

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

PLANNING BOARD

DENISE BAGRAMIAN  
Chairwoman

ROBERT WILCOX  
Attorney

PAULA COOPER  
Secretary



MEMBERS

Emad Andarawis  
Eric Ophardt  
Heather Fariello

Mario Fantini  
Jennyfer Gleason  
Keith Martin  
(alternate) Lisa Westrick

**Planning Board Minutes**  
**July 11<sup>th</sup>, 2023**

Those present at the July 11, 2023 Planning Board meeting were:

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

Those absent were: J. Gleason

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 the recitation of the Pledge of Allegiance.

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

**Minutes Approval:**

Mr. Ophardt moved, seconded by Mr. Andarawis, approval of the minutes of the June 23, 2023 Planning Board meeting as written. The motion carried with 4 Yes votes. Mr. Fantini, Mr. Martin, and Ms. Fariello abstained.

**Public Hearings:**

None

**Old Business:****Rexford Square Self Storage Expansion – Site Plan**

SBL: 269.-3-2.24

Expansion of an existing self-storage facility, 8 Daggett Drive (Pvt) Rear, Zoned: HM - Hamlet Mixed Use, Status: Final

Citizenserve File Number: 23-001138, Application Number: SPR23-000018

Applicant: Anthony Guidarelli , Consultant: Empire Engineering, PLLC - Christopher Longo

Last Seen On: 05/09/2023

**Consultant/Applicant Presentation:**

Christopher Longo – Empire Engineering – Mr. Longo stated that this application is for expanding the self-storage facility, keeping within the original bounds of the developable space. He stated that the applicant wants to expand north and west on the site with additional self-storage units. Mr. Longo stated that some existing gravel and pavement areas may be removed or replaced and that this expansion would occur over time, depending on demand. He stated that the ZBA asked for tree plantings on the north side of the property as a condition of an area variance they granted in case the adjacent property is developed in the future. Mr. Longo stated that the landscape has been developed to look residential and that it will remain. He stated that the northern units would have a gabled look and a pitched roof similar to the front buildings. He stated that stormwater comments had been reviewed, responded to and re-submitted.

**Staff Comments:****The Environmental Conservation Commission and issued a memo recommending:**

- The applicant has indicated that they will meet the code in terms of building elevation. However, the ECC Notes that per 208-43.2 Permitted Uses – “Self-Storage facilities that appear residential in character” are permitted. Please see the shed elevations of the currently proposed from the applicant’s plan (Trachte Building Systems, Inc.). The ECC recommends the Planning Board ensure that the proposed structures will be “residential

in character”. The existing renderings do not comply with the residential character requirement

**John DeSimone, Fie Marshall issued a memo stating:**

- Existing fire access road needs to be maintained during construction.
- 8 Dagget will be postal number assigned to storage unit property, with each unit having additional number system to pinpoint location for Fire Department.

**Scott Reese, Zoning Administrator issued a memo stating:**

- No additional zoning related comments.

**Scott Reese, Stormwater Management Officer issued a memo stating:**

- No additional stormwater related comments.

**Jennifer Viggiani, Open Space Coordinator issued a memo stating:**

- Observe no pedestrian infrastructure throughout the entire existing, nor through new proposed project area. It would be ideal to include pedestrian circulation infrastructure on site for employees and visitors.

**John Scavo, Director of Planning issued a memo stating:**

- The applicant has adequately addressed my previous comments. I have no additional comments regarding the current submittal.

**Professional Comments:**

**Walter Lippmann, P.E. of MJ Engineering in a letter had the following comments:**

- Based upon our review of the above documents, all prior comments issued by MJ have been adequately addressed and we offer no further comments at this time. Should the Town or applicant have any questions concerning the above comments, please do not hesitate to contact me at (518) 371-0799.

**Public Comments:**

No public comment

**Planning Board Review:**

Mr. Ophardt asked what the zoning variance was for. Mr. Longo stated it was for 30% total density and 8,400 sf of additional buildings, which was granted. Mr. Ophardt asked if there are pedestrian requirements for this or other surrounding lots. Mr. Scavo stated that there is none that he can recall. Mr. Longo stated there is no pedestrian access here, there were sidewalks on other buildings but they are not under the same ownership. Mr. Martin stated that he recalls sidewalks being discussed with a project across the roadway.

Mr. Andarawis thanked the applicant for working on the elevations as future development in the area is possible to the North. Mr. Andarawis asked if there would be an office on-site or any employees. Mr. Longo stated that there would not be employees or an office on this site but the site will be paved and walkable, as well as having some handicapped accessible units.

Ms. Bagramian asked if the new buildings would be gravel. Mr. Longo stated that the new buildings would maintain gravel in the rear. Ms. Bagramian asked if there would be stripping around the buildings at all. Mr. Longo stated that stripping is not proposed internally in the storage facility. Ms. Bagramian asked if there were speed limit signs. Mr. Longo stated there are none internally within the private driveway.

Mr. Martin asked if the current gravel area would be removed. Mr. Longo stated that the applicant would pour concrete for foundations but leave the gravel in place. Mr. Martin asked why they plan to do this. Mr. Longo stated that this is what works best for stormwater management.

Mr. Ophardt moved, second by Mr. Andarawis, to waive the final hearing for this application of the site plan review of Rexford Square Self Storage 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  

Ms. Fariello moved, second by Mr. Ophardt, 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.

### **New Business:**

#### **377 Moe Rd 5 Lot Duplex Subdivision & Special Use Permit**

SBL: 277.-2-16

Applicant propose a subdivision to accommodate 10 residential units, 377 Moe Road

Zoned: R1 - Residential, Status: Concept

Citizenserve File Number: 23-001633, Application Number: SUB23-000017

Applicant: Erik Kohler Homes, LLC , Consultant: EDP – Joseph Dannible

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

Joe Dannible – EDP – Mr. Dannible stated that this application is for a 5-lot, 10-unit subdivision. He stated that the lots would be 40,000 sf or greater and lots would be subdivided at a common wall. Mr. Dannible stated that the proposed homes would be similar to the Vistas West

Subdivision and that a Town road is also being proposed. He stated that the homes would have 200 ft. of frontage and connect to public water and sewer. Mr. Dannible stated that stormwater would be managed on-site and the yards would be 50' for the front, 10' for the side, and 25' for the rear yards. He stated that a Special Use Permit is needed as well due to proposing duplexes which are allowed uses in the R-1 Zone by obtaining a Special Use Permit. Mr. Dannible stated that the Army Core of Engineers has been to the site and stated that there are no wetlands or habitats for endangered species. Mr. Dannible stated that there are no archeological areas on the site.

### **Staff Comments:**

#### **The Environmental Conservation Commission and issued a memo recommending:**

- The ECC notes that per Town of Clifton Park Town Code Chapter 208-69.1: Classified streams located in the Town of Clifton Park that have been indexed and/or mapped by the New York State Department of Environmental Conservation, and a fifty-foot adjacent area (buffer) on each side of the outer bank of the high-water mark. Per Town Code Chapter 208-69.2 A. (3) Roadway or driveway crossings, provided that the applicant demonstrates that there is no other reasonable means of access available, and the applicant obtains appropriate permits from the New York State Department of Environmental Conservation. In the case of this project the purpose of this roadway is not to access upland it eliminates the stream buffer. The purpose of stream buffer protection is to ensure that wildlife habitat is protected and the water runoff adjacent to the stream is filtered. Elimination of the buffer will obviate these benefits. The Planning Board should be aware that waters carried by this stream flows into the Stoney Creek Reservoir.
- The ECC notes that the current proposed plans are for multi-family / duplexes which are not in character with the current surrounding neighborhoods per Clifton Park Code 208-79 E. (1) (d). The proposed use is not in harmony with and does not promote the general purposes and intent of the Comprehensive Plan and the Town Code.
- The ECC notes that the building proposed for demolition was constructed in 1960. Per 208-78 F. (1) prior to issuing any demolition permit on a building or structure more than 49 years old, the Town Building Department shall notify the Historic Preservation Commission. The ECC recommends prior to issuing a Special Use Permit that the building department issues such notice.

#### **John DeSimone, Fire Marshall issued a memo stating:**

- Hydrants need to be installed based off Appendix C of the NYSFC. Minimum spacing 500 feet between hydrants.
- Assure fire access road meets section 503 of the NYSFC.
- Proposed public road needs a name please.

#### **Scott Reese, Zoning Administrator issued a memo stating:**

- This Special Use is permitted per Town Code 208-10 B. (10)(a)[7] identifies a Dwelling, two-family and/or semidetached as a special use pursuant to chapter 208-79. Before granting approval to any special use, the Planning Board shall determine whether the

proposed special use will, among other things, satisfy the considerations listed under 208-79 E. (1) (a-k).

- It appears that the Land Conservation District Overlay may overlap this parcel and should be shown.
- This application appears to meet the Space and Bulk Standards including the minimum land area per dwelling unit. The proposed subdivision may require stormwater management areas that can take up land area which may take away required land area for dwelling units.

**Scott Reese, Stormwater Management Officer issued a memo stating:**

- The construction of duplexes and having the disturbance over one acre will require the preparation of a SWPPP that includes Post-Construction Stormwater Management Practices.

**Jennifer Viggiani, Open Space Coordinator issued a memo stating:**

- The project should include a new segment of paved pathway that connects to the Town's Clifton Gardens Park. Project is immediately adjacent to Clifton Gardens Town Park located along the project's northern side. See the Clifton Gardens Park Map with Trails Map 2021 that is attached. A trail is located in close proximity to this project. See Attached Proposed New Trail Connection Concept: 377 Moe Road to Clifton Gardens Park

**John Scavo, Director of Planning issued a memo stating:**

- Future detailed design plans should include topography and utility extensions. The area is relatively flat, adjacent to Moe Road, where the new public roadway connection is proposed. The applicant should provide a design solution to ensure stormwater is adequately accommodated. The concrete swale adjacent to the property will likely be removed to accommodate the roadway connection to Moe Road.
- Add a notion to the plan stating, "The adjacent Moe Road Multiuse Path will not be used as a staging area for vehicle parking and material storage during construction."
- Add a note to the plan stating, "This parcel is located in an area where aviation activity occurs. Such activity may include, but is not limited to periodic noise, vibration, hours or operation, and other associated activities. A study describing this impact in detail is available for inspection in the offices of the Albany International Airport."
- Additional comments will be forthcoming upon review of future project documents.
- 10 NYCRR Part 97 is the NYS DOH 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 a full environmental assessment form (FEAF). A short form EAF cannot be used for a Type I action. This proposed subdivision meets the NYS DOH definition for a realty subdivision which is defined as, "The sale, rental or offer for sale or lease of any tract of land, under one ownership or common scheme, which has been subdivided into five (5) or more residential lots, designated by metes and bounds, each comprising of five (5) acres or less within any three (3) year period. The common phrase is the "5, 5, 3 rule." Therefore, the applicant must submit a FEAF to begin the SEQRA lead agency designation process.

**Professional Comments:**

**Walter Lippmann, P.E. of MJ Engineering in a letter had the following comments:**

**STATE ENVIRONMENTAL QUALITY REVIEW**

1. Based upon our review of Part 617 of NYS Environmental Conservation Law, the project appears to be an “Type 1” action. 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). 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: Plan approval
  - b. NYS DEC: SWPPP
  - c. Clifton Park Water Authority: Water Connection
  - d. SCSD#1: Sanitary Provisions
 Additional agencies may be identified by the Town during its review of the project.

**SHORT ENVIRONMENTAL ASSESSMENT FORM**

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:

2. For a Type 1 action, the applicant should complete and submit the Full Environmental Assessment Form for review.
3. Part 1 13.a. – The response indicates that wetlands or other waterbodies regulated by federal, state or local agencies adjoin or are contained within the project site per the EAF Summary Report. The applicant provided a letter from the USACE stating that no wetlands are found on the parcel but may exist in the ROW directly north.
4. Part I.17 – The response indicates that the proposed action will create stormwater discharge. The project will also 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.
5. Part I.18 – The response indicates the proposed action includes construction or other activities that would result in the impoundment of water. The applicant stated that small infiltrations basins will be needed throughout the property to mitigate the increased Impervious area. Applicant should show this on the plan.
6. No further comments at this time.

**SITE PLANS**

7. The project is located within the Town’s Residential 1 District (R-1). The proposal is to subdivide into five lots with five (5) two family dwellings. This is a allowed special use per Town Code Section 208-10(10)(7).

8. In reviewing the proposed lot layout in comparison to Section 208-10 of the Town's Zoning, it would appear all minimum bulk lot requirements are satisfied.
9. Provide contour lines at a minimum of two-foot intervals to United State Geological Survey datum within the parcel pursuant to Section 179-8 of the Town Subdivision Law.
10. The proposed point of access to Moe Road should be verified to ensure proper AASHTO 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 Moe Road.
11. 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.
12. The submitted information indicates the project is proposing to connect to an existing water main(s) within proximity to the parcel. These mains are owned and operated by the Clifton Park Water Authority (CPWA). It is recommended that the Town be furnished with documentation that the CPWA is willing and capable of providing potable water to the project.
13. The submitted information indicates the project is proposing to connect to an existing sewer main(s) within close proximity to the parcel. These mains are owned and operated by the Saratoga County Sewer District No. 1 (SCSD). It is recommended that the Town be furnished with documentation that the SCSD is willing and capable of providing sanitary sewer service to the project.
14. 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.
15. The project proposes one shared drive for Units 7 and 8. The applicant shall provide a draft maintenance agreement for review by the Planning Board's legal counsel.
16. Provide a crosswalk for the existing multi use path along Moe Road at its intersection with proposed subdivision road.
17. 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).
18. Subsequent submissions shall include the metes and bounds of the affected lots and right-of-way. This plat shall be prepared by a surveyor licensed to practice in the State of New York.
19. 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.
20. 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. Fantini stated that he feels this would change the neighborhood's character as there are no other 2-family homes; he also feels that this would affect the value of the existing homes. Mr. Dannible stated that there are 2 family homes around the area, such as the Grooms Road corridor, so it would not be out of character. Mr. Dannible stated that these would be new construction, so the prices of the older homes have been found to increase. Mr. Fantini asked why the applicant is not looking for a single-family home as it is an allowed home. Mr. Dannible stated that this is the preference of the applicant and that it has been shown to be successful within the Town and it is within the Towns code if a Special Use Permit is granted.

Ms. Bagramian asked if the homes being proposed were duplexes. Mr. Dannible stated they are and that multiple homes from Moe Road to Route 146 are duplexes. He stated that these would all be brand new constructions and are in high demand and historically have shown that they would raise the value of existing homes in the area.

Ms. Bagramian asked if the homes would be for sale or rent. Mr. Dannible stated that they would be going for sale. Ms. Bagramian stated that she feels this would be a nice mix of housing in Clifton Park and asked if there would be an HOA. Mr. Dannible stated that it would not be. Ms. Bagramian asked if the applicant has elevations yet for the project. Mr. Dannible stated not yet but that they would be like Vistas West, some single story and 1,600 sf. Dwelling units.

Mr. Martin stated that he likes the way the Vistas West looks. Mr. Dannible stated it is the same builder and they would be similar to Vistas West. Mr. Martin stated that he would like to see as many trees preserved as possible. Mr. Andarawis stated he would like the applicant to take a look at landscaping along the northern boundary and would like to keep buffering there.

Mr. Ophardt asked if the applicant has spoken to the Highway Department yet about taking over the roadway and if they have not, they should as soon as possible. Mr. Dannible stated they have not, but they will approach the Department.

Mr. Fantini asked if there would be one or 2 car garages in the proposal. Mr. Dannible stated that they would be 2 car garages. Mr. Fantini asked how large the driveways are being proposed. Mr. Dannible stated that they could fit about 6 cars in the driveways.

Mr. Ophardt asked if the applicant can connect to Clifton Gardens Park as he supports tying in trails to create a community. Mr. Dannible stated that the applicant is looking for accessibility and options. Mr. Andarawis stated that he would also like to see the trail connection and a map showing the existing trails. He stated that there are now trail spurs from Acorn, Rosemary, and Linden; adding up to trails in the area, and adding more legs would benefit the community.

Ms. Fariello stated that there are duplexes across from Clifton Gardens and Par Del Rio so the application fits into the area.

Mr. Scavo stated that the SUP would help mitigate concerns with reasonable conditions that may not be attached to single-family homes.

Ms. Bagramian asked the applicant for elevations, contours, and landscaping plans for the next submittal.

Mr. Andarawis moved, second by Ms. Fariello, to establish the Planning Board as Lead Agency for this application, a Type I Action, and the lead agency coordination letters will be sent to involved and interested agencies pursuant to SEQRA. The motion was carried unanimously.

**Discussion Items:**

None

Mr. Ophardt moved, seconded by Ms. Fariello, adjournment of the meeting at 8:04 p.m. The motion was unanimously carried.

The next meeting of the Planning Board will be held as scheduled on August 8, 2023.

Respectfully submitted,

*Paula Cooper*

Paula Cooper, Secretary