical road section. The detail shall be revised to meet the current standards with wing gutters as this road will be dedicated to the Town at its completion. In addition, the new town standard for pavement is 3” binder and 1.5” top Type 6F.
8. Provide a copy of the proposed access easement for Lot 1 as a portion of the driveway cuts through Lot 2. STORMWATER NARRATIVE
9. The narrative proposes two retention areas however the site plans do not show the locations. Please revise accordingly.
10. The narrative indicates the post development flow rate will have a reduction from the pre-development flow rate. Provide the analysis to confirm this statement.

### **Public Comments:**

Rosealie Masseria – Ms. Masseria asked if the current driveway would be a permanent one as it is directly across from another one on Hubbs Road. Mike Robertaccio (owner) stated that the driveway that is currently there, is intended to be his home and that the driveway would be moved slightly to the west due to roadway restrictions.

Anthony LaFleche – 21 Wheeler Drive – Mr. LaFleche asked if there would be a possibility for a trail or road improvement on the east side of Hubbs Road. Mr. Dannible stated that a small portion of it would be but DEC has jurisdiction over most of it. Mr. LaFleche asked if the western part of the property borders with Ballston Lake. Mr. Dannible stated that it does.

Karen Gowen – Ms. Gowen asked what the ditch is for by the existing home. Mr. Robertaccio stated that this ditch is to run utilities to his personal home and it will be filled back in on completion. Ms. Gowen asked if Mr. Robertaccio would like town water if it becomes available. Mr. Robertaccio stated that he would if it in fact does become available to the area.

There being no additional public comment, Mr. Ferraro moved, second by Mr. Szczesny, to close the public hearing at 9:45 p.m. The motion was unanimously carried.

### **Planning Board Review:**

Mr. Szczesny asked if the Board has the authority to preclude any further subdivision without knowing what it is. Mr. Wilcox stated that this is preemptive and the goal is not to be reactive but he would need to look into it further before giving an answer. Mr. Ferraro stated that there was a concern about how the additional land would be developed when the two lots were initially proposed and that is why the Planning Board asked the applicant for a full site development up front. Mr. Martin stated that he has the same concern with development.

Mr. Neubauer asked how the phasing would be worked out with the first two lots. Mr. Dannible stated that lot 1 and 6 would be phase 1, and the rest of the lots and the roadway would be another phase. He stated that the driveways would have an easement until the public road is built.

Mr. Ferraro asked if there was a plan for trails along Hubbs Road. Mr. Scavo stated that there is no plan for it now and the roadway side is narrow now. Mr. Ferraro asked about the line on the maps indicating the location of a Land Conservation Zone in Lots 1 and 2. Mr. Dannible stated that it appeared to be a stream and was carried over from the prior plan. Mr. Dannible stated that he does not believe that it exists. Mr. Ferraro asked for verification that it is or is not there. Mr. Dannible stated that if it is there that they are not disturbing that portion of land. Mr. Scavo stated that it may not be jurisdictional protected wet land. Mr. Ferraro asked if there would be signage for the restricted areas of land and stated he would like it identified on the deeds as well as the site plan. Mr. Ferraro stated that he would like to make a condition that there be no further subdivision of lot 2. Mr. Dannible stated that he would not agree with this and that he would like to keep options open for the future. Mr. Ferraro stated that he is not comfortable with leaving this out but would like to see a condition that it can only be further divided into no more than 2 additional lots based on the development option under Section 208-16 E 2 (b) that is being followed by the applicant for this subdivision. Mr. Neubauer agrees with Mr. Ferraro's comment and would like to see the restriction of no more than 2 lots so that problems don't arise in the future. Mr. Robertaccio stated that he does not want 8 lots here and stated that his vision is to have people have large estate lots. He stated that he would like to retain the potential of the property but has no intention of using it. Mr. Robertaccio stated that he is agreeable to up to 2 additional lots to subdivide.

Mr. Martin offered Resolution No.11 of 2021, seconded by Mr. Ophardt to waive the final hearing for this application for the Robertaccio 6 Lot Subdivision approval, and to grant preliminary and final subdivision approval condition upon satisfaction of all comments, provided by the Planning Department, Town Designated Engineer, and all items listed in the final comment letter issued by the Planning Department.

Conditions:

1. In the future, a maximum of 2 additional lots can be subdivided from Lot 2.
2. Provide signage and/or split rail fencing around protected areas to be reviewed and approved administratively.
3. Protected areas to be identified on the deed.

Roll Call:

D. Bagramian - Absent

E. Andarawis - Abstain  
 E. Ophardt - Yes  
 A. Neubauer - Yes  
 G. Szczesny - Yes  
 R Ferraro - Yes  
 R. Lalukota – Yes  
 Keith Martin - Alternate Member - Yes

Ayes   6  

Noes:   0  

The resolution is carried.

### **Public Hearings:**

#### **2021-016 Tanner Road 9 Lot Subdivision**

*Applicant proposes construction of 9 single family residential units on 28.81 acres. Public water and sewer, Tanner Rd, Zoned: CR, Status: PB Prelim Review w/ possible determination SBL: 264.-3-53.1 To be reviewed by: MJE Consultant: Lansing Applicant: B&M Excavation, Inc*  
**Last Seen on: 3-23-21**

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

Mr. Martin moved, second by Mr. Szczesny, to establish the Planning Board as Lead Agency for this application, a Type I Action, and to issue a negative declaration pursuant to SEQRA.

Mr. Ferraro, Chairman, called the public hearing to order at 10:30 p.m. The Secretary read the public notice as published in the Daily Gazette on May 1, 2021.

### **Consultant/Applicant Presentation:**

Scott Lansing – Lansing Engineering – Mr. Lansing stated that this proposal is on a 28.88 acre parcel that he showed on the Zoom screen. He stated that it is zoned CR. Mr. Lansing stated that 2 additional lots were approved by the town for \$30,000 per lot. Mr. Lansing stated that there is 7 lots for this application plus the 2 additional amenities bring the total to 9 lots for the subdivision. He stated that in August of 2007, the Planning Board did approve a subdivision plat conditionally. He state that the approval is only good for 10 years for it to be finalized and it has expired. Mr. Lansing stated that the project is unchanged from 2007 and there is still 9 single family lots being proposed and are about 10.7 acres of the total acres. He stated that 18.07 acres of the land would also be dedicated to the Town of Clifton Park. Mr. Lansing stated that the land being donated are adjacent to and would become part of other Town donated lots. Mr. Lansing stated the Lots are all greater than the minimum lot size of 20,000 square feet and are being proposed to be hooked up to public water and sewer. Mr. Lansing stated that the prior town designated roadway is now proposed to be 617 feet long and the old one was 744 feet. He stated that 7 of the 9 lots will be on the new road and the other 2 lots would be on Tanner Road. Mr. Lansing stated that they are proposing 63% open space for this project and 53% is unconstrained. He stated that the homes would be hooked up to public water and sewer and that stormwater is not required but there is collection system and a pretreatment area on the map. He state that a SWPPP was done and that staff comments can be addressed as well as prior comments. He stated that there is a sign being proposed at the end of the road to indicate town space as well as a trail connection as requested at the last meeting. Mr. Lansing stated that they are providing a 15 foot easement along the front of Tanner Road. Mr. Lansing stated that they have received staff comments and they can be addressed such as spacing of the signage which can be decreased in length. Mr. Ferraro asked about a parcel to the north of the Habura parcel shown on the subdivision map and what it represented since it was not clearly identified on the maps. Mr. Lansing stated that it is part of the subdivision and will be dedicated to the Town as permanent open space. Mr. Lansing stated that he will mark it more clearly on the mapping.

### **Staff Comments:**

**Steve Myers, Director of Building and Development issued a memo dated 4/27/21 stating:**

- New subdivisions should be graded and drainage designed so as to allow foundation drains to function by gravity and not require pump pumps.
- The amenity zoning request was approved by planning not the zoning officer

**Wade Schoenborn, Chief of the Bureau of Fire Prevention:**

1. Postal verification.

**Scott Reese, Stormwater Management Technician issued a memo dated 5/7/21 with the following comments:**

1. Please provide all documentation that will meet the Basic Stormwater Pollution Prevention Plan (SWPPP) as outlined in the NYSDEC SPDES General Permit for Stormwater Discharges from Construction Activity Permit No. GP-0-20-001, Part III A. and Part III B. 1 a – 1.
2. Since this project only requires a Basic Stormwater Pollution Plan and does not require post-construction stormwater management practices, the town does not require detail #6 Stormwater Management Facility Notification Sign on sheet DT-2. Since the sediment trap is lined with an impermeable layer, not sure if detail #4 Sediment Depth Marker on sheet DT-2 will work.

**The Environmental Conservation Commission held a meeting on 5/4/21 and issued a memo recommending:**

1. The applicant is only showing one sign per lot for the boundaries of the LC Zone. The ECC requests increasing the number of signs to clearly delineate the LC zone. The ECC suggests one sign for every 25 feet of boundary.
2. The applicant shall supply the Planning Board with proof of permanent preservation of the open space prior to final plat approval of the subdivision.

**Jennifer Viggiani, Open Space Coordinator:**

No comments

**John Scavo, Director of Planning issued a letter dated 5/7/21 with recommendations he made:**

1. As a reminder this project was previously by the Planning Board in 2007 under the CR Zoning Provisions. That original approval expired in 2017 which compelled the applicant to reapply with the previously approved plans for a new approval under the same Zoning Regulations.

Mr. Scavo stated that he attended meetings with town staff and the Highway Safety Committee as well as other concerned residences, and due to the outcome of the meeting he stated he will be making a recommendation to the Town Highway Safety Committee to restrict Tanner Road to local truck traffic and deliveries only.

**Professional Comments:**

**Walter Lippmann, P.E. of MJ Engineering in a letter dated 5/7/21 had the following comments:**

FULL ENVIRONMENTAL ASSESSMENT FORM

1. No additional comments.
- SITE PLANS

2. Per discussions with the Town Highway Superintendent, the typical town road cross section on sheet DT-5 has been revised to be 3" binder and 1.5" top, course 6F.

### **Public Comments:**

Anthony LaFleche – 21 Wheeler Drive – Mr. LaFleche thanked Mr. Lansing for the 15 foot easement along Tanner Road. Mr. LaFleche asked about the homes on the cul-de-sac and asked about the setback of the first lot on the left (lot 1) and how far the home would be from the property line. Mr. Lansing stated about 20 feet from the property line and about 120-150 feet from the existing home on the adjacent property. Mr. LaFleche asked if the homeowner on the adjacent property at the same location there would be able to put another driveway going onto the proposed roadway. Mr. Lansing stated that he does not feel that if the homeowner wanted to, it would be a problem. Mr. LaFleche asked how far away from the road the two proposed homes would be from Tanner Road. Mr. Lansing stated that they would be 75 feet minimum from the right of way line. Mr. LaFleche stated that if there is a road improvement then the homeowners on Tanner Road would lose a good section of their yard. Mr. Lansing stated that 75 feet is a good setback even if there are road improvements. Mr. LaFleche asked if the applicant could leave some trees in the lot yards for shade and character.

Bret Brimhall – 2 Carpenter Way – Mr. Brimhall stated that he is near this subdivision and is not against it, but has concerns with the increased traffic on Tanner Road with the different projects being developed. Mr. Scavo stated that construction traffic could not be limited along a public roadway. However, Mr. Scavo stated that Sunshine Landscaping has an agreement to limit truck traffic from Tanner Road as well, which can be enforced. Mr. Brimhall asked what the timeline would be for the project. Mr. Lansing stated he imagines that they would want to start sometime this year but he would have to talk to the developer.

Michelle Brimhall – Ms. Brimhall stated that last year, the construction traffic for the Vistas was very heavy and asked if this project could be limited to access from Tanner Road to 146 instead of 146a. Mr. Scavo stated that this is an issue when the subcontractors who come in to different service calls and they may not know about the preferred route. Mr. Lansing stated that he can let the subcontractors know to be encouraged to take that route to the site at a preconstruction meeting and put it on the plan as well.

There being no additional public comment, Mr. Ferraro moved, second by Mr. Ophardt, to close the public hearing at 11:00 p.m. The motion was unanimously carried.

### **Planning Board Review:**

Mr. Ophardt asked about the trail going to the east and asked if it runs into town property and when. Mr. Scavo stated that it is the Parks District who would have to make such future

improvement if so desired; while set-up for them, the final design, timeline, and layout is still to be determined. Mr. Ophardt asked if the trail would be over the sewer. Mr. Scavo stated it would and where it crosses wetlands it would have to be evaluated. Mr. Ophardt stated he is comfortable with this project. Mr. Ferraro asked if this would be apart of the Sherwood Forrest Park District. Mr. Scavo stated it would be. Mr. Ferraro stated he is a part of the district and asked if this poses a problem. Mr. Scavo stated it should not be a problem as he would not benefit personally or financially from this project.

Mr. Ferraro thanked the applicant for the trail easement and the open space design of the site. Mr. Ferraro stated he would like to see the disturbance signage to be tighter and closer, he stated he has 4-5 other locations he can share with the applicant; 2 on the Tanner Road lots and 3 in the along the cul-de-sac properties.

Mr. Lalukota offered Resolution No. 11 of 2021, seconded by Mr. Szczesny to waive the final hearing for this application for the Tanner Road 9 Lot Subdivision approval, and to grant preliminary and final subdivision approval condition upon satisfaction of all comments, provided by the Planning Department, Town Designated Engineer, and all items listed in the final comment letter issued by the Planning Department.

Conditions:

1. Increase signage and/or fencing for the protected wetland/buffer areas.
2. Clarify on the application that the parcel north of the Habura property on Tanner Road will be open space provided to the Town.

**Roll Call:**

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

Ayes 7

Noes: 0

The resolution is carried.

**Old Business:**

None

**New Business:****2021-028 Exit 8 Liquors Storage Addition Site Plan**

*Applicant proposes addition of a 20 X 60 ft storage room off the back of the existing liquor stor., 1543 Crescent Rd, Zoned: B-3, Status: PB Prelim Review - Poss. Determination SBL: 284.-1-25.1*  
To be reviewed by: MJE Consultant: Nolan Engineering, PPC Applicant: Exit 8 Liquors

**Consultant/Applicant Presentation:**

Jason Singer – Nolan Engineering – Mr. Singer stated that this is an existing building and the owner is looking to add storage to the rear of the building. He stated that it is 20 foot by 60 foot addition. Mr. Singer showed the map of the property on the Zoom screen. Mr. Singer stated that there is parking in the front of the existing building. He stated that the setbacks are 20 feet and that the back property line is close to the proposed addition. Mr. Singer showed on the Zoom screen the plan showing the proposal and stated it would be storage for the applicant's inventory. Mr. Singer showed on the Zoom screen the draining of the roof and stated that the new roof would be a flat one like the existing rear of the building. He showed elevations of the existing building with the addition on the Zoom screen. Mr. Singer stated that proposal would include wrapping the building similar to the adjacent building to have a solid protected face.

Mr. Ferraro stated that variances will be required, so before the Planning Board can approve this, the applicant must seek area variance approvals from the Zoning Board of Appeals. Mr. Singer stated he understands this.

**Staff Comments:****Steve Myers, Director of Building and Development issued a memo dated 4/27/21 stating:**

- Significant variance required for rear setback. Is there an easement for the sewer line? Building footprint is proposed extremely close to sewer line.
- Building appears to need variances for existing side and rear setbacks as well.
- Egress needs may require exit door from addition.

**Wade Schoenborn, Chief of the Bureau of Fire Prevention:**

1. What is the existing vent labeled on sheet S1?
2. Exit door may be required.

3. Building permit and full plan review is required.

**Scott Reese, Stormwater Management Technician issued a memo dated 5/7/21 with the following comments:**

1. On sheet A3 the downspout extension in the northwest corner is directed to the adjacent property line. Modify the outlet to be directed toward the grassy area located on the eastern side of the proposed addition.

**The Environmental Conservation Commission held a meeting on 5/4/21 and issued a memo recommending:**

1. The ECC has no comments.

**Jennifer Viggiani, Open Space Coordinator:**

No comments

**John Scavo, Director of Planning issued a letter dated 5/6/21 with recommendations he made:**

1. The applicant will need to coordinate with Steve Myers, Chief Zoning Officer, to determine area setback variances that appear to be necessary will allow the site plan to move forward.
2. The site statistics table should be updated to list the green space percentage. Thirty-five percent (35%) is required in the B-3 Neighborhood Business Zoning District. Side yard setback required is 20' and rear yard setback requirement for the zoning district is 30'.
3. Due to the proposed proximity to the rear property boundary, the applicant should show how the roof runoff from the addition will be designed in a way to not negatively impact the adjacent property with an increase in velocity or intensity from stormwater runoff.
4. The applicant should confirm if they will require any offsite temporary construction easements from adjacent property owners. The Town is not responsible for such agreements and cannot authorize any disturbances on adjacent properties under our site plan review authority.
5. The County Planning Board has been given the referral in accordance with GML §239m. The County Planning Board has deferred their recommendation until they have a preliminary site plan to consider.

**Professional Comments:**

**Walter Lippmann, P.E. of MJ Engineering in a letter dated 5/7/21 had the following comments:**

**STATE ENVIRONMENTAL QUALITY REVIEW**

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 Planning Board: Site Plan approval
- b. NY State Historic Preservation Office: identification of archeologically sensitive resources.

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:

1. Part I. 12b – The applicant indicates that the project site is not located within or adjacent to an area designated as sensitive for archeological sites on the NY State Historic Preservation Office (SHPO) archeological site inventory. This response is inconsistent with a review of the DEC Environmental Assessment Form (EAF) Mapper, located at [www.dec.ny.gov/eafmapper/](http://www.dec.ny.gov/eafmapper/). The applicant should change the response in the SEAF and provide a “no effect” letter from the NY State Office of Historic Preservation (SHPO) to confirm the presence or absence of archeologically sensitive resources.
2. No further comments at this time.

#### SITE PLAN

3. The project resides within the Town’s Neighborhood Business B-3 Zoning District. The proposal for the expansion of a commercial business is a permitted principal use within the B-3 District as noted in Section 208-37(A)(1) of the Town’s Zoning.
4. The site plan shall include a site statistics table with the existing and proposed space and bulk lot requirements as defined in Section 208-38 of the Town’s Zoning.
5. 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 Section 208-38 of the Town’s Zoning. If variances have been previously granted, they should be shown on the plans. The potential lot deficiencies identified are as follows:
  1. Section 208-38(B) requires a minimum lot size of 40,000 sf and the minimum width of the lot at the front building line shall be 150 feet. This parcel is approximately 20,500 sf and 115 feet of frontage at building line.
  2. Section 208-38(D) requires no building shall be placed closer to a side property line than 20 feet.
  3. Section 208-38(E) requires no building shall be placed closer to a rear property line than 30 feet. The plans show proposed parking within the stated rear setback line.
  4. Section 208-38(G) requires green space shall be 35%. Applicant shall provide existing and proposed green space areas.

The plan would need to be modified or the applicant will be required to seek relief from the Town Zoning Board of Appeals for the lot layout as proposed.

6. The existing dumpster appears to be on the adjacent property. This should be relocated onto property or provide permission from the adjacent property owner.

7. There is an existing sanitary sewer main that is located in the rear of the property. The applicant shall indicate if an existing easement exists for access and maintenance. It is recommended the applicant contact SCSD#1 to determine the easement in this area. There needs to be adequate space to access the sewer main for future maintenance.
8. Indicate the location of the existing watermain. Contact the Clifton Park Water Authority to verify watermain location in this area. The watermain may also be located in the rear of the property.
9. The plans note that the project disturbance will be less than 1-acre, as such, the project is not subject to the NYSDEC Phase II Stormwater Regulations and General Permit GP-0-20-001. The plans do show proposed stormwater management facilities. Subsequent submissions shall include a summary of the design of the facilities demonstrating there is no noticeable increase in runoff from the site.
10. The plans need to indicate how roof drainage from the new building expansion will be collected and conveyed to the on-site stormwater management system.
11. 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 contours, site grading, lighting, and erosion control to fully assess the design and its compliance to the applicable standards.

### **Public Comments:**

No public comments.

### **Planning Board Review:**

Mr. Ferraro stated that this submittal can be reviewed for the Planning Board's consideration but the plans may change based on variances.

Mr. Ophardt stated that this addition is blocked mostly by the surrounding buildings and the Ace Hardware store to the rear and the gas station next to it. Mr. Ophardt stated that this being buffered is a benefit to this project. Mr. Ophardt asked about the sewer lines and how it would be affected or if the applicant has talked to the sewer company. Mr. Singer stated that they have not talked to them yet but will be in contact with the sewer department.

Mr. Andarawis stated that he feels that this addition is minor in nature and visual impacts are minimal but his concern is the tightness of the site and the lack of green space. He stated that he feels the site issues at hand are more technical, such as stormwater management.

Mr. Neubauer stated that he agrees with the other Board Member comments, but he thinks this is unconventional due to 18 inches are being left between walls. He stated he knows why it is being done but sees stormwater management as a challenge. He stated that the building addition is not

aesthetically pleasing but adding something to it may be exacerbating the aesthetics. Mr. Singer stated he sees Mr. Neubauer's concerns and stated he knows some changes may need to occur.

Mr. Scavo told the applicant to touch base with Mr. Reese for stormwater solutions.

**New Business:**

**2021-029 Bogdan's Wood Rd Light Industrial Site Plan**

*Applicant proposes to construct a 20,000 light industrial building with parking for 40 cars. The property will be accessed from Wood Road, Wood Rd, Zoned: L 2, Status: PB Concept Review*

SBL: 259.-2-74.2 To be reviewed by: MJE Consultant: EDP Applicant: Bogdan's Wood, LLC

**Consultant/Applicant Presentation:**

Joe Dannible – EDP – Mr. Dannible stated that this site plan is for construction of a 20,000 square foot light industrial building on Wood Road. Mr. Dannible showed on the Zoom screen a map of the area with the parcel highlighted. Mr. Dannible stated that it is the parcel was recently subdivided and approved by the Planning Board. Mr. Dannible stated that this is Lot 1 of that prior subdivision. Mr. Dannible stated that the building would be a specialty mill woodworking shop, making custom cabinets and molding on the premise, to be removed and installed at whatever site it is needed.. Mr. Dannible stated that the minimum parking to be met for the proposal is 40 parking spaces. Mr. Dannible stated that they do not anticipate more than 15-20 employees so the number of parking spots may change by land-banking unnecessary spaces. He stated that the building would have 2 overhead doors on the front, as well as a door to access office space, and the manufacturing areas to the rear of the building. Mr. Dannible stated that trash will be managed on site, as well as stormwater management, and indicated on the site plan map shown on the Zoom screen where the stormwater collection area would be. Mr. Dannible stated that there will be an easement for future trails along the southeastern property line. Mr. Dannible stated that a Karner Blue Butterfly study has been done and there are no butterflies found on the property. Mr. Dannible stated that there are no protected wetlands on the property and municipal water and sewer will be connected. Mr. Dannible stated that comments were received and responses will be provided in future meetings.

**Staff Comments:**

**Steve Myers, Director of Building and Development issued a memo dated 4/27/21 stating:**

- Wetlands need to be depicted on plot plan.
- Will building be sprinklered? Hydrant location? Fire department connection?
- Plan requires significantly more detail such as loading docks, doors, etc.

- A full SWPPP is required.
- National Grid easement appears to pass thru stormwater treatment area.

**Wade Schoenborn, Chief of the Bureau of Fire Prevention:**

1. Specify hydrant location
2. Will the building be sprinklered?
3. Specify FDC if the building is sprinklered.

**Scott Reese, Stormwater Management Technician issued a memo dated 5/7/21 with the following comments:**

1. The project will disturb more than one acre and will require a Full SWPPP with post-construction stormwater management practices. If infiltration practices are proposed, provide infiltration testing per the NYS Stormwater Management Design Manual - Appendix D

**The Environmental Conservation Commission held a meeting on 5/4/21 and issued a memo recommending:**

1. The ECC recommends that the Planning Board review the proposed usage of the property to ensure that the activity will meet the LI performance standards for noise, discharge of toxic or noxious matter and odors.
2. The ECC requests that the final plat approval indicate that no underground fuel storage tanks shall be allowed due to the presence of the Colonie Channel Aquifer.
3. In keeping with the rural nature of the project area and the recommendations of the Town Comprehensive Plan, the Applicant should use landscaping and grading to provide visual and auditory buffering between the project and adjacent properties.
4. The ECC recommends that the Town Trails Committee review the entire Wood Road Corridor for a Multi-Use Trail that parallels the road in anticipation of present and future development in this corridor. The Trails Committee should take note of the importance of this trail due to its connection of the northern town trail complex with the Zim Smith Trails via Herlihy Road in the Village of Round Lake.

**Jennifer Viggiani, Open Space Coordinator:**

No comments.

**John Scavo, Director of Planning issued a letter dated 5/6/21 with recommendations he made:**

1. The County Planning Board has been given the referral in accordance with GML §239m. The County Planning Board has deferred their recommendation until they have a preliminary site plan to consider.
2. The proposed “DCG Wood Road – Proposed Subdivision Map” that was attached to the EAF still shows Lot No. 1 as having ACOE wetlands. It was clarified with the prior subdivision that the wetlands were ultimately determined to be non-jurisdictional. This should be corrected on the plan attached to this EAF to remove ACOE wetlands.

3. 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.
4. Pursuant to the Wood Road Corridor FGEIS Findings Statement, 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 using ITE Standards, so 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 2.75-acre site, the respective mitigation fee is \$204.27.
  - 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.
5. The applicant should note on the site plan if any of the paved area around the building is intended for stockpiling of materials and equipment or outdoor processing of raw materials.
6. 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 (b)(c) &(d) of the Clifton Park Town Code.

**Professional Comments:**

**Walter Lippmann, P.E. of MJ Engineering in a letter dated 5/7/21 had the following comments:**

**STATE ENVIRONMENTAL QUALITY REVIEW**

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 Planning Board: Site Plan approval

- b. NYS Department of Environmental Conservation: permit coverage under stormwater SPDES
- c. NY State Office of Historic Preservation: identification of archeologically sensitive resources
- d. Clifton Park Water Authority: Water connection
- e. Saratoga County Sewer District #1: - sewer connection

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:

1. Part 1. 3b 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.
2. No further comments at this time.

#### SITE PLAN

3. The project is located within the Town's Light Industrial District (L-2). The proposal references a light industrial building, however no specific use was proposed. The applicant should provide the intended use.
4. Based upon a review of the lot configuration, it appears the minimum bulk lot requirements as identified in Section 208-68 of the Town's Zoning are satisfied, however the building height should be identified.
5. 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.
6. 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.
7. 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.
8. 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.
9. 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.
10. There may be a need to provide a drainage culvert at the new driveway to support existing drainage along Wood Road. The applicant will need to coordinate with Clifton Park Highway Department for any such improvements. If required, show the location, size and materials of construction.

11. 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.
12. 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. If the proposed building is to be provided with an automatic sprinkler, show the location of the fire department connection to ensure they are reasonably accessible.
  - b. 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 closest hydrant to the site is or where the fire department connection may be. Additional hydrants may be necessary.
  - c. Show or note the location of any required Knox Box associated with the building.
  - d. The fire apparatus access road on the concept plan appears to be greater than 150 feet in length so a turn-around will be required to meet Section 503.2.5 of the IFC.
  - e. Section 503.1.1 of the International Fire Code (IFC) requires an approved fire apparatus access road be provided for every facility, building or portion of a building and 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 measures by an approved route around the exterior of the building. Confirm that there is adequate fire access being provided.
  - f. Identify the actual height of the building. If greater than 30-feet in height above the average grade plan, aerial apparatus access shall be provided that is between 15 and 30 feet of one entire side of the building in accordance with Appendix D105 of the IFC. If aerial apparatus access is required, its location shall be identified on the plans.
  - g. Provide a turning template analysis for the largest emergency vehicle that may respond to an event at the site.
13. 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).
14. Subsequent submissions should include architectural renderings of the building along with identification of materials of construction. There should also be indication whether or not roof top units are expected and how they may be screened from the public right of way.
15. 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 lighting, grading, 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 stated that the site plan to the west had an easement for a future bike trail and would like to see it connected with this lot as well. Mr. Ferraro stated that the prior approval the Mr. LaFleche mentions did not have an easement requirement because it was determined that the existing right of way along Wood Road would be sufficient enough to accommodate a trail. Mr. Scavo stated that ECC Member Jim Rhule, who is also a part of the Open Space Committee discussed the issue with planning staff and agreed that the right of way is sufficient for a town multiuse path and suggested instead that a note be included on the site plan about the intent to build a trail along Wood Road in the future. Mr. LaFleche asked what the existing right of way is. Mr. Scavo stated that at the smallest it is 17 feet of the edge of existing pavement from Wood Road. Mr. LaFleche asked what a multiuse path would look like. Mr. Scavo stated that it is generalized as a multiuse path but in the future a design will be looked at to determine final layout, material types, and locations for all segments of the pathway.

**Planning Board Review:**

Mr. Andarawis asked about the parking and would like to see some of the parking land banked if able to. He also stated that there would likely be sawdust and scraps from the business and asked how it would be disposed of. Mr. Dannible stated that he would talk with the owner and get more information on that but he knows there is no intent of outdoor storage and if needed, a refuse area can be expanded.

Mr. Ophardt asked about a fire turnaround and the access road being 150 feet and asked if it was from the site or from next door. Mr. Dannible stated that the building would be sprinklered so the access would be within 300 feet from all portions of the building. He stated that he does not know about using neighboring properties to fight fires but access is within 300 foot of the building from all sides on this site.

Mr. Neubauer asked for building elevations as the project progresses.

Mr. Ferraro stated that Mr. Scavo's comment about the maps and the EAF and wants future maps to show exiting conditions. Mr. Ferraro stated that to the rear of the property there is a steep slope and asked how it would be impacted. He questioned if this area will require such improvements as a retaining wall or any other significant modifications. Mr. Dannible stated that the knoll will be taken out and cleared to the property line with a possible easement from the adjacent property owner. Mr. Ferraro asked if all the trees would need to be removed, as the adjacent property to the west did preserve some of the mature vegetation on their site. Mr. Dannible stated that this site is different from the adjacent site. He stated that there is a series of

wetlands on the adjacent property to the south that cannot be disturbed and due to that the trees in that area will be preserved. Mr. Dannible stated this can be looked at closer with the grading plan. Mr. Ferraro stated that more landscaping would have to be added to keep within code. Mr. Ferraro asked where the overhead doors would be in relation to the front of the building. Mr. Dannible stated that as the architectural plans proceed, the placement of them will be decided and represented on the plan. Mr. Ferraro asked about the underground fuel comment and would like to see it addressed. Mr. Dannible stated there would be no underground fuel storage on the site. Mr. Ferraro stated he would like to see EV charging stations in the parking lot. Mr. Dannible stated he will make sure that there are spots for them.

**Discussion Items:**

Mr. Ferraro stated that Mr. Szczesny will be stepping down from the Planning Board and tonight will be his last meeting. Mr. Ferraro thanked Mr. Szczesny for his time on the Board. Mr. Szczesny stated that he has had opportunities and more responsibilities arise with the Boy Scouts and that he needs to explore the opportunities. He stated that this would interfere with obligations with the Town Planning Board and thus he needs to step down. Planning Board members thanked Mr. Szczesny for his time with them and wished him luck.

Mr. Szczesny moved, seconded by Mr. Lalukota, adjournment of the meeting at 12:16 p.m. The motion was unanimously carried.

The next meeting of the Planning Board will be held as scheduled on Wednesday, May 26<sup>th</sup>, 2021.

Respectfully submitted,

*Paula Cooper*

Paula Cooper, Secretary

