

**Town of Clifton Park Planning Board**  
One Town Hall Plaza  
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**  
**September 27<sup>th</sup>, 2022**

Those present at the September 27<sup>th</sup>, 2022 Planning Board meeting were:

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

Those absent were:

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

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

**Minutes Approval:**

No approvals.

**Public Hearings:**

None

**Old Business:****2022-021 Starpoint Church Parking Expansion–Site Plan**

SBL: 277.16-2-1 Applicant is proposing an additional 53 parking spaces.14 Jarose PL,  
Zoned: R1-Residential, Status: Final Determination Citizenserve File Number: 22-000018,  
Application Number: SPR22-000009 Applicant: Northstar Church Inc.  
Consultant: ABD Engineers Surveyors **Last Seen On:9-13-22**

**Consultant/Applicant Presentation:**

Luigi Palleschi – ABD – Mr. Palleschi stated that he was here two weeks ago for the proposal for 53 more parking spaces at Starpoint Church. He stated that they had spoken about landscaping and stormwater management and since then he has looked back at the original approval. He stated that the applicant will relocate some of the original landscaping and add additional street trees and arborvitae to the southwest. Mr. Palleschi stated that he consulted with MJE about the stormwater and the SWPPP, and feels the applicant can meet the stormwater and SWPPP requirements. He stated that the applicant is looking for site plan approval tonight and the goal is for work to be completed before the winter months so that parking can be off the road by the time snow removal is required.

**Staff Comments:**

No new staff comments.

Mr. Scavo stated that letters both for and against the proposal have been submitted for review. He stated that the site work completed to date reflects the original site plans that were previously approved.

**Professional Comments:**

No new professional comments

**Public Comments:**

No public comment at this time.

**Planning Board Review:**

Ms. Bagramian said she would like the street trees remedied that were cut from the bottom. Mr. Palleschi stated that he looked, those trees were installed with the original site plan and have been there for quite a while requiring routine maintenance and care. . He stated that those tree locations matching street trees in the neighborhood should not be changed as this is also a stormwater management area and that the church is trimming the trees as any other homeowner would. Ms. Bagramian stated that she understands the limitations but would like to see the site balanced. Mr. Palleschi stated that they are here to try and help the residences by getting church patrons off the street and the church is doing what they can now. He stated that the sign and lights are off at night and that they allow the neighbors to go onto their property as well.

Ms. Gleason stated that she feels this is important and that the church can use a push mower to allow the trees to be lower for buffering. She stated that this is the residential neighborhood as well and it is important to help them; the more they the church can do, the better.

Ms. Bagramian stated that there is mainly Sunday service that is creating the traffic so she asked the applicant to be mindful of the day to day impacts. She stated that they are all neighbors and they all have rights even on Sundays, which are generally peaceful days for residents.

Mr. Ophardt moved, second by Ms. Gleason, 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. Neubauer moved, second by Ms. Fariello, to waive the final hearing for this application for the site plan review of Starpoint Church Parking Expansion, 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 listed in the final comment letter issued by the Planning Department.

Ayes:   7  

Noes:   0  

The motion is carried

**New Business:****2022-032 Van Patten Drive (Concord Development) Subdivision**

SBL: 265.-1-6.11 Applicant proposes subdividing lots into 20 mixed use predominantly residential lots, Van Patten Drive, Zoned: B2-Business Non-Retail 2, Status: Concept  
Citizenserve File Number: 22-000020, Application Number: SUB22-000003

Applicant: Concord Development-Chris Myers,  
Consultant: Brett L. Steenburgh, P.E. PLLC-Brett Steenburgh

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

Chris Myers – Concord Development – Mr. Myers stated that the proposal is for 20 homes on 1.5 acres each with 150’ of frontage and individual driveways with shared entries. He stated the proposal is for 10 curb cuts onto Van Patten Drive using a shared driveway configuration. He stated that this is in the B-2 zone and single-family dwellings are allowed if there is an office. Mr. Myers stated that each dwelling will include dedicated space with separate handicapped accessible entrances. He stated that the homes would have a separate entrance for the office rather than an office with a home behind it. Mr. Myers stated that water, sewer, electric and natural gas is already accessible and there would be little street disturbance. Mr. Myers stated that this proposal is within zoning laws per the code and no variances are required.

### **Staff Comments:**

#### **The Environmental Conservation Commission held a meeting on 9/26/22 and issued a memo recommending:**

- In keeping with the rural nature of the project area and the recommendation of the Town Comprehensive Plan, the applicant should retain existing vegetation to the maximum extent practical and use landscaping and grading to provide visual and auditory buffering between the project and the roadway
- There are wetlands identified on the Site Plans that should be marked yes as this site does contain wetlands on the project site.
- Item E.2.h.i of the Full Environmental Assessment Form should be marked yes as the site does contain wetlands on the project site.
- The plan shall include the note Section this subdivision is in an area which may be impacted by railroad activity. Impacts may include noise or vibration.
- The ECC notes that sensitive environments exist on properties adjacent to the project site (within watershed of Long Kill, Cooley Kill & Dwaas Kill all 303(d) segments impaired by pollutants related to construction activity), thus there is a potential for environmental impacts to these areas in the event that the capacity of the stormwater management system is inadequate. As such the applicant’s drainage, stormwater and erosion control plans should be protective of these environments, during construction and occupation of the project. The ECC recommends careful review of these plans by the Town Engineer.

#### **Scott Reese, Zoning Administrator issued a memo dated 9/23/22 stating:**

- The project lies within the B-2 - Business Non Retail - Combined residential dwellings/offices is permitted per Town Code Section 208-32 A. (15).
- Future plans shall address Town Code Section 208-34 A. Landscaping, by providing a typical landscape plan on how the parking areas can be screened.

- Future plans and/or narrative shall describe how the project will meet Town Code Section 208-34 B. Architecture. Within the narrative provide possible minimum / maximum percentages of office space to residential building area.
- Show the existing property boundary between tax map parcels 265.-1-81.1 & 265.-1-72.11

**Scott Reese, Stormwater Management Officer issued a memo dated 9/23/22 with the following comments:**

- This project construction activity will require the preparation of a SWPPP that includes Post-Construction Stormwater Management Practices.
- The post-construction stormwater management practices, ownership, operation and maintenance will need to be agreed upon with the Stormwater Management Officer, prior to preliminary approvals.
- Drainage easements should be shown or added for maintenance of the existing drainage culverts onto proposed Lots 1 & 6.
- Future plans shall show the location of the existing culverts under the existing railway and their present condition, since the majority of the project area slopes toward that direction.
- There appears to be depressions on Lots 1, 2, 6, 7, & 8 that retain runoff from the existing drainage culverts under Van Patten Drive. The proposed SWPPP should address on how the existing runoff is detained on the project site and how the proposed stormwater management areas will account for both the existing and proposed runoff volumes.

**John Scavo, Director of Planning issued a letter dated 9/23/22 with recommendations he made:**

- 10 NYCRR Part 97 is the NYSDOH regulation implementing SEQRA (Article 8 of the ECL). Section 97.14(b)(2)(ii) requires that a realty subdivision be classified as a Type I action and requires the completion of either a Full Environmental Assessment Form (FEAF) or a Draft Environmental Impact Statement (EIS).
- Since coordinated review is required for a Type I Action, I recommend the Planning Board offer and adopt a motion to establish its intention to seek lead agency status for the environmental review process. Planning Staff will prepare and send lead agency coordination letters to all interested and involved agencies noting the Planning Board's intent to seek lead agency status.
- NYS DOH has been added as an involved state agency on the LEAF Part I, Page 2, Government Approvals Section for Realty Subdivision Approval.
- Pursuant to NYS Case Law (Kitteridge V. the Town of Liberty), a public hearing will be scheduled for the preliminary plan submission once the preliminary plan application submittal is deemed complete by the Planning Board and the SEQRA process has been completed.
- In accordance with Section 179-3 of the Town Code, the purpose of concept review is to determine feasibility of the project before the owner has invested a substantial amount of money. The Board and applicant may discuss general Town Requirements as well

as requirements for the subdivision under review as dictated by the Master Plan, Official Map or other considerations.

- Planning Staff supports the use of shared driveways as shown, to reduce the number of driveways and thereby reducing the number of conflict points along a roadway. A shared driveway provides a safe and more efficient way to provide access to two adjacent land uses.
- All lots appear to confirm to the B-2 Zoning Regulations.

Mr. Scavo stated that he would like to see this deed restricted to not be able to be developed as 100% commercial and to have a maximum residential square footage.

### **Professional Comments:**

**Walter Lippmann, P.E. of MJ Engineering in a letter dated 9/23/22 had the following comments:**

#### **STATE ENVIRONMENTAL QUALITY REVIEW**

1. Based upon a review of the proposal, it is considered a realty subdivision under Environmental Conservation Law (ECL) Part 74. In accordance with 10 NYCRR Part 97 in the NYSDOH regulation implementing SEQRA (Article 8 of the ECL), Section 97.14(b)(2)(ii) requires that a realty subdivision be classified as a Type I action.
2. Assuming the Clifton Park Planning Board is to request Lead Agency status under SEQRA, a coordinated review is required for Type I actions. 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: Subdivision Plan approval
  - b. Saratoga County Planning: GML §239-m referral
  - c. NY State Historic Preservation Office: Correspondence with SHPO to ensure no archeologically sensitive resources on project site
  - d. NYSDEC: Public sewer plan approval, permit coverage under stormwater SPDES, joint applicant for potential wetland impacts
  - e. NYSDOH: Realty subdivision approval
  - f. Clifton Park Water Authority (CPWA): Connection to municipal water
  - g. Saratoga County Sewer District (SCSD) #1: Connection to public wastewater infrastructure

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

#### **LONG ENVIRONMENTAL ASSESSMENT FORM**

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

3. Part 1. D.1.b(b) – The applicant indicates that the action will disturb 4.8+/- acres of land, however it is unclear from the submitted plans what the expected area of disturbance will be. Subsequent plans should delineate the extent of land disturbances.

4. Part 1 E.2. h (iii – iv) – The applicant indicates that wetlands or other waterbodies regulated by federal, state or local agencies, adjoin the project site, this is seen in the attached EAF Summary Report. It is recommended that the applicant utilize the Environmental Resource Mapper to gain further information on local and federal wetlands and waterbodies
5. No further comments at this time.

#### SUBDIVISION

6. The project is located within the Town's Business Nonretail District (B-2). The proposal for single family homes with office space appears to be a permitted principal use within the B-2 District as noted in Section 208- 32(A)(15) of the Town's Zoning. The Town Zoning Officer shall confirm.
7. The application form and EAF indicate only two parcels 265-1-6.111 and 265-1-81.1 (31.67 acres, verify acreage as parcels according to the Saratoga GIS total 34.04 acres) are part of this subdivision, however the plan cover sheet also indicated SBL 265-1-72.11, please clarify.
8. Provide setback lines (front, side and rear) on the plans.
9. Confirm utility easements that run parallel to Van Patten Drive as both water and sewer easements are labeled, however sanitary sewer piping is only shown on the plans.
10. Indicate the locations of the proposed water and sewer connections for each lot.
11. The project proposes to service each new lot 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.
12. The extension of public water mains to the project is subject to NYSDOH plan approval and potentially the NYSDEC for the taking of additional water. As part of the project's regulatory review, the applicant will have to apply for the referenced plan approvals. Any action on the subdivision application should be conditioned upon receipt of plan approval from the NYSDOH and/or NYSDEC for the additional taking of water.
13. The project proposes to service each new lot 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 subdivision application should be conditioned upon receipt of plan approval from the SCSD.
14. 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.
15. Identify the date and by whom the wetlands shown on the plat were delineated.
16. The wetlands shown are located within the NYSDEC 500 check zone therefore may be subject to Article 24 jurisdiction. The boundary of the noted wetland shall be validated by the NYSDEC. Any impacts to NYSDEC wetlands and adjacent area are subject to appropriate permitting.
17. Confirm that each proposed driveway has adequate site distance based upon the posted speed limit of Van Patten Drive.

18. There may be a need to provide a drainage culvert at the new driveways to support existing drainage along Van Patten Drive. The applicant will need to coordinate with the Town of Clifton Park Highway Department for any such improvements. If required, show the location, size and materials of construction.
19. It is proposed to have shared driveways. A shared driveway maintenance agreement will be required. A draft of the agreement shall be provided to the Planning Board's legal counsel for review.
20. The subdivision plat shall be prepared by a surveyor licensed to practice in the State of New York.
21. Subsequent submissions shall include the metes and bounds of the affected lots, easements and right-of-way.
22. Consider hatching the easements on the property for better clarification/visibility.
23. Subsequent plans shall provide the proposed landscaping to demonstrate conformance to Section 208-34(B) of the Town's Zoning. It is noted that the lot has a substantial mature tree buffer along Van Patton Road and the railroad tracks. It may be desirable to maintain this existing buffers to the greatest extent practicable.
24. Subsequent plans should include architectural elevations of the building with a listing of the materials of construction for review by the Planning Board.
25. The applicant shall provide a building floor plan to better understand how the office space will be incorporated into the building along with entrance and accessibility.
26. A note should be added to the plat indicating railroad tracks are located to the rear of the properties.
27. Pursuant to Section 86-10 of the Town Zoning, the applicant shall be required to plant two trees per living unit on the street side of new construction sites. Provide planned species to be planted for review.
28. 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, utilities).
29. Provide information on the plans to indicate how potential sump pump laterals may be positioned which shall be in conformance with Section 86-7(A)(6) of the Town Code.
30. 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.
31. Considering this plan is conceptual in nature, subsequent comments will be provided with a preliminary plan submission. Subsequent submissions shall include information specific to grading, landscaping, erosion control and stormwater management to fully assess the design and its compliance to the applicable standards.

### **Public Comments:**

Members of the public raised concerns about noise and vibration due to the railroad tracks and are concerned it may increase without the buffer of the trees. Members of the public stated that they would like to see it stay natural or as a park.



**Planning Board Review:**

Ms. Bagramian asked if the homes would be detached from the office and what their square footage would be. Mr. Myers stated that he had a potential layout on hand and gave copies out to the Board. He stated that the homes would be approximately 2,400 sf to 3,400 sf including the office. He stated that the office would be about 12'x14' with direct access from the exterior. Ms. Bagramian stated that there is no retail allowed in the B-2 zone and asked if this would be a one-person office. Mr. Myers stated that the exterior entrance was put in for Board preference, but it is not required.

Mr. Myers stated that he is here tonight for feedback on this proposal and changes can be made.

Mr. Ophardt stated that the B-2 zoning allows for mixed office and residential use, he stated that this application would also have to have a site plan. Mr. Scavo stated that he spoke to Mr. Scott Reese has noted that the office should have a separate entrance to separate commercial from residential.

Mr. Andarawis asked if this would mean that residents would be burdened with a site plan. Mr. Scavo stated that they would. Mr. Andarawis stated that a lot of people worked from home due to COVID. Mr. Myers stated that this is true and the parking is to conform to code but can be worked on with the Board. Mr. Andarawis stated that whoever decides to buy these properties needs to understand that the building and landscaping are dictated at the time of approval and will be deed restricted. Mr. Myers stated that he can present a few layout options and a basic landscaping plan. Mr. Andarawis stated he feels people will buy the properties and the do what they want. He stated this is a buyer-beware situation as well.

Ms. Fariello asked if the resident could use the office for residential use. Mr. Scavo stated he believes it does not allow for this but he is looking into it. He stated that the commercial portion of the home would have to be built to commercial code such as the fire code. Ms. Fariello stated that an HOA may be helpful in mitigating the landscaping.

Mr. Neubauer stated he is struggling with this being a creative solution and avoiding what the B-2 zone actually is meant to be. Mr. Myers stated that a lot of people are still working from home and probably will continue to so this is good planning. Mr. Neubauer stated that this can be built in a residential zone but this is doing the opposite. He stated that his home is similar to this proposal and he is in a residential zone not commercial. Mr. Neubauer stated that that this may be the best use rather than having offices that could potentially go there.

Mr. Ophardt stated that he feels it would be troublesome for the Town to enforce when the homes resells due to the dedicated office space not just a home. Mr. Myers stated that he does not see a problem as it has to have an office per code not a business.

Ms. Bagramian asked if there would be an HOA with this application. Mr. Myers stated there is not one unless the Board requests one. Mr. Scavo stated that an HOA gets filed with the Department of State but they could always deed restrict the properties and the neighbors can get together to enforce.

Mr. Martin stated that a previous application entertained and approved in tonight's agenda had laws to restrict what can be done restricting churches and stated that what the B-2 tells him is confusing but believes that the applicant is on the right track. Mr. Martin read from the code as to what is permitted in the B-2 zone and stated that he feels that the options are out of place for the location. Mr. Martin stated that he feels there is a large enforcement problem with the application. He stated that the zoning is not clear and asked if a doctor buys this and wants to build an office then he would have to come in for site plan approval or commercial use. Mr. Scavo stated that they would have to come back for a change of use and site plan as well as change the residential portion to meet commercial code standards.

Ms. Bagramian stated that she feels that an HOA is more established and hold meetings and is collective. She stated that if a doctor or veterinarian wanted to come to one of the property proposals, it would change the character of the proposal. She stated that the zoning is vague and does not separate commercial and mixed use well.

Mr. Neubauer stated that he has looked at the zoning map and B-1 and 2 are under the same listings. He stated that new proposals get scrutinized so office use would still have to keep the residential feel. He stated that he feels that this is a transition area between residential and commercial and the intention for this was always there as it was written in the code.

Ms. Fariello stated she feels that the traffic impacts would be worse if all business were proposed in this area. She felt this is a better solution with Ushers Road being a busy road on one end and Carlton Road on the other and notes the project would help with traffic in the long run.

Mr. Neubauer stated that he agrees it will help with traffic and having turnarounds in the driveway would help people not back out onto the road. Mr. Neubauer stated that there are differences from 2015-2022 and the market is changing and demanding more home offices so this is right for the market.

Mr. Andarawis stated that he does not disagree that this is a less intense use than others and stated that the residential feels right as it is near residential. He stated that he feels that this may not be what the code intended but it may be ok and they look no different than a single family home.

Ms. Bagramian stated that it should be limited via deed restriction to make it more feasible and would not generate a lot of traffic. Mr. Scavo stated that he can do research with the zoning officer and the Town attorney to see what restrictions can be done.

Ms. Gleason stated that in the area residential is predominant with little business.

Mr. Martin stated that he agrees with Mr. Neubauer's comments that this is a transition zone; it is not in the TC zone but TC zoning in Town Center, as an example, calls for commercial with limited retail and residential.

Ms. Bagramian stated that she would like to see restrictions on business types for the subdivision if it is approved and that she is willing to put deed restrictions in place.

Mr. Scavo stated that he feels this has been a beneficial conversation and that he thinks he can go back with the applicant and go over some options. He stated that he could read over some examples of business operations such as visitors, appointments, and deliveries to better clarify what can operate to the Board.

Mr. Wilcox stated that Section 208.7 has limits for home occupations and would be a good place to look for more information.

Mr. Ophardt stated that he would feel more comfortable with less driveways onto Van Patten Drive and asked if there could be 2 entrances with a street or service road cornering Greensborough Blvd and La Costa Drive. Mr. Myers stated that they can look into that option as well.

**Discussion Items:**

None

Mr. Neubauer moved, seconded by Ms. Fariello, adjournment of the meeting at 8:33 p.m. The motion was unanimously carried.

The next meeting of the Planning Board will be held as scheduled on Wednesday, October 12<sup>th</sup>, 2022.

Respectfully submitted,

*Paula Cooper*

Paula Cooper, Secretary