

Town of Clifton Park Planning Board
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Clifton Park, New York 12065
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PLANNING BOARD

DENISE BAGRAMIAN
Chairwoman

ROBERT WILCOX
Attorney

PAULA COOPER
Secretary



MEMBERS

Emad Andarawis
Eric Ophardt
Heather Fariello
Andrew Neubauer
Jennyfer Gleason
Keith Martin

(alternate) Lisa Westrick

Planning Board Minutes
August 9th, 2022

Those present at the August 9th, 2022 Planning Board meeting were:

Planning Board: D. Bagramian, Chairwoman, E. Andarawis, E. Ophardt, K. Martin, J. Gleason, L. Westrick

Those absent were: H. Fariello, A. Neubauer

Those also present were: J. Scavo, Director of Planning
S. Price, M J Engineering and Land Surveying, P.C.
T. McCarthy, Counsel
P. Cooper, Secretary

Ms. Bagramian, Chairwoman called the meeting to order at 7:00 p.m. All in attendance stood for the recitation of the Pledge of Allegiance.

Ms. Bagramian stated that in the absence of board members tonight, Ms. Westrick would be a voting member.

Minutes Approval:

Mr. Ophardt moved, seconded by Mr. Andarawis, approving the minutes of the July 12th, 2022 Planning Board meeting as written. The motion was unanimously carried.

Public Hearings:

2020-057 & 2020-058 Blue Barns Solar SUP & Site Plan **SBL: 263.-2-8**
*Source Renewable LLC proposes installing a 2.5 MW-AC solar farm on the approximately 36 acre vacant CR property. The 16.22 Acre project area will have solar panels anchored into the ground via H-Piles, each row of solar tables will be about 5.5 ft in height, 6.5 ft in width. Low-growth pollinator-friendly seed mix will be planted underneath the tables. An access road will enter the site from Blue Barns Road. Both underground and overhead electrical lines will be installed. Source Renewables, LLC will participate in the NYSERDA NY-Sun Initiative to provide clean energy to local businesses, 149 Blue Barns Rd , Zoned: CR , Status: Revised Preliminary w/ possible determination
 Citizenserve File Number: 22-000004, Application Number: SUP22-000001
 Citizenserve File Number: 22-000005, Application Number: SPR22-000003
 Applicant: Blue Barns Solar, LLC Consultant: LaBella **Last Seen On: 4-26-22***

Ms. Bagramian 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. She 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. Ophardt moved, second by Ms. Gleason, to establish the Planning Board as Lead Agency for this application, a Type I action, and to issue a negative declaration pursuant to SEQRA.

Ms. Bagramian called the public hearing to order at 7:03 p.m. The Secretary read the public notice as published in the Daily Gazette on July 30th, 2022.

Consultant/Applicant Presentation:

Genevieve Traige – Ms. Traige stated she was here tonight with Mr. Andrew Day for the Source Renewables LLC development. She stated that the application is on 18 of 36 acres of land. She stated that there are new electrical pads and dry detention basins in the proposal and the solar array would be fully fenced in. Ms. Traige stated that a full SWPPP was done in April and wetlands and photo simulations were submitted for review. She stated that there was an updated site plan and showed it to all in attendance. She stated that the array is now further away from the

road and allows existing vegetation to remain along the road. Ms. Traige stated that the stormwater retention pond is pushed further into the site as well as interconnection poles for the array. Ms. Traige stated that the site development has been decreased from 21 to 18 acres and avoids DEC wetlands with minor crossings for the Federal with less than 1 acres being disturbed. Ms. Traige stated that the application was referred to Saratoga County and that they stated that there was no county impact. Ms. Traige showed in the meeting leaf-off conditions as well as current and stated that they followed Board recommendations.

Staff Comments:

The Environmental Conservation Commission held a meeting on 8/2/22 and issued a memo recommending:

1. Applicant shall provide appropriate documentation demonstrating that a ACOE approval (e.g. ACOE letter) is not required for this project prior to Planning Board Approval.
2. Per 208.80 C. Design Standards and Requirements, the side yard setback does not meet the minimum standard for a Tier 3 Solar Energy System (See 208-80 C. (2))
3. Per 208.80 C. (14) Safety, “Solar energy systems and solar energy equipment shall be certified under the applicable electrical and/or building codes as required.” This shall include an emergency action pollution plan filed with the Town of Clifton Park.

Wade Schoenborn, Chief of the Bureau of Fire Prevention:

1. No further comment

Steve Myers, Director of Building and Development issued a memo dated 7/28/22 stating:

- No further comments

Scott Reese, Stormwater Management Technician issued a memo dated 8/2/22 with the following comments:

1. I will be corresponding with the engineer on the level of detail required for the waiver to disturb more than 5 acres of soil. What the engineer submitted for the waiver was insufficient to grant this request.

John Scavo, Director of Planning issued a letter dated 8/5/22 with recommendations he made:

- The current plan submittal addresses my prior comments offered in a review letter dated April 22, 2022.
- The applicant should show a 6” wildlife habitat gap along the fence line and include the habitat gap on the fence standard section detail prior to stamping the final plans.
- Based on the visual simulations provided, from certain control points it does not appear the project will have significant impacts on visual aesthetics within the CR Zoning District.
- I recommend the Planning Board Consider a Negative Declaration for the proposed Action which is classified as a Type I Action Pursuant to SEQR.

- The applicant was made aware that an adjacent property owner did reach out to Planning Staff to voice concerns over visual impacts to his adjacent residential property

Professional Comments:

Walter Lippmann, P.E. of MJ Engineering in a letter dated 8/5/22 had the following comments read by Scott Price:

FULL ENVIRONMENTAL ASSESSMENT FORM

1. No further comments at this time.

SITE PLANS

2. As noted in Comment 2 of our April 22 review, the applicant has indicated they are waiting for a JD letter from ACOE. Once received, a copy shall be provided to the Town.
3. The applicant should provide a no permit required letter from the United States Army Corps of Engineers regarding impacts associated with the installation of the posts and proposed clearing in wetlands.

STORMWATER POLLUTION PREVENTION PLAN

4. As noted previously, Question 5 of the NOI indicates more than 5-acres of disturbance is proposed. The Town of Clifton Park as a regulated land use MS4 has the authority to review and take action on a 5-acre disturbance waiver upon submission of a waiver request. This is a discretionary approval that may be rescinded at any time. The applicant must submit a waiver request that (1) justifies the request (2) identifies time frames/duration of the request (3) identify additional BMPs that will be implemented above the minimum to control the site such that it does not become unmanageable. This request must be provided for review by the Town prior to the NOI being submitted for permit coverage. Should the Planning Board grant site plan approval, it shall not be construed as a granting of the 5-acre waiver as that is a discretionary approval of the Town SMO.

Public Comments:

Arthur Frontag – 141 Blue Barns Road – Mr. Frontag stated that he lives close to this site and that his home is going to be close to the panels so that he would be able to see them from his porch. He stated that he also has concerns with the eddy currents. He stated that he is not against solar but would like to see it elsewhere. Mr. Martin asked if Mr. Frontag has trees on his property to screen the site. Mr. Fontag stated that he does but they are either smaller or rotted. He stated that the land gets really wet so the placement doesn't make sense to him. Ms. Bagramian asked if there is a landscaping plan for the proposal. Ms. Traige stated that there is none as they didn't feel it was necessary and that the panels face a different direction than the home so there would be no glare from the side profile of the panls facing 141 Blue Barns Road. Mr. Frontag asked how much electrical current the array lets off. Ms. Traige stated that it is less than a cell phone.

Darlene McGraw – Halfmoon resident – Ms. McGraw stated that she has traveled this road before and enjoys seeing the green space. She stated that there are other areas of open space in the Town and that they should not allow waivers to interrupt the green space. Ms. Traige stated that the ACOE allows for solar hand clearing and other best practices and that this is an allowable use in zoning.

There being no additional public comment, Mr. Martin moved, second by Mr. Andarawis, to close the public hearing at 7:27 p.m. The motion was unanimously carried.

Planning Board Review:

Mr. McCarthy asked if the applicant considered a pilot agreement with the Town. Mr. Day stated that they are proceeding under standard procedure.

Mr. Martin asked if the project can meet their goals if they scaled back from the resident next to them. Ms. Traige stated that they have already scaled back per the Boards feedback at the prior meeting.

Ms. Bagramian asked if a buffer could be added. Mr. Day stated that they can add trees to the side where Mr. Frontag resides. Ms. Bagramian asked if there was a decommissioning plan for the proposal. Ms. Traige stated they have their own and not the manufacturer.

Mr. Ophardt asked how far the road was from Mr. Frontag's property. Mr. Day stated that they do not have a scale but it is close to the property line. Mr. Ophardt stated that the applicant may be able to double the row of white pines or stagger the rows and do 1.5 or some shrubbery. Mr. Scavo stated that the Board may want to consider vinyl slots for a 100ft section of fencing on the proposal to decrease the amount of disturbance. Mr. Ophardt stated that trees do not need to be planted the length of the property line only enough to buffer the residence from the array. He stated that he would like to see something done for the residents adjacent to the property. Ms. Traige stated that she is willing to work with the adjacent property owner for approval by the Town.

Mr. Andarawis suggested getting rid of the first turn around closest to the home. Mr. Scavo stated that he would check with the building department to make sure this can be done. Mr. Andarawis stated that he appreciates keeping the buffering and the tilt being east to west so that the fence close to the neighbors will not interfere as well as vegetation. Mr. Day stated that there is no glare. Mr. Andarawis asked what the wattage is for the array. Mr. Day stated that they are 580 watt panels.

Ms. Bagramian stated that she would like approval from the Planning Department for the landscaping buffer to the adjacent land owner as well as the possible hammer head removal to

the southwest. She stated that the existing vegetation should be looked at closely and ensures there is no unnecessary removal.

Mr. Andarawis offered Resolution No. 08 of 2022, seconded by Ms. Bagramian to waive the final hearing for this application for the Blue Barns Solar SUP & Site Plan 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.

Roll Call:

D. Bagramian - Yes
 E. Andarawis - Yes
 E. Ophardt - Yes
 H. Fariello - Absent
 A. Neubauer - Absent
 K. Martin – Yes
 J. Gleason – Yes
 L. Westrick (alternate) - Yes

Ayes 6

Noes: 0

The resolution is carried.

Public Hearings:

2022-026 Lindsey Farm 2 Lot Subdivision

SBL: 276.-2-30

Applicant proposes to subdivide 127.21 acres into 2 lots. Lot 1 will consist of 12.23 acres and will keep the 767 Grooms Rd Address. Lot 2 will consist of 114.98 acres and remain 753 Grooms Road. The existing solar fields, cell tower and logging operation will be located on Lot 2. No new construction is proposed, 753 Grooms RD , Zoned: R1 , Status: Preliminary w/ possible determination

Citizenserve File Number: 22-000010, Application Number: SUB22-000002

Applicant: Applewood Stables & Farm Consultant: ABD

Last Seen On: 7-12-2

Ms. Bagramian 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. She 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. Ophardt moved, second by Ms. Westrick, to establish the Planning Board as Lead Agency for this application, an Unlisted action, and to issue a negative declaration pursuant to SEQRA.

Ms. Bagramian called the public hearing to order at 7:48 p.m. The Secretary read the public notice as published in the Daily Gazette on July 30th, 2022.

Consultant/Applicant Presentation:

John Hitchcock – ABD – Mr. Hitchcock stated that they were last here with a concept plan and are now back looking for approval. Mr. Hitchcock stated that both lots now have assigned 911 addresses. He stated that Lot 1 would be 114 acres and have the solar filed on it as well as the logging business with a home. He stated that Lot 2 would be 12 acres with the riding stable located on it. He stated that he feels there are no serious comments to address so he is asking for approval tonight. Mr. Hitchcock stated that there is a letter for a trail on file but at this time, the applicant is not willing to grant an easement as the logging business is using the land up to the property line.

Staff Comments:

The Environmental Conservation Commission held a meeting on 8/2/22 and issued a memo recommending:

1. The ECC has no comments at this time

Wade Schoenborn, Chief of the Bureau of Fire Prevention:

1. Add 911 addresses to site plan

Steve Myers, Director of Building and Development issued a memo dated 7/28/22 stating:

- No comments

Scott Reese, Stormwater Management Technician issued a memo dated 8/2/22 with the following comments:

1. I have no stormwater comments for this project

John Scavo, Director of Planning issued a letter dated 8/5/22 with recommendations he made:

- The Town Fire Marshall has confirmed the current 911 Addresses will remain for the existing structures within the proposed 2- Lot Subdivision.
- I am unable to locate the map referenced in location L 1572 p. 396 from 2002. A property deed is on file with the County Clerk's Office showing L. 1579 p. 396 from 2001 with no map attached. The applicant's consultant should verify Map Reference #2. Also, the spelling is incorrect for the Property Owners Last Name within the same note and should be corrected.

Professional Comments:

Walter Lippmann, P.E. of MJ Engineering in a letter dated 8/5/22 had the following comments read by Mr. Price:

STATE ENVIRONMENTAL QUALITY REVIEW

1. No further comments at this time.

SHORT ENVIRONMENTAL ASSESSMENT FORM

2. No further comments at this time.

SITE PLANS

3. Revise the site statistics table for the total lot acreage of Lot 1 to read 114.98.

Public Comments:

Anthony LaFleche – 21 Wheeler Drive – Mr. LaFleche stated he has an objection to the easement and feels that there would be room for a trail if needed in the future. Mr. Hitchcock stated that the business logs up to the property line and that the insurance stated that it is a hazard. Mr. Scavo stated that the Town can take ownership down the road if the business is unwilling to give an easement for it and the Town would can choose to use an eminent domain process at that time Mr. Scavo stated that the logging business is in the agricultural district and that is why they can be along the road up to the shoulder on their private property.

Darlene McGraw – 4 North Point – Ms. McGraw asked if the applicant would please grant easement as there is a need for people to access all areas of the Town without gaps.

There being no additional public comment, Mr. Andarawis moved, second by Mr. Ophardt, to close the public hearing at 8:01 p.m. The motion was unanimously carried.

Planning Board Review:

Ms. Bagramian stated that she is disappointed that no trees are being planted.

Mr. Ophardt offered Resolution No.09 of 2022, seconded by Ms. Gleason to waive the final hearing for this application for the Lindsay 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.

Roll Call:

D. Bagramian - Yes
 E. Andarawis - Yes
 E. Ophardt - Yes
 H. Fariello - Absent
 A. Neubauer - Absent
 K. Martin – Yes
 J. Gleason – Yes
 L. Westrick (alternate) - Yes

Ayes 6

Noes: 0

The resolution is carried.

Old Business:

2022-001 1860 Route 9 Warehouse/Office Development Site Plan

SBL: 265.-1-8

Applicant proposes construction of four 15,000 sf office buildings. Each building will have 12,000 sf of warehouse space and 3,000 sf of office space. The project will disturb 6 acres and construction will be phased. Also includes parcel 266.1-23.1 & 25 in Halfmoon (.16 acres) 1860 Rt 9, Zoned: B5, Status: Preliminary w/possible determination

Citizenserve File Number: 2022-001, Application Number: SPR22-000004

Applicant: Codie Development, LLC Consultant: ABD Eng.

Last Seen On: 01/25/2022

Consultant/Applicant Presentation:

John Hitchcock – ABD – Mr. Hitchcock stated that he is here tonight with changes to the site plan. He stated that there will no longer be a subdivision with the application but would still need a variance for the application. Mr. Hitchcock stated that the application is for 4 warehouse buildings that would be about 15,200 sf which is an increase due to buildings being rectangular

and elimination of the bump outs. He stated that the existing building is the applicant's building and connected driveways would be eliminated. Mr. Hitchcock stated that the adjacent property owner was approached and does not want to tie into Synergy Park. He stated that they will be working to eliminate retaining walls and the 3' berms were added as well as dummy windows to lessen the warehouse look on Route 9. Mr. Hitchcock stated that water and sewer would be provided from Synergy Park Drive and the hydrant placements are being determined. He stated that the buildings would be sprinklered.

Staff Comments:

The Environmental Conservation Commission held a meeting on 8/2/22 and issued a memo recommending:

1. The ECC notes that the proposed grading on the southern property line encroaches on adjacent properties. In addition, the stormwater management area on the north property line is located on three different lots. The ECC recommends that Planning Board require the applicant to provide a management plan for this stormwater management area that clearly delineates maintenance responsibilities.
2. The ECC notes that the rear of the building #2 has an extremely narrow access area and includes HVAC equipment. This proposed constriction should be reviewed by the Emergency Advisory Board.

Wade Schoenborn, Chief of the Bureau of Fire Prevention:

1. No further comment

Steve Myers, Director of Building and Development issued a memo dated 7/28/22 stating:

- Truck turning abilities and hydrant placement compliant
- My other comments appear to be answered although I still encourage a connection to Synergy Park Drive as well as a connection from 1860 Route 9 to Synergy Park Drive

Scott Reese, Stormwater Management Technician issued a memo dated 8/2/22 with the following comments:

1. Provide deep test hole information and percolation rates if required for the proposed stormwater management practices. Per the New York State Stormwater Management Design Manual Table D-1 Infiltration Testing Summary Table for bioretention areas, one infiltration test and one test pit per 200 sf of filter area is required at the Concept Design Testing.
2. Bioretention required elements for conveyance of the ten-year storm and a flow regulator shall be provided to allow larger flows to bypass the practice. Bioretention practices are not intended to handle the water quantity flows.
3. Plans label the bioretention underdrain as 8", report and details show as 6", please correct.
4. Most stormwater filters require four to six feet of head. Only a perimeter sand filter, can be designed with as little as 18"-24" of head.

John Scavo, Director of Planning issued a letter dated 8/5/22 with recommendations he made:

- Hydrant locations may be too close to the buildings and should be at least 40' from the nearest building. The applicant should confirm at least 40' separation from each hydrant to the nearest building.
- Due to the presence of wetlands adjacent to the project site, deep hole test information is essential for the Planning Board to review before issuing a final SEQR Determination.
- The applicant's response and current plan submittal show a subdivision on a portion of land previously developed with access to Route 9. The applicant should update the SEQR description in Part I to reflect the subdivision and provide a subdivision application with associated application fees for the project record to appear before the Planning Board for further consideration.
- A STOP Sign (MUTCD R1-1) with a STOP Bar may be appropriate at the private drive, for vehicles exiting onto Route 9.
- Add a note to the plan stating, "High-Intensity Prismatic (HIP) sheeting to meet FHWA retro-reflectivity requirements is required for all onsite traffic control signs."
- Provide draft easements to the Planning Board Attorney for review regarding stormwater, private road access, utilities, and maintenance agreements.
- The site plan application fees collected to date for \$700 do not reflect the application fees for this site plan based on 60,800 sq. ft., which should be \$6,250.00 for (concept, preliminary, & final combined). Please submit a check made payable to the "Town of Clifton Park" for \$5,505.00 to satisfy the amount owed.

Professional Comments:

Walter Lippmann, P.E. of MJ Engineering in a letter dated 8/5/22 had the following comments read by Mr. Price:

STATE ENVIRONMENTAL QUALITY REVIEW

1. No further comments at this time.
- SUBDIVISION
2. The subdivision will affect Lands of Codie Development identified as Tax ID 265.-1-89, 266.-1-25 and 266-1-23.1. These three separate Tax IDs are representative of the parcel being bisected by the municipal boundary between the Towns of Clifton Park and Halfmoon. The subdivision will ultimately create five lots from these three lots.
 3. Provide the site statistics table for each lot with percentages to verify the minimum bulk lot requirements are being met.
 4. Space and bulk standards for keyhole lots shall be the same as delineated in § 208-11 for the district in which they are located, except that all setbacks, whether front, side or back yards, shall be a minimum of 50 feet for the main building/structure.
 5. The subdividing of the land shall be such as to provide that each lot abuts a public street which provides satisfactory access via public streets to an existing public street or

highway. In no cases shall a subdivided lot have less than 40 feet of frontage on said public street. Lots 2 and 3 show 20 feet.

6. The subdivision plat shall be prepared by a surveyor licensed to practice in the State of New York.
7. Appropriate access easements and maintenance agreement shall be noted on subsequent plans for the common roadway
8. Prior to approval or filing of the subdivision plat with the Saratoga County Clerk, the appropriate 911 emergency response numbers must be obtained for and assigned to each lot created and placed on the filed plat.

SITE PLANS

9. Provide a north arrow on the plans.
10. The plan shows providing above the required parking spaces (16 more than required). If possible, all spaces above the required should be considered for banking to reduce excess parking that may not be necessary.
11. Confirm the total amount of parking spaces provided. The two western most parking areas indicate nine (9) spaces each, however it appears twelve (12) spaces on each side are provided.
12. There shall be established a minimum ten-foot planted buffer along the rear and side property lines of all parcels.
13. Applicant has indicated the plans will be submitted to Clifton Park Water Authority (CPWA) for review and approval. Any action on the application should be conditioned upon receipt of plan approval from CPWA.
14. Applicant has indicated the plans will be submitted to Saratoga County Sewer District (SCSD) for review and approval. Any action on the application should be conditioned upon receipt of plan approval from SCSD.
15. The erosion and sediment control plan should provide the proposed features such as building, parking lots, catch basins, etc.
16. Provide details for all the erosion and sediment control measures, such as but not limited to silt fence, construction entrance, inlet protection and concrete washout area.
17. Provide in-situ percolation tests in the proposed stormwater locations to demonstrate the location indicated is feasible.
18. Provide proposed bottom and top of wall elevations of the retaining wall
19. Section 6.4.2 of the NYSSMDM require a minimum 2-foot separation between the bioretention filter bottom and groundwater.
20. Section 6.4.2 of the NYSSMDM notes that if runoff is delivered to a bioretention system by a storm drain pipe or is along the main conveyance system, the filtering practice shall be designed off-line.
21. A flow regulator (or flow splitter diversion structure) shall be supplied to divert the WQv to the bioretention practice, and allow larger flows to bypass the practice.
22. Section 6.4.3 of the NYSSMDM indicates filtering practices shall generally be combined with a separate facility to provide quantity controls. Provide clarification on the water quantity control measures for the site.

23. The flared end section from the roof drains of the western most buildings is 251.0. The top of the pretreatment berm in the bioretention basin is also at 251.0. The berm height should be increased to ensure pretreatment.
24. Show any required temporary sediment traps along with sizing calculations based upon the contributing drainage area(s).
25. Pursuant to Section 3.5 of the NYSSMDM, the proposed stormwater practices need to have a conspicuous and legible sign posted. The plans need to provide the standard sign with the applicable language as well as the location.
26. It is noted that a portion of the Stormwater Management Area is located off from the project parcel on the neighboring property that is owned and operated by the same owner as this project parcel. An easement is required in the event the owner sells one of the parcels in the future.
27. Provide a cross section detail for the subsurface sedimentation basin and bioretention shown. The cross section should provide design elevations including stone invert, pipe invert and depth of runoff by storm event as reported by the SWPPP.

STORMWATER MANAGEMENT REPORT

28. The soil and groundwater section of the SMR shall include a discussion of the site-specific soil investigation.
29. The stormwater calculations indicate 4.68 acres of disturbance however Question 4 of the NOI indicates 6.2 acres. Please confirm what number is correct and revise accordingly.
30. It appears the post peak runoff rate for Area 3 exceeds the pre runoff rate for the 10 and 100-year storm events.

STORMWATER POLLUTION PREVENTION PLAN

31. Section 7.0 of the SWPPP which included post construction maintenance requirements shall be modified to include the post construction maintenance associated with soil restoration.
32. The SWPPP shall include documentation that the project is eligible for permit coverage pursuant to Part I.F.4 of GP 0-20-001 with respect to threatened and endangered species. This includes both listed state and federal species.
33. The SWPPP shall include documentation that the project is eligible for permit coverage pursuant to Part I.F.8 of GP 0-20-001 with respect to historic properties. The CRIS site has identified this area as being sensitive. This includes archeological and cultural resources.
34. Since it appears the on-site stormwater management facilities will be privately owned, this shall be acknowledged in the SWPPP and a maintenance agreement and easement for access executed with the Town of Clifton Park will be required
35. The SWPPP shall summarize the in-situ soil testing completed including infiltration tests and test pits with the results provided as an appendix to the SWPPP pursuant to Part III.B.2.d and e of GP 0-20-001.

TRAFFIC

36. The study shall be reviewed by NYSDOT since access to the site is along US Route 9.

37. The study references gaps associated with a numbers of vehicles anticipated to be able to make a safe maneuver. Provide reference for the gaps and associated volumes of turning vehicles provided.
38. The sight distance analysis should include the available and standard sight distance for vehicles turning left into the site.
39. CDTC should be consulted to obtain the growth rates based on their regional STEP model and compared to the growth rates used in the report for projecting the traffic volumes.
40. Provide whether the average rate or equation were used to determine the proposed site trips.

Public Comments:

No public comment

Planning Board Review:

Ms. Bagramian stated that the application noted the warehouse would have office space as well. Mr. Hitchcock stated that it does and they may have office space and warehouse space.

Mr. Andarawis asked if some of the parking could be eliminated as this will be all warehouse space now. He asked if it could be even banked for the future if needed but keeps the stormwater the same. He stated that eliminating the walls is an improvement but he is disappointed that the applicant would not be connecting to Synergy Park Drive. Mr. Hitchcock stated that the adjacent property owner stated that they are not willing to as they do not want to increase traffic. Mr. Andarawis asked if the variance would not increase greenspace for future subdivisions. Mr. Scavo stated that they took away other space for this and then read from the Code. Mr. Ophardt asked what would happen if the applicant would want to sell the property. Mr. Scavo stated that common access ways had rights if it were subdivided. Mr. Hitchcock stated that the possible new subdivision would have to get a variance for greenspace.

Ms. Bagramian asked what the sizes of the overhead doors would be. Mr. Hitchcock stated that they will be recess docks for tractor trailers and that there would be other smaller doors for box trucks and they would be 10'-12'.

Mr. Ophardt asked what the architecture would look like for the site. Mr. Hitchcock stated that it would resemble the existing building on the site to the north. Mr. Scavo stated that he likes the spandrel glass.

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

The motion was carried unanimously.

Mr. Ophardt moved, second by Ms. Gleason, to approve the preliminary site plan for 1860 Route 9 Warehouse/Office Development, to grant preliminary site plan approval conditioned 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. Stormwater officer and MJE comments satisfied
2. Reviewed for architectural feedback

Ayes: 6

Noes: 0

the motion is/is not carried.

Old Business:

2021-069 Boni Wood Dale Drive 9 Lot Subdivision

SBL: 259.-2-7

Applicant proposes subdividing 28.6 acres into 9 lots with access from Wooddale Drive. The 9 lots will be for duplex units on a road dead ending into a cul-de-sac. Serviced by CPWA and Saratoga County Sewer District via Wooddale Drive, Wood Dale Dr Rear, Zoned: B1 , Status: Revised Concept

Citizenserve File Number: 22-000007, Application Number: SUB22-000001

Applicant: KLB Enterprises, LLC

Consultant: ABD Eng.

Last Seen On: 5-10-22

Consultant/Applicant Presentation:

Luigi Palleschi – ABD – Mr. Palleschi stated that they were her a few months ago and from the meeting they took back that a cluster subdivision was preferred. He stated that they went to the Town Board for approval of adoption of the road way and showed grading plan and roadway. He stated that the Town denied the road and they shifted the road 30’ so it would be on the Boni property only. He stated that they have to meet again and get approvals for the new road proposal. He stated that the home would remain on the property and the garage would have to be moved to the other side of the home to keep within code and now feels that they can meet Town Standards.

Staff Comments:

The Environmental Conservation Commission held a meeting on 8/2/22 and issued a memo recommending:

1. The applicant has submitted a new Conceptual Project. Consequently, the ECC recommends based upon the complexity of the proposed plan as well as previous detailed comments by the town engineer Walter Lippmann the Planning Board regarding the previous project, that the Planning Board require an independent study that explores the physical characteristics and emphasizing slopes and soils of the site. In addition, a study of the proposed road emphasizing legally permitted slopes and intersection with Wood Dale Drive, sight distances, and the influence of Arbor View Drive with the proposed intersection. Completion of the abovementioned studies should be incorporated into an entirely new SEQR process.
2. Wooddale Drive at the proposed intersection is a hazardous curve today with yellow warning signs for drivers to reduce their speed. The ECC notes that the relocation of the New Town Road exacerbates the potential hazardous situation on Wooddale Drive because the lot at 163 Wooddale is a hilly site restricting the line of sight.
3. The ECC is submitting a report detailing the hazardous situation on Wooddale Drive as provided by Mathew Ruhlig. He has provided an independent professional sight line study that the ECC endorses as part of this recommendation.
4. The ECC notes that the applicant must perform significant grading and fill on the project site in order for the New Town Road to meet the 7% grade requirement for Town Roads. The current slope of the property is approximately 27%. The ECC is concerned that this amount of grading and fill will be subject to settling, erosion and other problems.
5. On a letter dated, June 21, 2022 - Analysis and Observations of the Proposed Wooddale Drive 9 Lot Subdivision from William Conner, Architect, provided to the Town Board. This site review in such important issues as severe slopes, wetlands, high noise allowance, development pressures, living conditions, and a recommendation.
6. The ECC notes that the driveway at 159 Wooddale Drive must be relocated due to the new road design. The applicant shall provide written evidence that the property owner has agreed to this relocation.

Wade Schoenborn, Chief of the Bureau of Fire Prevention:

1. Hydrants to be 400' apart maximum
2. Add 911 addresses to the site plan
3. Add street name to site plan

Steve Myers, Director of Building and Development issued a memo dated 7/28/22 stating:

- Proposed road built to town standards moved entirely onto property owned by Boni
- SUP's for proposed two family homes will be required
- Proposed lots do not have access to a public road therefore proposed new road will be privately maintained (similar to Hortsman Lane).
- Hydrants must be a maximum of 400' apart
- Dimensions off the rear of the houses are assumed to be the distance from the house to the top/bottom of slope as requested
- Water and sewer connection locations shall be shown

- Sump line from basements shall be shown including discharge.
- All other zoning parameters seem to be met

Scott Reese, Stormwater Management Technician issued a memo dated 8/2/22 with the following comments:

1. With the Stormwater Management Basin being proposed adjacent to the wetlands, provide test pit information indicating the seasonal high-water table.
2. Future plans shall show slope stabilization, open drainage channel stabilization that will need to be designed with the appropriate level of erosion and sediment control measures.
3. Show on the plans the information (size, type, condition) of the existing drainage structure (culvert) that collects the stream under the Adirondack Northway (South).
4. The stream that runs along the eastern portion of the site is a Class C – Trout Spawning Stream according to NYSDEC Environmental Resource Mapper. Protection of this stream during construction will be essential.
5. Future plans should include the location of the proposed footing drains and discharge locations.
6. Future plans should address how the water quality volume will be treated from Lots 1-10 prior to runoff entering into the federal wetlands.

John Scavo, Director of Planning issued a letter dated 8/5/22 with recommendations he made:

- The applicant should report if any building or proposed infrastructure is proposed on a slope above 10% grade.
- As previously noted, the approval of a subdivision plat does not presume or bind the Town to accept the private infrastructure that includes stormwater management systems and the proposed roadway. The Town Board has sole authority to accept or deny a request for acceptance of these improvements from a property owner.
- According to §86-6 (i) of the Town Code, “Where streets are constructed on new fill, the side slopes of the fill shall be one vertical to three horizontal or flatter, unless otherwise approved by the Board and Highway Superintendent.” In addition, “The total width of the top of the embankment shall be at least 20 feet wider than the width of the pavement, except on local or marginal access streets where the total width shall be 10 feet wider than the width of pavement.” The applicant should note if any side slopes of fill for the proposed roadway exceed a 1:3 vertical slope.
- The proposed subdivision is a Type I Action pursuant to SEQR. Since the Project is a Type I Action, a coordinated review is required, and the Planning Board has declared lead agency status for SEQR purposes. If the new conceptual layout is acceptable to the Planning Board, Planning Staff will forward a copy to all involved and interested agencies for comments.
- On the LEAF Part I, the applicant must provide an answer to Page 3 of 13, Question e.(i.), for the anticipated period of construction shown in months.
- The property owner should establish utility easements within the private property since the Planning Board cannot attest to the Town Board’s intent to accept or not accept the roadway and stormwater infrastructure. Unless the Town Board approves an offer of

Cession, the property owner should not infer that a Planning Board Subdivision Approval assures conveyance of the private infrastructure to the Town in the future.

- Dente Engineering, P.C., in a previously prepared EIS for this site, noted final plans for residential construction and alterations to the slopes and immediate adjoining areas should be reviewed by their office to confirm their recommendations were correctly understood and implemented. Dente Engineering, P.C.'s recommendations were included in a letter dated December 17, 2010, and sent to Mr. Joseph Bianchine, P.E, at ABE Engineers regarding a slope stability analysis for the Ushers Woods PDD. The applicant should confirm if the current subdivision's design layout complies with Dente Engineering, P.C.'s recommendations.

Professional Comments:

Walter Lippmann, P.E. of MJ Engineering in a letter dated 8/5/22 had the following comments read by Mr. Price:

SITE PLANS

1. The applicant has resubmitted a concept plan for the proposed development by shifting the proposed road onto their property based on the denial by the Town Board for the use of the paper street.
2. The new proposed point of access to Wooddale Drive should be verified to ensure proper site distance is achieved. There should be indication on the plan what the required and provided turning site distances are based upon the posted speed limit of Wooddale Drive.
3. All comments from our May 5, 2022 review letter are still applicable.
4. Considering this plan is conceptual in nature, subsequent comments will be provided with a preliminary plan submission.

Public Comments:

No public comment.

Planning Board Review:

Mr. McCarthy asked why moving the road 30' will satisfy the Town to accept it for future dedication. Mr. Palleschi stated that the roadway had 2 owners and now it is only on Mr. Boni's property but the Town still needs to accept it. Mr. Palleschi stated that if the Town did not accept the road it would be a private road.

Mr. Andarawis stated he has some concerns with it being a private road and stated that the ECC reviews stated that moving the road changes the grading and site distance. Mr. Palleschi stated that there is a 40' grade change and 7% grading is being kept. He stated that the 800' to the cul-de-sac will be maintained as well. Mr. Andarawis asked if the site distance is changing significantly. Mr. Palleschi stated it does not and slides the curb cut uphill.

Mr. Ophardt stated that the Board has received a letter from Mr. James Ruhl contradicting the site distance. Mr. Palleschi stated that the distance is done under DOT standards and is able to have a third party review. Mr. Ophardt stated he would like MJE to go out and verify the site distance. Mr. Palleschi stated that the slopes are 1 on 3 along the roadway. Mr. Ophardt asked if the residents of the proposal would have useable rear yards. Mr. Palleschi stated that they would.

Ms. Bagramian asked if the Highway Department has been consulted about snow removal. Mr. Palleschi stated that Mr. Bull stated he was comfortable with the design.

Old Business:

2022-004 303 Ushers Road Medical Building (Paulsen) Site Plan SBL: 259.-2-6

Applicant proposes to construct a two story 10,700 sf medical office building on 4.1 acres with parking for approximately 70 vehicles. the project includes access on Ushers Rd, off site sewer connection and on site stormwater management, 303 Ushers RD , Zoned: B1 , Status:

Preliminary Review

Citizenserve File Number: 22-000008, Application Number: SPR22-000005

Applicant: Paulsen Dev of Albany LLC Consultant: EDP Last Seen On: 2-23-22

Consultant/Applicant Presentation:

Gavin Vuillaume – EDP – Mr. Vuillaume stated he is here on behalf of Paulsen Development. Mr. Vuillaume stated that since they were here last there have been changes to the front of the building. He stated that the variances need have been granted by the ZBA and that the applicant has decided to have a single user for the application and has decreased the building to 11,000 sf and only have one story. He stated that parking and impact has decreased as well due to this decision. He stated that there will be one access from Ushers Road and he has spoken to Mr. Bull about the existing covert and drainage. Mr. Vuillaume stated that there is a canopy for pick up and drop-off added to the plan and that plantings and erosion control is included. He stated that sewer will run out to Ushers Road and Van Patten Drive so an easement will be needed by the Sewer Department. Mr. Vuillaume stated that stormwater plan has been submitted.

Staff Comments:

The Environmental Conservation Commission held a meeting on 8/2/22 and issued a memo recommending:

1. The ECC recommends a detailed in-depth traffic study concentrating on the proximity of all the curb cuts along Ushers Road and the on and off ramp of Interstate 87. It is well documented that this area is prone to traffic accidents with the conditions as they exist.

2. This now large, consolidated building should comply with the architectural intent of the Town Code. Specifically, per 208-33 D(Architecture) “The architectural design of a rehabilitated or a newly constructed building shall be consistent with the designs compatible for residential dwellings... The architectural design should give the appearance of compatibility with the surrounding neighborhood and shall try, to the maximum extent possible, to avoid the creation of a monolithic mass by implementing architectural relief within the design. Long, unbroken lengths of walls, and appearance of walls and the appearance of massive structures within the area of residential sized building shall be discouraged.” The example of the character of the structures in the area should also reference Northway 10 Executive Park is more in character with the development on the northside of Ushers Road than the ones brought up in comparison.
3. In keeping with the recommendations and goals of the Town Comprehensive Plan, the Applicant should retain existing vegetation to the maximum extent practical and/or the use landscaping and grading to provide visual and auditory buffering between the project and adjacent roadways or other properties. Specifically, a Plantings Plan consistent with other properties along Ushers Road should be included in this proposal. i.e., that is retention of the foliage buffer on County property on the north side of Ushers Road.
4. The ECC questions the need for the land banked parking for this proposal and requests that the applicant provide on the plan the number of required parking spaces.
5. The ECC notes that the access road to the proposed project must cross a DOT ROW on the northern side of Ushers Road. The applicant shall provide the planning board with proof of DOT approval of this proposed crossing.

Wade Schoenborn, Chief of the Bureau of Fire Prevention:

1. No further comment

Steve Myers, Director of Building and Development issued a memo dated 7/28/22 stating:

- No further comments

Scott Reese, Stormwater Management Technician issued a memo dated 8/2/22 with the following comments:

1. Provide deep test hole information and percolation rates if required for the proposed stormwater management practices. Per the New York State Stormwater Management Design Manual Table D-1 Infiltration Testing Summary Table for Infiltration Basin, one infiltration test and one test pit per 200 sf of basin area is required at the Concept Design Testing.

John Scavo, Director of Planning issued a letter dated 8/5/22with recommendations he made:

- A STOP Sign (MUTCD R1-1) with a STOP Bar may be appropriate at the private drive for vehicles exiting onto Ushers Road.
- The applicant should provide a traffic control sign table listing the quantities of each permanent sign type proposed for the development.

- Provide a note along with the table stating all traffic signage will comply with the current MUTCD standards and NYS Supplemental.
- Add a note to the plan stating, “High-Intensity Prismatic (HIP) sheeting to meet FHWA retro-reflectivity requirements is required for all onsite traffic control signs.”
- No regulated wetlands appear to be impacted by this proposed project.
- The applicant should consult with the Town’s Highway Department on obtaining a permit to clear and maintain the vegetation at least 14.5 feet from the travel way to achieve sight distances meeting the AASHTO guidelines for a 45-mph operating speed.

Professional Comments:

Walter Lippmann, P.E. of MJ Engineering in a letter dated 8/5/22 had the following comments read by Mr. Price:

STATE ENVIRONMENTAL QUALITY REVIEW

1. A revised short environmental assessment form should be provided that reflects the proposed changes.

SITE PLAN

2. The applicant shall provide written responses to all technical comments provided by Town staff and consultants as part of the next submission.
3. The submitted site plan has been revised to include a 10,700 SF one story medical building (originally 21,400 SF) with 64 parking spaces with 10 land banked spaces (originally 128 spaces).
4. It appears stormwater management areas (rip rap overflow, etc.) are located within the Ushers Road right of way. The stormwater management components should be located within the applicant’s property. The applicant should have a discussion with the Town and/or NYSDOT to see if these proposed improvements are acceptable.
5. The proposed forcemain connection point on Van Patten Drive appears to be on private property (Lands of JMA Properties of Saratoga LLC.) A utility easement will be required to tie into the sanitary sewer on Van Patten Drive on parcel 259.-2-111. Provide documentation that property owner is willing to provide such easement.
6. The plan shows 64 parking spaces and 10 future banked spaces (total 74 spaces). This is in line to Section 208- 99, of the Town Zoning (1 for each 150 square feet) or 71 spaces.
7. All sanitary sewer system improvements and construction details are subject to the review and approval of the Saratoga County Sewer District #1. Any requested plan changes shall be incorporated in subsequent plan submissions.
8. All potable water system improvements and construction details are subject to the review and approval of the Clifton Park Water Authority. Any requested plan changes shall be incorporated in subsequent plan submissions.
9. 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 on the west side of the building.

10. Sheet 8 of 10, the ADA accessible parking signage detail needs to be updated to denote the correct language on the accessible aisle sign which shall be “No Parking Anytime” to be consistent with Section 1111.5 of the NYS Building Code.
11. Any proposed utility work within the Ushers Road right-of-way (driveway, culvert, water service, sewer) is subject to the review and approval to the Town Highway Department. Notation to that effect shall be added to the plans.
12. Provide a site-specific illumination plan that shows foot-candle values at pavement level for review.
13. Confirm with the Town that the proposed light pole located within the Town’s right of way is acceptable.
14. Provide additional spot elevations to ensure runoff from the west parking lot is being directed to the forebay and not the adjacent property
15. Identify in the plans the location(s) of the gravel diaphragm.
16. Subsequent plans should include architectural elevations of the building with a listing of the materials of construction for review by the Planning Board
17. Provide notation on the Erosion and Sediment Control Plan that all upstream construction shall be completed and stabilized before connecting to the downstream infiltration practice(s) pursuant to Section 6.3.5 of the NYSSMDM.
18. Provide notation on the Erosion and Sediment Control Plan that the infiltration practice(s) shall not be used as sediment control device during site construction phase pursuant to Section 6.3.6 of the NYSSMDM.

STORMWATER MANAGEMENT NARRATIVE AND STORMWATER POLLUTION PREVENTION PLAN

19. Ensure geotechnical testing is completed per NYSSMDM Appendix D to confirm infiltration rates utilized in the design and depth to ground water/ refusal. The SWPPP shall summarize the in-situ soil testing completed including infiltration tests and test pits with the results provided as an appendix to the SWPPP pursuant to Part III.B.2.d and e of GP 0-20-001.
20. Identify the source of the rainfall data utilized in modeling (NYSDEC Manual or Northeast Regional Climate Center’s Extreme Precipitation tables).
21. Identify the party that will be taking ownership of each stormwater practice proposed.
22. Provide calculations showing that the infiltration basin will fully dewater within 48 hours after a storm event pursuant to Section 6.3.2 of the NYSSMDM.
23. Provide stormwater calculation sheets for the sizing of each infiltration practice.
24. The SWPPP shall include documentation that the project is eligible for permit coverage pursuant to Part I.F.4 of GP 0-20-001 with respect to threatened and endangered species. This includes both listed state and federal species. Provide all documentation / correspondences within the SWPPP once received.
25. The SWPPP shall include documentation that the project is eligible for permit coverage pursuant to Part I.F.8 of GP 0-20-001 with respect to historic properties. This includes archeological and cultural resources. Provide SHPO “no effect” letter within the SWPPP once received.

TRAFFIC

26. For the intersection sight distance concerning vehicles turning left out of the driveway, was the length increased to account for the two westbound lanes that are required to cross to perform this maneuver?
27. The clearing of vegetation along the project frontage to a minimum distance of 14.5 feet from the white edge line should be a requirement and included in the site plans.

Public Comments:

Darlene McGraw – Halfmoon resident – Ms. McGraw stated that she would like to see bike parking for this medical building. Mr. Vuillaume stated that a sidewalk and bike rack is being provided. Ms. McGraw stated that the applicant could ask for it to be added to the public bus run.

Planning Board Review:

Mr. Martin stated he likes how the project is evolving but he has walked the ROW and has concerns with curb cuts and possible increase in accidents. Mr. Martin asked why the applicant is clearing 40' from the roadway. Mr. Vuillaume stated that they need to maintain stormwater and to grade with the driveway. He stated that he has met with Mr. Bull and they are outing in a 24" covert with riprap. He stated that some other trees can be saved and they will try to do so. Mr. Andarawis stated that he agrees that foliage needs to be preserved and stated that this would also help keep in the character of the area as there are many wooded properties.

Mr. Ophardt asked if the Town was ok with the basins in the proposal. Mr. Vuillaume stated that they are only doing work on their own and are not using basins for stormwater storage. Mr. Ophardt asked if there are any cross-access easements. Mr. Vuillaume stated that there is none but that he can add verbiage to allow to the west and north.

Ms. Bagramian stated that Ms. Viggiani asked for a walkway from Ushers Road to the building. Mr. Scavo stated that a striped could be done. Mr. Andarawis stated that the site is wooded so a concrete sidewalk would not fit into character.

Ms. Gleason asked what the proximity the driveway would be to Pierce Road. Mr. Vuillaume stated it would be between Van Patten Dive and Pierce Road, about 250' and 275'.

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

Mr. Andarawis moved, second by Mr. Ophardt, to waive the final hearing for this application for the site plan review of 303 Ushers Road Medical Building Site Plan, and to grant preliminary and final site plan approval conditioned upon satisfaction of all comments provided by the

Planning Department, Town Designated Engineer, and all items listened in the final comment letter issued by the Planning Department.

Conditions:

1. Materials and elevations attached to site plan.
2. Tree preservation on the road front and town staff to assist
3. Floating access easement given to the north and west

Ayes: 6

Noes: 0

New Business:

None

Discussion Items:

None

Ms. Gleason moved, seconded by Mr. Martin, adjournment of the meeting at 9:46 p.m. The motion was unanimously carried.

The next meeting of the Planning Board will be held as scheduled on September 13th, 2022.

Respectfully submitted,

Paula Cooper

Paula Cooper, Secretary