

**Town of Clifton Park Planning Board**  
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PLANNING BOARD

DENISE BAGRAMIAN  
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ROBERT WILCOX  
Attorney

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Secretary



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Emad Andarawis  
Eric Ophardt  
Heather Fariello  
Mario Fantini  
Lisa Westrick  
Keith Martin

**Planning Board Minutes**  
**September 12, 2023**

Those present at the September 12, 2023 Planning Board meeting were:

Planning Board: D. Bagramian, Chairwoman, E. Andarawis, H. Fariello, E. Ophardt,  
K. Martin, M. Fantini, 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:**

None.

Minutes from August 8<sup>th</sup>, 2023 will be voted on at the next meeting.

**Public Hearings:****Bass Pro Shops Store Site Plan & SUP**

SBL: 272.-1-11

Proposed Bass Pro Shops Store, 400 Clifton Park Center RD, Zoned: TC1 - Highway Zone

Status: Preliminary with possible determination

Citizenserve File Number: 23-001064, Application Number: SUP23-000009

Applicant: Bass Pro Shops - Alexis Neuroth, Consultant: RAA Design - Ray Myers

Last Seen On: 8/8/23 (Technical Advisory Committee)

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. Fariello, 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 7:05 p.m. The Secretary read the public notice as published in the Daily Gazette on September 1<sup>st</sup>, 2023.

**Consultant/Applicant Presentation:**

Mr. Ray Myers stated that he is here tonight with Mr. Eric Aruis, the architect for the application. Mr. Aruis stated that they have put in a lot of effort for the planning of this store. He stated that a traditional store has a large entry lodge with a 2 point gable and that with this application, they will use different materials, from real rock to timber and fiberglass logs. Mr. Aruis stated that they jazzed up the building with more amenities and corner towers and they have good visibility from the highway. He stated that this location would have boat sales and a full service center with the boat sales facing the highway. Mr. Aruis showed an aerial of the proposal and stated that this would be a 77,000 sf store. Mr. Aruis stated that a dock area faces the road with this proposal but has been dressed up. He stated that a traditional building for this company has concrete sides but here they decided to dress the siding up. He stated that the interior of the store is traditional, with an archery range and large fire places.

Mr. Myers stated that the entry will be a traditional drive that will go directly to the store and that there are plantings and landscaping with an onsite bio retention area. He stated that stormwater

will capture and hold water on site. Mr. Myers stated that a fire lane is being proposed along the outside of the store, and the frontage on Clifton Park Center Road is fully shrubs. Mr. Myers stated that there will be an underground retention area on the highway side of the property.

**Staff Comments:**

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

- The ECC notes that Roof signage is not permitted by Town Code. Because this project will significantly alter the skyline of Clifton Park Town Center, the ECC recommends that no roof signage be permitted. Furthermore, the ECC notes that Town Code limits wall signage to two wall signs. The ECC recommends that this project conform to these requirements in order to limit the amount of light pollution that will impact the surrounding residential area.
- The ECC notes that the applicant has not provided a lighting plan which details what lighting will be used to illuminate the building. The ECC requests that the applicant provide this plan as well as a rendering of the nighttime illumination.
- The ECC has reviewed the comments by MJ Engineering relative to traffic and we recognize the 19 concerns enumerated in their report. The ECC recommends that the applicant address these concerns in detail prior to project approval.
- The ECC is concerned with potential traffic impact at the intersection of Clifton Park Center Road and Clifton Country Road adjacent to the Mobil Station.
- The ECC is concerned with the redesign 36-inch storm drain that will replace the existing swale which currently drains runoff from the interstate 87 area to a storm drainage that crosses under Clifton Park Center Road. In consultation with the Town of Clifton Park stormwater management officer, the applicant should provide calculations that demonstrate that the redesign storm drain is adequate to handle the existing flow.
- The current design includes an underground infiltration system and an overflow connection to the outlet that crosses under Clifton Park Center Road. This waterway eventually connects with the Town of Clifton Park Barney Road as well as the Town of Colonie Stoney Park Reservoir. The ECC recommends that the Planning Board require the Applicant to incorporate sediment traps and oil water separators with appropriate capacity to limit the migration of vehicular contaminants into these sensitive environments.

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

- See marked up document page#2 referencing requested additional emergency access for police, fire and ambulance.
- Postal Number to remain the same. 400 Clifton Park Center Road.

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

- The parcels are in the Town Center District 1 – Highway Zone (TC1) per Town Code 208-22 4. A. Table 3-1 a retail, outdoor display use is allowed by Special Permit. Special Use Permits require special consideration so that the proposed project can be properly located and planned with respect to the objectives listed in Town Code Chapter 208-79 and their effect on the surrounding properties and community character

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

- In addition to the 'Town's TDE comment letter dated September 8th, 2023 are the following comments:
- The Hydrological Report states the main drain line from offsite drainage will be 36" in diameter to match the existing 36" outfall pipe size. The plans label the main drain line as a 30" diameter pipe.
- Confirm all offsite drainage onto the project site from interstate 87. The 'project's proposed storage ditch should not interfere with the drainage leaving the interstate.

Mr. Ophardt asked if the applicant will be going to catch runoff from I-87. Mr. Scavo stated that they are proposing to with a 36" pipe.

**The Trails and Open Space Subcommittee issued a memo stating:**

- This applicant should consider constructing pedestrian routes along the east and west sides of the proposed unit.

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

- The Saratoga Co. Planning Board issued a recommendation that that project will have no significant county wide or inter community impact.
- I have worked with the TAC over the past several months to perfect an application that best meets the site plan and SUP requirements of our form based code to redevelop the former car dealership lot with Bass Pro Shops investment to mitigate the vacant parcel as an abandoned eyesore in our vibrant town center.
- Any motion for approval should be conditioned up the applicant providing the recommended traffic mitigation at the Clifton Country Road-Clifton Park Center Road- and Southside Drive Intersection.

**Professional Comments:**

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

**SITE PLAN**

1. Provide confirmation that NYSDOT has reviewed the encroachment on their existing drainage easement. Applicant has indicated that they have met with NYSDOT and will provide written documentation once received.
2. On Sheet C301 confirm the pipe size of the NYSDOT pipe that enters the property near the northeast corner of the proposed building.
3. Provide a cross section of the proposed underground infiltration system to confirm the bottom of the infiltration facility is separated by at least two feet vertically from the groundwater table and that the elevation of the design storms does not rise into the pavement subbase
4. Add note on Sheet L2.1, detail 5 that ADA striping and symbols are to be blue

5. Add note on Sheet L2.1, the New York State Building Code requires that each access aisle have a sign that says “NO PARKING ANYTIME”.

## HYDROLOGY REPORT

6. The following items are required to be included in the Report:
  - a. Discussion of green infrastructure planning that discusses all available measures and why each was not selected shall be included in the report.
  - b. Discussion and provisions for soil restoration pursuant to Table 5.3 found in Section 5.1.6 of the NYSSMDM.
  - c. A draft Notice of Intent (NOI) shall be provided for review pursuant to Section III.A.1.
  - d. The SWPPP shall include the operation and maintenance required of the installed underground detention system pursuant to Part III.B.2.f of the General Permit. It shall also cover the post construction O&M requirements associated with the soil restoration pursuant to Section 5.1.6 of the NYSSMDM.
  - e. The SWPPP shall include documentation that the project is eligible for permit coverage pursuant to Part I.F.4 of the General Permit with respect to threatened and endangered species. This includes both listed state and federal species.
  - f. The SWPPP shall include documentation that the project is eligible for permit coverage pursuant to Part I.F.8 of the General Permit with respect to historic properties. This includes archeological and cultural resources.
  - g. The SWPPP shall include sample forms to be utilized during construction which includes (1) owner’s certification form (2) contractor’s certification form utilizing the certification statement found in Part III.A.6 of GP 0-20-001 and (3) weekly inspection forms.

### **Public Comments:**

Debbie Harrington – Ms. Harrington asked how many docks would be on site and how many loads would be coming in per day. She asked how the company would handle the trucks backing into the site from the roadway and where the holding area for the trucks would be if all docks are full. Ms. Harrington asked about the hours of receiving the trucks and whether sidewalks would be on the site. Mr. Myers stated that there would be sidewalks across the entire site and that some of the operations questions would have to be confirmed with Bass Pro Shops but he stated there would be no overnight deliveries. Mr. Myers stated that there will be 3 docks on the site and it would be up to the Company to mitigate deliveries from Clifton Park Center Road. Ms. Harrington stated that she has concerns with trucks waiting on the side of the road for dock space as there are only 3. Mr. Scavo stated that a Capital Region Freight Advisory Committee is looking to provide regional trucking assistance as they know there are access limits beyond Clifton Park. Mr. Scavo stated that there would be a 5’ sidewalk from Sitterly Road to this lot and the Town will go look for funding for Clifton Country Road and Sitterly Road to make connections. Mr. Ophardt asked if the trucks could utilize the mall for parking. Mr. Scavo stated it is a possibility or even the Hannaford plaza or the exit 9 facility. Ms. Harrington stated that

Bass Pro Shops cannot rely on other businesses for parking and she is speaking with concern as she is a trucker's wife. Ms. Bagramian stated that Bass Pro Shops would be in communication with their trucks and can communicate their availability. Mr. Aruis agreed that they would be in contact with each other.

Anthony LaFleche – 21 Wheeler Drive – Mr. LaFleche asked why the entrance to this proposal is not lined up with the entrance to the mall. Mr. Myers stated that it is building that way to direct customers to the store directly, and if it is moved, it would not have this option. Mr. Myers stated that intermediate parking has been provided on site as well. Mr. LaFleche asked why the truck docks could not be moved to the southeast side of the building to avoid parking on the roadway. Mr. Aruis stated that this does not work with retail planning for the store and it would move the boat services to the highway side. Mr. LaFleche asked how snow removal would be handled, especially on the sidewalk. Mr. Scavo stated that the Town would maintain the sidewalk, and the snow would be pushed back, however, the applicant would be responsible for building the sidewalk. Mr. LaFleche asked how traffic would be mitigated at the intersection of Clifton Park Center Road and Clifton Country Road. Mr. Scavo stated that the light in the intersection is a coordinated light that picks up on movement. Mr. Martin stated that both roads are rated B and the build is D, so he would like to know how this would be handled. Mr. Scavo stated he believes the D reflects a no mitigation condition after build and he read through the 5 conditions of the traffic assessment on page 10 of 78 to maintain a level B level of service post construction. Mr. Scavo stated that he recommends including the traffic mitigations mentioned in the report. Mr. Martin stated that the only reason he agreed to a negative declaration is due to the conditions for mitigation outlined within the traffic analysis.

Pete Bartonius – 651 Waite Road – Mr. Bartonius stated that he is also in the Saratoga Chamber. He stated that this has been what he had hoped for, and this is nice that he thought it would be. He stated that he served with the COTC committee and discussed the traffic mitigation, and this is not just a Clifton Park issue, but a regional one. He stated that the exit 10 stop on I87 is the perfect place for truckers to pull off and wait for a dock to open and that the County Chamber can help them there with information about the area.

Ed Critz – 11 Plaid Place – Mr. Critz asked if the green area on the map was the Boscov's parking lot. Mr. Myers stated it was. Mr. Critz stated that there is a lot of traffic at the Sitterly Road intersection and something needs to be done.

Ralph Reece – 3 Hiawatha Drive - Mr. Reece stated that he also has traffic concerns as millions of people would be visiting the area. He stated that both MJE and the ECC have concerns as well. He asked if improvements would be done prior to the store opening. Mr. Scavo stated that only what is recommended in the traffic study would be done upon build. Mr. Reece asked if there is a lighting plan was submitted and approved. Mr. Myers stated that all lights are zero cutoffs and go on and off and the store signs would be light as well. Mr. Reece stated that he feels

that there needs to be more than one meeting for the Planning Board to review this. Ms. Bagramian stated that there have been meetings prior to this one with the TAC and that approval tonight is still undecided.

There being no additional public comment, Mr. Ophardt moved, second by Mr. Martin, to close the public hearing at 7:58 p.m. The motion was unanimously carried.

### **Planning Board Review:**

Mr. Fantini asked what the potential mitigation for trucks is for this proposal. Mr. Myers stated that he would have to go back to the company to find out their plan because he is unsure at this time. Ms. Bagramian stated that she would like to see a policy issued and attached to the application file. Mr. Aruis stated that they can do this. Mr. Fantini stated that the ECC has concerns about drainage and asked the applicant to address them. Mr. Myers stated that they will accept all water on the site, even from the Northway and along the property's northwest side. Mr. Myers stated that there is underground retention and a bio retention area under the parking lot, and all of the water collected would exit the site the way it does today.

Ms. Bagramian asked how the applicant would mitigate the backing up of public boats in the service area. Mr. Myers stated that when customers pull into the area, they will drop off their boats, and Bass will use a tractor to move the boats for the customers. Ms. Bagramian asked if there would be signage for this. Mr. Myers stated there would be. Ms. Bagramian asked what size doors the boat access would have. Mr. Myers stated that they would be 14'x12'.

Mr. Ophardt asked if there would be fire access. Mr. Scavo discussed emergency access on the site. Mr. Ophardt asked if right in right out would be an option. Mr. Myers stated that they can offer fire access to the boat service access.

Mr. Martin asked what the cut out was in the fire access lane on the south side. Mr. Myers stated that it is a turnaround for fire and will have signage for no parking. Mr. Martin read from the TC1 zoning code which he stated it said there is "emphasis placed on increased landscaping and tree buffers." He stated that an attractive presence is needed, and that he would like to see more trees on the property. Mr. Scavo stated that there would be an increase to the east and west like the boulevard has. Mr. Main stated that he would like to see more along the road frontage and the northwest side of the property, and there is no number, he would just like to see more. Mr. Myers stated that they would be happy to increase from today and he will add if given the direction. Mr. Aruis stated that they can add trees on the site's interior, but the highway view is important to the applicant. Mr. Martin stated he would like to see deciduous, native, non-columnar trees that would be 12' tall or higher when mature like the other side of the roadway. Mr. Martin asked if

there is a connection for pedestrians from this application to the mall. Mr. Myers stated that there is and is indicated on page 10 of the traffic assessment with lighting.

Ms. Bagramian stated she would like a landscaping plan submitted and asked if they need the northwest boundary visible. Mr. Meyers stated there would be stormwater management issues if they added trees along the highway and fire lane. He stated that the applicant is meeting and exceeding the code for this.

Mr. Ophardt asked if the sidewalk would run the length of the store, excluding the truck entrance, and asked where the dumpster area was being proposed. Mr. Myers stated that the sidewalk would run the entire front of the property with a crosswalk, and that the dumpsters would be next to the docks. Mr. Ophardt asked if DOT was satisfied with the safety improvements. Mr. Scavo stated that they were and that they looked at the impact on Route 146 and is supportive.

Mr. Andarawis stated that he agrees with Mr. Martin and his landscaping comments. He stated that on the north side he would not like to see across 8 lanes of parking and the buffering would help with that. He stated that he feels on the west side the applicant did put in effort but this is facing the TC5 neighborhood zone and residents would see this so there will need to enhance landscape to help the pedestrian side of the building and be pleasant to look at.

Ms. Bagramian stated she would like to see the access for fire from the truck dock to the boat service area.

Mr. Ophardt moved, second by Ms. Fariello, to grant preliminary approval for this application for the site plan review of Bass Pro Shops Store Site Plan, and 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 comment letter issued by the Planning Department, and to return to the Planning Board for final approval.

Conditions:

1. The project, which is classified as an Unlisted Action. The Negative Declaration is conditioned upon acceptance of the traffic mitigation recommendations offered by Creighton Manning Engineering to be implemented as a condition of approval for the site plan and special use permit consideration.
2. Provide written responses to comments offered by professional staff and MJ Engineering for inclusion within the project file.
3. Provide documentation supporting Bass Pro Shop's policy or procedure for managing supply chain operations relating to deliveries of products and goods at the facility's loading dock area within a suburban commercial center of the town.

4. Provide additional deciduous tree plantings to the greatest extent feasible considering site constraints, including stormwater management areas, utilities along Clifton Park Center Road with a 5' proposed sidewalk, and emergency access drive lanes along the building's southern wall. The Planning Board desired to see medium growth height evenly spaced at 40' on-center along the I-87 and Clifton Park Center Road Property Boundaries, as constraints allow. It was also advised that diverse deciduous species be used to prevent episodic die-off from a single fungus, invasive species, or disease.
5. Ensure the plan reflects painted crosswalks along the service delivery entrance and facility's main driveway where the 5' sidewalk traverses each.

Ayes:   6  

Noes:   1  

The motion is carried.

### **Public Hearings:**

#### **377 Moe Rd 5 Lot Duplex Subdivision & SUP**

SBL: 277.-2-16

Applicant proposes a subdivision to accommodate 9 residential units, 377 Moe RD

Zoned: R1 - Residential, Status: Preliminary

Citizenserve File Number: 23-001633, Application Number: SUS23-000001

Applicant: Erik Kohler Homes LLC , Consultant: EDP - JOSEPH DANNIBLE

Last Seen On: 07/11/2023

Lead Agency pursuant to SEQRA was established at the July 11, 2023 Planning Board meeting and is a Type I action.

Ms. Bagramian called the public hearing to order at 7:8:35 p.m. The Secretary read the public notice as published in the Daily Gazette on September 1<sup>st</sup>, 2023.

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

Joe Dannible from EDP stated that he is here for a 9 lot subdivision. He stated that there are currently 3 structures on the property, one home and 2 out barns on a 6.25 acre parcel. Mr. Dannible stated that the applicant is looking to develop 9 units. He stated that the application has dropped the number of units from 10 and there will be one single family home with the rest being attached single family homes. Mr. Dannible showed to the Board a map of the proposal and stated that there would be a 900 foot road that will be dedicated to the Town of Clifton Park. Mr. Dannible stated that each home would be subdivided so that the duplexes would each have their own lot and sold as single family homes. He stated that storm water would be managed on-site and the homes would be connected to public water and sewer. Mr. Dannible stated that the home currently on the property is over 40 years old but no significant historical findings were established. Mr. Dannible stated that the build of the homes would be similar to the Vistas, but

no basements are being proposed due to the high water table. Mr. Dannible stated that he is looking for approval tonight.

**Staff Comments:**

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

- In the previous submission the ECC commented that the zoning map shows the presence of a stream along the property line. 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. The applicant has not addressed the fact that the road way encroaches into the LC Zone. The ECC still maintains that there is other reasonable access available that would avoid incursion into the LC Zone. The ECC requests the Planning Board explore other options for access to the project. The ECC original comment is included here for reference: 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 water carried by this stream flows into the Stoney Creek Reservoir.
- The ECC reiterates 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 reiterates 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 the following memo:**

- Hydrant spacing, turning radius, and road design meet NYSFC. Approved to continue.
- Street name needed to assign postal numbers. Spoke with applicant, he stated he will assign street name soon.

**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.
- It appears that the Land Conservation District Overlay may overlap this parcel and should be shown.
- Lot 5 does not appear to have the required minimum width of lot at front building line of 100 feet. An area variance will be required from the ZBA.
- The proposed stormwater management area on Lot 1 should be on town property and not on private property with an easement.
- There is an overhead utility line with poles that run along the northern property line. Is there an easement for this utility? Is there a minimum distance a structure should be from this overhead line?

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

- In addition to the 'Town's TDE comment letter dated September 8th, 2023 are the following comments:
- The proposed stormwater management area on Lot 1 should be on town property and not on private property with an easement.
- The existing drainage pipe outlet from Clifton Gardens / Linen Court should also be located on the plans an easement in the northeast corner may be necessary to maintain the existing storm pipe.

**The Trails and Open Space Subcommittee issued a memo stating:**

- This applicant should consider constructing pedestrian routes connection to towns existing all-purpose trail on Moe Road and also provide trail connection to Clifton Garden park trail

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

- Recommend that a note should be added to the plans requiring new asphalt repaving of the Moe Road Multi-Use Trail along the frontage of the project -- to be done at the time of the subdivision road paving, to ensure construction vehicle impacts are mitigated on the Town of Clifton 'Park's existing multi-use trail that is actively used.
- Construction activities and construction vehicles should not block the 'Town's public trail usage for pedestrians and bicyclists. Provisions must be made for providing an accessible route for the users of the Moe Road Trail during all construction activities.
- Recommend a minimum of 10 feet of space be provided for -- to allow for a future path connection to the Clifton Gardens Park immediately adjacent to the north of the project -- specifically on the east side of the proposed SMA#3 Pocket Pond. Leaving space here will provide for the future neighborhood to connect through uplands to the path that exists on the 'town's park property. Ideally, this project could provide a stone dust surface, or at minimum, at least a cleared, visual connection area.

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

- Sign-offs from both the CPWA and the SCSD are required to demonstrate outstanding comments from each have been adequately addressed.
- Add a note to the plan stating that - Storage of Construction Materials Throughout Construction of the Approved Plan. The Developer agrees that storage of construction materials, equipment and vehicles shall occur only on the site. The Moe Road Multi-Use Path shall not be utilized for construction equipment storage or vehicle parking by contractors.
- A name for the proposed town road should be approved by the Town's Fire Marshall and shown on the plan.
- The plan should include a stripped crosswalk detail with ADA accessibility drops from the multi-use path where the proposed roadway will intersect with the multi-use path to connect into Moe Road.
- An R1-1 Stop sign with installation and mounting details should be added to the plan. Placement of the sign should be in advance of the crosswalk for vehicles heading west from the subdivision on the proposed roadway to Moe Road. The detail should note the sign shall be at minimum diamond-grade reflecting sheeting. Two additional stop signs for the approach of pedestrians and cyclists along the multi-use path should also be shown. These signs, from a dimensional requirement, will be smaller in size than the intersection stop sign.
- Add a note to the plan that states - 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.
- Provide information regarding the wetland shown along the northern boundary line of the site that continues with a permanent stormwater drainage easement into the adjacent property. Specifically, answer if the wetland is under federal or state jurisdictional authority.
- Planning Board Lead Agency Letters were sent on July 27th with no objections to the requested Lead Agency Status by other involved agencies.

### **Professional Comments:**

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

#### **FULL ENVIRONMENTAL ASSESSMENT FORM**

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

1. No further comments at this time.

#### **SITE PLANS**

2. 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.
3. A typical road section shall be provided on the plans.
4. Indicate if the proposed road will be dedicated to the Town of Clifton Park.

5. Street grades shall not be less than 1.0% to ensure positive drainage
6. The Plans indicate disturbance of ACOE wetlands. Ensure that the appropriate nationwide permit is obtained prior to wetland disturbances.
7. Stormwater ponds shall not be located within jurisdictional waters, including wetlands. It appears Stormwater Management Area No. 2 is located in wetlands.
8. Stormwater Management Area No. 1 easement shall be shown on the subdivision plat.
9. A forebay shall be provided at each pond inflow point.
10. The forebay shall be sized to contain 10% of the water quality volume (WQv), and shall be four to six feet deep.
11. The generic planting detail shall be revised to match the actual stormwater ponds designed for the project. .
12. Pursuant to Section 6.1.3 of the NYSSMDM a fixed vertical sediment depth marker should be installed in the forebay to measure sediment deposition over time. The plans shall show the installed location along with a construction detail for the depth marker
13. Pursuant to Section 3.5 of the New York State Stormwater Management Design Manual (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 to be installed.
14. Pursuant Section 6.1.6 of the NYSSMDM, warning signs must be posted prohibiting swimming, wading, and skating, warning of possible contamination or pollution of pond water, and indicating maximum depth of pond. The plan shall show the location of the sign(s) and detail must be provided within the plan set.
15. A maintenance right of way or easement shall extend to the pond from a public or private road.
16. Pursuant to Section 6.3.6 of the NYSSMDM, infiltration practices shall never serve as a sediment control device during site construction phase. The Erosion and Sediment Control plan for the site shall clearly indicate how sediment will be prevented from entering an infiltration facility. Show how runoff during construction will be diverted away/around the proposed infiltration practice. This will include both sheet flow and piped flow that would need to be diverted / managed until the basin has been fully constructed and adequate cover established within the confinement area.
17. The Erosion and Sediment Control Notes shall be expanded to provide the required wintertime construction activities and additional stabilization requirements.
18. Show the location of any planned temporary sediment basins with sizing calculations shown that comply with the New York State Blue Book.
19. The infiltration basin needs to include means to operate during wintertime conditions. This may include the installation of a series of drywells that penetrate the upper frost layers of the soil, which would permit infiltration even in cold/freezing weather
20. At the 100-year storm event in SMA#1, the elevation of stored runoff will reach elevation 294.48, which is 0.52- feet below the top of berm. It is suggested that the perimeter berm height be raised to provide a minimum of 12-inches of freeboard for the largest storm event analyzed.
21. The details for proposed sanitary sewer improvements have not been reviewed and are subject to the approval of Saratoga County Sewer District No. 1

22. The details for proposed water improvements have not been reviewed and are subject to the approval of Clifton Park Water Authority.
23. 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.
24. Provide a crosswalk for the existing multi use path along Moe Road at its intersection with proposed subdivision road.

#### STORMWATER POLLUTION PREVENTION PLAN

25. The SWPPP shall summarize the in-situ soil testing to show suitable soils exist and that adequate separation to seasonal high groundwater exists with the results provided as an appendix to the SWPPP pursuant to Part III.B.2.d and e of GP 0-20-001.
26. 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
27. 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. The SWPPP indicated that a Phase 1A/1B archeological survey is required.
28. The SWPPP indicates the on-site stormwater management facilities will be turned over to the Town of Clifton Park.

#### **Public Comments:**

Randy Rosette – 393 More Road – Mr. Rosette asked how many trees would be removed as she would like to see a buffer to her property as there in one now and asked what the requirement for utility wires is so far as tree cutting is concerned.

Ms. Bagramian called to close the public hearing as SEQRA needs to be established before the public hearing can begin. Mr. Ophardt moved, second by Ms. Fariello, to close the public hearing at 8:58 p.m.

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.

Ms. Fariello moved, second by Mr. Ophardt, 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 opened the public hearing at 9:00 p.m. and stated that everything previously stated and read shall be included in the public hearing as well as questions offered by Mr. Rosette.

Mr. Dannible stated that there will be a separation between the property lines and the power line found nearby and it is 15 feet to the power lines that are to be cleared. He stated that the trees would be cleared to the property line on site.

John Bolt – 1 Linden Court – Mr. Bolt stated that he has been in his home since 1989 and stated that this property backs up to a nature rail. He stated that he has concerns about water on his property with the high water table as his submersible pump runs year long now and he feels this will exacerbate the problem. Mr. Bolt stated that he would like to see a remediation plan as a condition of approval and feels that the tree clearing will add to this as the trees use the water in the ground and they are being eliminated. He stated that mosquito borne illnesses are a concern as well. Mr. Dannible stated that they are putting together a SWPPP currently and before construction begins, and approvals are need to be had for water discharge and management.

Robin Pacrew – 18 Linden Court – Ms. Pacrew stated that they moved in 1965 and that she does not know why so many trees will be removed that help with water and stated that this would only make it worse.

Debbie Herrington – 12 Acorn Ave – Ms. Herrington asked if there would be street lights and that her home is at the rear property line and asked what she should expect and what the applicant would do about falling trees and is it was possible to put in berms. Ms. Herrington stated that she would also like the street to be named after the original owner, as he was in the military. He asked if it could be named Wilks Way to honor home. Mr. Dannible stated that there will be a street light at the intersection and that each home would have street lights and the plan would reflect it. Mr. Dannible stated that the lot separation from lot 6 is about 70'-80' and from lot 7 is about 40'. Mr. Dannible stated that the proposal will keep some trees along the property line and that no berm is being proposed but they will remove dead or diseased trees. Mr. Dannible stated that he can bring the suggested street name to the applicant.

Anthony LaFleche – 21 Wheeler Drive – Mr. LaFleche asked how wide the road would be and how far it would be from the street to the homes. Mr. LaFleche stated that he is opposed to clear cutting as there is already a water problem. Mr. LaFleche thanked the applicant for taking off one home from the plan. Mr. Dannible stated that each home would have a 50' setback and will be within code. Mr. Dannible stated that no vegetation will be preserved along Moe Road but street trees will be replanted and can put some along Moe Road as well.

Robert Osterhout – Mr. Osterhout stated that he is here representing his in-laws whom reside on Linden Court. Mr. Osterhout stated that lot 8 may be over the front setback line and stated that he has concerns with the high water table as well. He stated that separation needs to be adhered to

and would like the Town to enforce this. Mr. Osterhout stated that there is a discrepancy in the property boundary up to 35' which is in the northern property line and that it may be open space. He stated that there is land there owned by the Town and that a trail may be cut off. He stated he is asked for a buffer to be kept and for clear cutting not to be done. Mr. Osterhout asked if the Clifton Gardens trail would be connected by the Town or the applicant. He stated that the agenda states that this is a 5 lot subdivision but the applicant is proposing 9, and asked if the buildings would be one story or 2. Mr. Dannible stated that stormwater is looking at wet ponds and as of now they will not meet separation. He stated that there are no title questions or boundary discrepancies and that the Town made improvements to this land and he does have a letter from the ACOE that states there is no wetlands on the property on file.

Ralph Reece – 3 Hiawatha Drive – Mr. Reece read from the code and asked the applicant how this would be in harmony with the area. He stated that if there are duplexes allowed here in the R1 zone than others will ask in the future. Mr. Dannible stated that there are not more than 9 units allowed with 20' of frontage and 20,000 sf and the comprehensive plan stated predominantly not exclusively.

There being no additional public comment, Mr. Ophardt moved, second by Mr. Andarawis, to close the public hearing at 9:30 p.m. The motion was unanimously carried.

### **Planning Board Review:**

Mr. Fantini asked why if a single family home can be done is the applicant asking for duplexes. Mr. Dannible stated that this is what the builder wants and he believes that this discussion was already done at a prior meeting. Mr. Dannible stated that the corridor is speckled with town homes and multifamily homes. Mr. Fantini asked for the applicant to go over the intent of the SUP and how they meet this. Mr. Dannible went over a-k and stated why they satisfy each. Mr. Fantini stated that duplexes are not the same as single family homes and stated that the Town Board just heard about Tallow Wood. Mr. Dannible stated that they are not proposing something like Tallow Wood but they are proposing something like the Vistas or Vistas West, which are single family attached homes. He stated that 90% of this supports the aging community.

Ms. Bagramian stated that there is a need for diverse housing especially for the aging population. Ms. Bagramian asked what the footprint of the home would be. Mr. Dannible stated the homes would be between 1,600 and 1,800 sf.

Mr. Fantini asked if the ECC would see demolition before it started with the SUP. Mr. Andarawis stated that when a permit is applied the commission has so many days to request or look at the structure. Mr. Fantini stated that he feels that the applicant should follow the SUP and

build single family homes here and not duplexes to stay within the character of the neighborhood.

Mr. Ophardt asked if there was a stream to the north side of the property. Mr. Dannible stated that it is a linear wetland with no connection to a stream and the proposal is outside the stream overlay, but if it is found, a permit will be obtained. Mr. Ophardt asked if there was a power easement. Mr. Dannible stated that there is but no clear rights have been given from the power company yet. He stated that the homes are 15-20' away from the power lines.

Mr. Ophardt offered a Resolution, seconded by Mr. Andarawis to grant preliminary approval for this application for the Moe Road 5 Lot Duplex Special Use Permit and Subdivision approval, and to grant a preliminary special use permit 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, and to return to the Planning Board for final approval.

**Roll Call:**

D. Bagramian - Yes

E. Andarawis - Yes

E. Ophardt - Yes

H. Fariello - Yes

K. Martin – Yes

M. Fantini - No

L. Westrick - Yes

Ayes   6  

Noes:   1  

The resolution is carried.

**Old Business:**

**2022-007 21st Century Park Redevelopment Site Plan**

SBL: 270.-2-2

Expansion of existing light industrial park, 1315 Rt 146, Zoned: B5 - Corporate Commerce

Status: Revised Preliminary

Citizenserve File Number: 2022-007, Application Number: SPR23-000020

Applicant: MSW Properties, LLC - Martin Wawrla, Consultant: N/A

Last Seen On: 04/11/2023

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

Mr. Dominic Arico stated that he is here tonight with Mr. Dalmer, the traffic engineer for the project. Mr. Arico stated that since the project was last seen the rotation of the front buildings has been rotated. Mr. Arico showed an image of the new layout. He stated that this changes the flow of the berm on the roadway but the rest of the site would remain the same. Mr. Arico stated that the front building would be 3,00sf bigger than originally proposed with a total for the site now being 110,000 sf. He stated that the entry has been changed to a boulevard entrance and the berm has been moved to the edge of the property but avoids the sewer easement. Mr. Arico stated that there are 5 separate berms about 4' high and inside of the berms and between the front 2 buildings are stormwater management swales. Mr. Arico stated that they are proposing 2 phases, starting with the buildings in front and that Phase II would be the buildings to the rear of the property and that they would come back for approval for Phase II when they are ready to build but it will remain the same for now. Mr. Arico stated that he feels all comments can be addressed tonight.

### **Staff Comments:**

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

- The ECC notes the current landscaping plan is minimal and does not reflect the Town of Clifton Park designation as a Tree City USA community. The ECC recommends that the Planning Board require additional appropriate plantings. It is recommended that the applicant at least double the planting that shall include native plantings.

#### **Wade Schoenborn, Building and Zoning issued a memo stating:**

- Provide a Code Compliant Fire dept access plan.
- construction details will be addressed during the building permit process

#### **John DeSimone, Fire Marshall issued the following memo:**

- Hydrant locations seem to meet requirements per 2020 NYSFC
- No parking fire lane signage or road markings may need to be added upon completion of project per the Fire Code Official.
- See approved postal number in documents. (page2) Directional signage for building numbers will be required upon completion of project.

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

- Project appears to be in conformance with Town Code Chapters 208-53 A. Permitted Uses (3) Offices, including single or multibuilding office parks, and (9) light manufacturing, processing, assembly and fabrication facilities, equipment maintenance, warehouse and storage facilities.

- Project appears to be in conformance with 208-54 Space and bulk standards. The stormwater management areas need to form an integral part of the landscaping scheme and enhance the overall aesthetics. See comment #3.
- Individual Planting 'Plan's should be provided for all the Stormwater Management Practices.

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

- Individual Planting Plan's should be provided for all the Stormwater Management Practices

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

- The applicant's response letter dated August 21st adequately addresses my prior comments.
- The record should reflect while the traffic analysis calls out future improvements that may provide roundabouts at the intersections of Rt 146-Miller Road-Tanner Road, and Waite Road-Route 146, the Town has design money, but funding to secure construction money for future improvements has not been allocated or applied for by the Town.
- The proposed project is subject to Section 239 of General Municipal Law and has been referred to the Saratoga Co. Planning Board for a recommendation.
- A Letter of No Effect from NYS OPRHP dated August 29, 2023, has been provided by the applicant for the project file.
- Renderings should be attached to final plans if acceptable to the Planning Board since architectural considerations within the B-5 Zoning District are authorized under the site plan review.
- The project site is included within the Corporate Commerce GEIS Study Area - If the site plan application is deemed to comply with the GEIS Findings Statement no additional action is required.

**Professional Comments:**

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

STATE ENVIRONMENTAL QUALITY REVIEW

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

1. The applicant has submitted a request to the NY State Historic Preservation Office (SHPO) archeological site regarding this project. The applicant should provide a correspondence letter from NY State Historic Preservation Office (SHPO) to confirm no impact
2. No further comments at this time.

SITE PLAN

3. Based on the plans submitted, the applicant will be building the project in phases. This review is for the proposed Phase 1 development. When the Phase 2 design progress, all materials should be submitted to the Town for further Planning Board review.

4. The plan shows 372 parking spaces, 73 more than required pursuant to Section 208-99, of the Town Zoning. Advise as to the need for the additional spaces proposed. If possible, all spaces above the required should be considered for banking to reduce excess parking that may not be necessary.
5. On Sheet N1, note 6 references the Town of Ease Greenbush. Revise accordingly.
6. On Sheet PH1 all the phasing listed are Phase 1, please revise.
7. Revise the ADA parking symbol to the NYS active-style symbol.
8. On Sheet S1 the grinder pump to proposed building 4 is located within the pavement. Provide protective bollards around grinder pump unit or relocated to a lawn area
9. On Sheet S1, identify the locations on the plans for proposed sidewalk ramps.
10. On Sheet S5 the location of the one on-site fire hydrant shall be reviewed with the Town's emergency services to confirm it is properly located for their needs.
11. The bioretention detail on Sheet S7 should provide washed stone drainage layer along the entire bottom.
12. On Sheet S9 should show the proposed construction phasing and the limits of disturbance for each.
13. On Sheet S9, show any temporary sediment traps with supporting sizing calculations for the contributory areas. If the proposed stormwater basins are planned for this purpose, appropriate notation should be provided directing the contractor to remove any accumulated sediment that may impact long term operations prior to each being deemed functionally ready.
14. On Sheet S9 provide notation 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.
15. Show on plans and provide a detail for erosion control blanket. Erosion control blankets must be used on all slopes 3 horizontal to 1 vertical or steeper.
16. Provide note on plans, "All retaining wall designs shall be provided by the retaining wall manufacturer and shall be certified by a licensed geotechnical engineer. Copies of all design documents shall be submitted to the project design engineer and the Town for review and approval prior to construction". A detail
17. On Sheet 7 provide the proposed tree/shrub species in the plant schedule.
18. Within the plan set, provide a generic planting plan for the bioretention areas pursuant to Section 6.4.5 of the NYSSMDM.
19. Pursuant to Section 3.5 of the NYSSMDM, the proposed stormwater practice needs to have a conspicuous and legible sign posted. The plans need to provide the standard sign with the applicable language as well as the location.
20. If underdrain is proposed in the bioretention area this should be shown on the plans along with connection to outlet structure.
21. Provide a cross section detail for the bioretention and detention basin. The cross section should provide design elevations including stone invert, pipe invert and depth of runoff by storm event as reported by the SWPPP.
22. As stated in our April 7, 2023 review letter, the following comments are relative to the site plan and its conformance to the International Fire Code (IFC). The Town Fire Official shall have final authority on the applicability of these comments to the proposed site layout:

- a. Section 503.1.1 of the International Fire Code (IFC) requires an approved fire apparatus access road be provided for every facility, building or portion of a building and shall extend to within 150 feet of all portions of the facility and all portions of the exterior walls of the first story of the building as measures by an approved route around the exterior of the building. Confirm that there is adequate fire access being provided for Building 2.
- b. Pursuant to Section D104 of the IFC, commercial or industrial buildings that are exceeding 62,000 sq. ft. shall be provided with two separate and approved fire apparatus access roads unless equipped with automatic sprinklers (this exemption is permissible up to 124,000 sq. ft. of building area). The project is proposing 176,000 SF, therefore two separate access are required.
- c. Pursuant to Section D104.3 of the IFC, where two fire apparatus access roads are required, they shall be placed a distance apart equal to not less than one half of the length of the maximum overall diagonal dimension of the lot or area to be served, measured in a straight line between accesses.
- d. Provide a turning template analysis for the largest emergency vehicle that may respond to an event at the site.

#### STORMWATER POLLUTION PREVENTION PLAN

23. The report needs to explicitly state the total area of ground disturbance associated with the project pursuant to Part III.B.1.a of General Permit GP 0-20-001. This shall be inclusive of all aspects, including roadway / utility construction and individual lot development.
24. The SWPPP text needs to provide/list the 24-hour rainfall intensities utilized in the analysis of the 1-year, 10-year and 100-year storm events as well as identifying the source of the data (NYSDEC Manual or Northeast Regional Climate Center's Extreme Precipitation tables).
25. The SWPPP text shall explicitly state that no soil disturbance of 5 acres or more are not permitted at any one time and if required, written authorization from the MS4 is required. If over 5-acres, a 5 acre waiver request shall be provided to the Town for review
26. 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.
27. 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.
28. Provide information on how the bioretention basin was modeled in Hydraflow.
29. The SWPPP shall include documentation that supports permit coverage pursuant to Part I.F.8 of the General Permit. Upon receipt of the NYSOPRHP no effect" letter, it shall be referenced within the SWPPP.
30. 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.
31. The SWPPP text makes no mention of soil restoration. Pursuant to Section 5.1.6 of the NYSSMDM, soil restoration is a required practice applied across areas of a development

site where soils have been disturbed and will be vegetated in order to recover the original properties and porosity of the soil. The required soil restoration is a function of the underlying soils where the disturbance is to occur pursuant to Table 5.3 found in Section 5.1.6 of the NYSSMDM.

#### TRAFFIC STUDY

32. A traffic study has been submitted by the applicant. Comments with regards to the traffic study will be sent under a separate cover.

#### **Public Comments:**

No public comment.

#### **Planning Board Review:**

Mr. Ophardt asked if the landscaping would be maintained with the changes. Mr. Wawrla, applicant, stated that moving the building back softens the visual impact from Route 146.

Ms. Bagramian asked if building 1 was bigger. Mr. Arico stated that it is to make it fit better they elongated it and they are not changing the grading along the road so it helps with conformity. Mr. Arico stated that the building would be 180'x120'. Ms. Bagramian asked if the parking was still sufficient with the building increasing in size. Mr. Arico stated that they still have more than required parking, but was able to decrease the pavement. Ms. Bagramian asked how high the building would be as well as the berm. Mr. Arico stated that it is no more than 30' for the building and that the building on the left will be higher than the roadway.

Mr. Ophardt asked if the change in square footage changes what's needed for the storm water retention plan. Mr. Arico stated that it does not change the plan for now for Phase I but it will be addressed again when they are ready for Phase II if needed. Mr. Ophardt asked about if there were changes to traffic. Mr. Scavo stated that they did the traffic study at 111,000 sf of space so they are still below. Mr. Arico stated that hopefully the boulevard will satisfy the emergency access as the road is a loop and the site is deep.

Ms. Fariello asked if the applicant feels that they need all the proposed parking. Mr. Arico stated that they have a lot in Phase I but it will not likely expand to Phase II for the actual amount required once tenancy requirements are identified.

Ms. Bagramian asked if the boulevard has pavement separation. Mr. Arico stated that it does to make it easier for trucks to turn in.

Mr. Andarawis asked about the applicant's long term plan for green space is for Phase I and II. Mr. Wawrla stated that they will keep open space and allow employees to walk around on the site. Mr. Andarawis asked if there would be striping for pedestrian safety. Mr. Arico stated that they are doing this now without direction.

Ms. Westrick stated that she would like landscaping or trees planted and would like more in the larger green space area in the middle of the parcel.

**New Business:**

**CT Solar Blue Barns Rd Solar Array Site Plan and SUP**

SBL: 263.-2-89

Proposed construction of a 4.5 MW AC Solar array on a 53+/- acre property, Blue Barns RD

Zoned: CR - Conservation Residential, Status: Preliminary

Citizenserve File Number: 23-001997, Application Number: SUP23-000011

Applicant: Guyer Richard , Consultant: The Environmental Design Partnership, LLP - Stephanie Alessandrini

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

**Consultant/Applicant Presentation:**

Matt Mihaly stated the application is for community solar at 149 Blue Barns Road and is slated for next year. He stated that the adjacent land owner has reached out to them for solar on their property and that they are considering all aspects as this is a near perfect site.

Stephanie Alessandrini from EDP stated that this application is for a 3.5 mw solar array what is less than 15 feet tall and has no batteries. She stated that the site would be accessed 4 times per year after completion and a decommissioning plan is attached to the application. Ms.

Alessandrini stated that all of the work will be done in the Town of Clifton Park but some clearing will take place in the Town of Ballston and that she has received verbal confirmation from them that they will not seek approvals. She stated that they have a broken array plan as there are wetlands on the property that they do not want to disturb. Ms. Alessandrini stated that they will have a 20' access road with 7 utility poles and the road will drop to 17' wide after the poles. She stated that there will be about 7 acres to the west developed and to the east would be about 11 and 2 equipment pads are being proposed. Ms. Alessandrini stated that they are planning on shifting the poles from where they are currently proposed not to the south side as there were concerns from neighbors. She stated that they have received approval from the Saratoga County Planning Board and are waiting to hear back from SHPO. She stated that no bald eagles were found to be impacted and has a letter submitted as well as working on DEC and ACOE permits.

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

- The applicant shall show the limits of the LC Zone on the plans. Per Chapter 124 Freshwater Wetlands and stream protection any activity proposed within the limits of the LC Zone requires the applicant to obtain approval through a public hearing with the ECC. No approval shall be given by the Planning Board without the ECC's recommendations from this public hearing.
- The ECC notes that this project intends to clear 23 acres of mature trees which is in direct conflict the Towns Tree City USA designation.

**John DeSimone, Fire Marshall issued the following memo:**

- Assure fire access road is extended. (see attached document)
- Assure fire access road is 20 feet wide and unobstructed height of 13' 6"
- Fire Access roads need to withstand 75,000 lbs per: appendix D 2020 NYSFC
- Assigned postal number is 182 Blue Barns Road. Please assure postal number is posted during and upon completion of project.
- See approved postal # under documents.

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

- This project will need an area variance. Per Town Code 208-80 C. (2) Space and bulk standards for Tier 3 solar energy systems the required side yard setback in the CR Zone is 100 feet. The proposed side yard setback is 39 feet. The variance requested is 61 feet.
- The parcel is in Conservation Residential Zoning District (CR) per Town Code 208-16 D. (3)(a)[22] Tier 2 and Tier 3 solar energy systems, subject to the requirements of Article XIV and XVI is allowed by Special Permit. Special Use Permits require special consideration so that the proposed project can be properly located and planned with respect to the objectives listed in Town Code Chapter 208-79 and their effect on the surrounding properties and community character

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

- In addition to the Town's TDE comment letter dated September 8th, 2023 are the following comments:
- There are drainage swales proposed on the uphill side of the porous gravel drive. Collecting runoff into the swales and discharging into a few points will change drainage pattern of the site. Some of the discharge points are into 6" diameter pipes that can easily be clogged. Runoff as sheet flow should be maintained to the maximum extent practicable.

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

- The project FEAF Item C.2.c. should be corrected -- as the Town of Clifton Park does have a municipal Open Space Plan adopted by the Clifton Park Town Board in January 2003. The open space plan includes public values, goals and conservation actions for farmland protection. The project action is wholly within an area listed in an adopted municipal open space plan, and the Western Clifton Park Land Conservation Plan & GEIS Area. The site is within a designated, publicly-valued, scenic viewshed -- visible from the Ashdown Road and NY 146 A views looking west/southwest as identified in the Western Clifton Park Land Conservation Plan.
- recommend meadow management - mowing/brushhogging once a year instead of and to replace any use of herbicides for management of the site to be protective of the shallow depth to groundwater, the aquifer, and adjacent wetlands, and due to the fact the site has underlying highly productive agricultural soils.
- the project site is within the scenic viewshed identified in the Western Clifton Park Land Conservation Plan, and thus the Visual Impact Simulation should be revised and updated to include post-construction views from Ashdown Road/NY 146A during no leaf conditions as well as leaf conditions, to consider the clearance of the nearly 54 acres of forest and the construction of the solar array structures.
- The Town of Clifton Park is purchasing the development rights and securing a Permanent Conservation Easement on Maple Hill Farm of Ashdown Road on 71 acres of farmland on Ashdown Road at NY 146A, using grant funding from New York State Department of Agriculture & Markets and Saratoga County, as well as local funding from the Town of Clifton Park. This adds another layer of importance for exploring the visual impact connections from Ashdown Road & Rt 146A towards the view of the subject parcel "down the hill" of the proposed solar array on former forested 54 acres

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

- The proposed project is subject to Section 239 of General Municipal Law and has been referred to the Saratoga Co. Planning Board for a recommendation.
- Once the SEQR review is concluded, a public hearing to consider the special use permit can be conducted.
- The decommissioning plan appears acceptable and is consistent with decommissioning systems management within NYSERDA's Solar Guidebook.
- Add a note to the plan stating: Any utility work or construction within the Town Highway Right-Of-Way requires the property owner to obtain a highway work permit from the Clifton Park Town Highway Superintendent, whether for construction or installation of facilities or repairs and maintenance.
- The applicant should consult with the Town Highway Superintendent to determine if a driveway culvert pipe within the Town's Right-of-Way will be required. If required, the property owner shall coordinate such installation with the Town's Highway Department.
- The solar field fence should be modified to provide a 6-inch wildlife gap from the bottom of the chain link to the ground elevation.
- The project is classified as a Type I action since the total acreage to be physically disturbed is more than 10 acres.

- A coordinated review is required, and action on the proposed application cannot occur until the SEQR review process is completed.
- The Planning Board should consider a motion to declare lead agency status for the SEQR Review Process this evening.
- Part I of the FEAF notes the project site may contain class c, ct water bodies. The applicant has prepared a full SWPPP to reduce the likelihood of the movement of sediments from the construction areas into nearby protected water bodies. A priority of the Town is ensuring full compliance with a finalized SWPPP during construction and subsequent operations and management of the property and improvements

**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 a “Type 1” action per 6 CRR-NY 617.4.b(6)(i). If the Planning Board is to request Lead Agency status under SEQRA, the need to undergo a coordinated review is required. 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: Special use permit, site plan review, and SEQRA
  - b. Town of Clifton Park Zoning Board: ZBA variance
  - c. Clifton Park Highway Department: Driveway permit
  - d. Saratoga County Planning: GML 239m referral
  - e. U.S. Army Corps of Engineers: Wetland permit
  - f. NYS Historic Preservation Office: Archeological survey

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

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

2. Part 1. D.1.b(b) – The applicant indicates that the action will disturb 28.81 acres of land. As such, it will be subject to the NYSDEC Phase II Stormwater Regulations and General Permit GP-0-20-001.
3. Part 1. E.2.h – The response indicates that a portion of the site or lands adjoining the site of the proposed action, contains wetlands or other waterbodies regulated by a federal, state or local agency. The applicant should provide documentation that confirms the presence or absence of federally regulated wetlands adjacent to the project site. Additionally, a 100’ wetland buffer should be clearly shown on plan to confirm.
4. Part 1. E.2.o – The response indicates that the project site contains species of plant or animal listed by NYS as rare or as a species of special concern, including the Bald Eagle. The applicant should ensure that this response is inclusive of the U.S. Fish and Wildlife Service IPaC tool to ensure no federally identified species of concern.
5. Part 1. E.3.e – The response indicates the project site contains, or is substantially contiguous to, a building, archaeological site, or district. SHPO/OPRHP has

recommended a Phase 1A/1 B archaeological survey within areas of ground disturbance. Applicant states this is Pending.

6. No further comments at this time. Additional comments may be forthcoming as the project advances.

#### SITE PLANS

7. The project is located within the Town's Conservation Residential (CR) zoning district. Based upon information provided by Town staff, it is understood that the proposed use is permitted under a special use permit.
8. The Planning Board shall review the proposal following the criteria outlined in Section 208-79(E) and 208-80 of the Town's Zoning as it relates to the special use request.
9. In reviewing the proposed lot layout in comparison to Section 208-80 of the Town's Zoning, it would appear all minimum bulk lot requirements are satisfied. Indicate the date the side yard setback variance was granted.
10. The site plans shall note the individual/firm that completed the wetland delineation and date of delineation being completed.
11. The Site Plans shall show the extent of the L-C boundaries pursuant to Section 208-69.1 of the Town Zoning.
12. Upon the illustration of the L-C boundary on the plans, should the proposed improvements reside within the L-C district, the applicant shall provide sufficient data to demonstrate that the proposed activity will not result in any of the changes noted in Section 208-69.3 of the Town's Zoning.
13. The site plans indicate a combination of tree cutting and stump removal and permanent improvements within the NYSDEC wetlands, and adjacent areas and USACE wetlands. The applicant shall provide the Town with all permitting associated with work within the NYSDEC wetlands and adjacent areas and USACE wetlands.
14. The plan proposes no additional landscaped buffering to adjoining properties. The project proposes limited tree removal with existing tree rows offering shielding during the summer months. The Town may want to consider some level of augmented buffering to limit visual impacts to any adjoining properties during leaf off conditions.
15. Provide silt fencing parallel to the contours at the lowest points below construction areas. Silt fence as shown can not be maintained, as it run perpendicular to the contour in some locations.
16. The applicant shall provide acceptance from the local fire jurisdiction in review of the access roadway.
17. Subsequent submissions shall show how site disturbances will occur without exceeding 5-acres of ground disturbance at one time.
18. Provide the turning movements of an emergency vehicle along to access road to verify the road widths are adequate.
19. Add a note to the Plans indicating all work within the Blue Barns right-of-way is subject to permitting by the Saratoga County Highway Department.
20. The plans show a gated access to the solar arrays. The Town's emergency services may consider a Knox Box to ensure access in case there is a need to response to an event at the facility.

#### STORMWATER

21. The SWPPP text shall explicitly state that no soil disturbance of 5 acres or more are not permitted at any one time and if required, written authorization from the MS4 is required.
22. 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.
23. The SWPPP shall be modified to include the post construction maintenance associated with soil restoration.
24. The Erosion and Sediment Control Plan provided in Section 2 has multiple locations where the solar panels are shown to be constructed nearly perpendicular to the site contours. It is recommended to adjust these locations so solar panels follow existing grades to the maximum extent feasible
25. The Stormwater Management Narrative provided in Section 6 states that the project falls under Scenario 2 for the solar projects while question 39 of the eNOI states that the project falls under scenario 1.

#### VISUAL ASSESSMENT

26. The Planning Board may consider additional visual simulations from the nearby residence perspective to the north as their backyard abuts the access road and utility poles.

#### DECOMMISSIONING PLAN

27. No comments.

Considering that the plans submitted are preliminary in nature, we will reserve further comments until revised plans and reports are submitted. The applicant shall provide written responses to all technical comments provided by Town staff and consultants as part of the next submission.

#### **Public Comments:**

No public comment.

#### **Planning Board Review:**

Ms. Bagramian asked if there is a cut sheet submitted for the panels. Ms. Alessandrini stated that she does not have the data for 30+ years down the road for leaching. Ms. Bagramian stated that she would like MJE to review. Ms. Bagramian asked why solar farms do not develop in empty parking lots instead of undeveloped land as it may be a better impact. Mr. Mihaly stated that substations and upgrade are keeping them in certain areas and that they have done mounted in the past. Ms. Bagramian stated that old malls have acres of pavement and feel that they are ugly and she would like to see more of them looked at for structural integrity. Ms. Bagramian stated she also has concerns about heavy metals getting into streams near the solar farms

Mr. Martin stated that he agrees with Ms. Bagramian and code could improve to place solar in developed spaces. He stated that he also feels the decommissioning requirements should be stricter, and this is where leeching could be addressed. Mr. Andrew Davis stated that these heavy steel structures would have to be placed specifically in certain areas for support. He stated that

places like Arizona and Florida do not have the soil to support and that it costs more to the companies to develop solar farms on already developed land and more testing would have to be done.

Mr. Andarawis stated that overall environmental impacts need to be studied. Mr. Andarawis stated that solar helps farmers not have to subdivide their land but does not like the placements in the open space areas being used over prior developed land. Mr. Andraais stated that residential would preserve the CR zone more than this as it requires more open space than what solar farms do. He stated that a variance for being close to the railroad tracks makes sense but if it is not granted, what would the applicant do, ask for a smaller array? Mr. Andrawais stated that is because he would like to see more open space unused, and a smaller array with less disturbance. Mr. Mihaly stated that the land is not used for farming but recreationally and the only impact is the DEC buffer and that the owner wants to use the land for solar and that this is a smaller site than what they usually see. Mr. Mihaly stated that the access road will be hidden and will be maintained and more effective than it is now.

Mr. Martin stated that he is in favor of solar but in the CR zone but it seems problematic for him. He stated that he feels that codes are not written equally and the code does not treat solar like residential uses in the CR zone. He stated that it is not required for them to contribute to open space and the land conservation fund and this concerns him. He stated that the Town needs to look at the code as written and would like to see the inequality addressed. Mr. Martin asked if the land plantings will be pollinator friendly Mr. Mihaly stated it would be.

Ms. Bagramian asked how the company would manage decommissioning. Ms. Alessandrini stated that she does not know who will handle this as it is 30 years away but they will recycle what can be and they will follow protocols and standards put into place to date.

Ms. Fariello stated that recycling businesses cannot predict what people want in the future.

Mr. Andarawis stated that he does not mind seeing panels but he does not want to see the utility poles. He stated that other projects have turns in the road to hide them such as the one on Hubbs Road and the opposite is on Grooms Road has 2 rows of poles with no buffering which leads to a more negative visual impact. Ms. Alessandrini stated that National Grid dictates the poles and they can dictate the roadway, but trying to minimize the impact on this constrained site is a challenge. Mr. Scavo stated that mature vegetation may screen panels if the applicant can provide impact.

Mr. Ophardt stated that he would like the rear of the site to be screened as well. Ms. Alessandrini stated that they will try to keep as much existing vegetation as possible. Mr. Ophardt stated that he wants a visual representation of this.

**New Business:****Nott Road Solar Array Site Plan and SUP**

SBL: 269.-3-6

Proposed development of 2, 5 MW (AC) Solar arrays, Nott RD Zoned: CR - Conservation  
Residentia, Status: Preliminary

Citizenserve File Number: 23-002037, Application Number: SUP23-000010

Applicant: Bhatti Naseem , Consultant: The Environmental Design Partnership, LLP - Stephanie  
Alessandrini**Consultant/Applicant Presentation:**

Anthony Stephan from Kruger Solar USA stated that he is here tonight for an application for 2 pads each having 2 mw solar arrays. Mr. Stephan stated that Kruger runs 62 energy projects all over the world. He stated that they have provided cut sheets for the inverters and have a connection with National Grid and that they have been developing for a while.

Ms. Stephanie Alessandrini from EDP stated that this is a corner lot on Nott Road nad Route 146. She stated that it would be a total of 4 mw and under 15' tall with no batteries installed. Ms. Alessandrini stated that there is another solar farm nearby on Appleton Road, and this project is in the CR zone. She stated that the project is broken into 2 zones a northern and southern to protect and have no impact on the wetlands. Ms. Alessandrini stated that there will be 2 entrances to the site, one on Nott Road and one on Appleton Road with 2 utility connections on the road and will be connected to National Grid. She stated that they are trying to minimize vegetation removal to allow for a visual buffer. She stated that they have reached out to DEC to evaluate if there are bald eagle impacts and have received a letter of no impact.

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

- The ECC notes that this project intends to clear 28 acres of mature trees which is in direct conflict the Towns Tree City USA designation.

**Wade Schoenborn, Building and Zoning issued a memo stating:**

- provide Code Compliant Fire Department access plan

**John DeSimone, Fire Marshall issued the following memo:**

- Assure fire access roads are modified and both have direct access to Nott Road. (See attachment)
- Assure fire access road is 20' in width and 13'6" unobstructed height
- Fire access road shall be designed to withstand 75,000 lbs per: 2020 NYSFC appendix D

- Postal Number Assigned Is #77 Nott Road. Assure both driveways have postal numbers posted for emergency vehicles

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

- The parcel is in Conservation Residential Zoning District (CR) per Town Code 208-16 D. (3)(a)[22] Tier 2 and Tier 3 solar energy systems, subject to the requirements of Article XIV and XVI is allowed by Special Permit. Special Use Permits require special consideration so that the proposed project can be properly located and planned with respect to the objectives listed in Town Code Chapter 208-79 and their effect on the surrounding properties and community character.

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

- In addition to the Town's TDE comment letter dated September 8th, 2023 are the following comments:
- The downstream areas from this project have had reported drainage issues in the past. The concern is the selected CN values of the existing and post conditions of the wooded area of 36 ("A" soils) should be addressed. The CN value for the woods is selected as in a fair condition, this means the understory is grazed. Protected woodlands in good condition use a CN value of 30 ("A" soils). The actual CN number is lower, but 30 is used for computations. Since this area will be clearcut there is a good probability that offsite runoff may increase.

**The Trails and Open Space Subcommittee issued a memo stating:**

- Applicants should consider 15 feet right of way for future all purpose trail around Nott Road, Appleton Road and NY S Route 146.

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

- Where are the visual figures or simulation models for the Visual Impact Assessment? Reviewers need to see any photos or visual simulations please. NY Rt 146 offers public scenic views in Western Clifton Park to 17,161 vehicles daily (AADT) as of 2019 data on the NYS DOT Traffic Viewer (traffic volume counts) website:  
<http://gisportalny.dot.ny.gov/portalny/apps/webappviewer/index.html?id=28537cbc8b5941e19cf8e959b16797b4> . This is significant level of traffic and public viewing.
- This project parcel is identified in the Western Clifton Park Land Conservation Plan & GEIS Statement of Findings documents (adopted by the Clifton Park Town Board on April 11, 2005) -- on Figure II-5: Land Conservation Plan -- as an "Agricultural & Open Space Resources" type of parcel. Additionally, on Figure III: Land Resources Map, this parcel is located along the NY Rt 146 "Rural Corridor" as being considered a visual resource, and as having scenic qualities. How can this project increase the buffer along NY 146, to maintain a stronger rural character along NY 146? Can the access road be shifted further south off of Nott Road, instead of right at the Nott Road and NY 146 intersection? Opening up the driveway and having an access road all along the north side of the solar installation -- will be more visible than having it further into the site.

- Can the interconnection with the transformer poles be positioned also further south along Nott Road, such as where there is an existing driveway apron -- about across from where the golf course greens are visible, and be spaced and laid out to be less massed than grouped all together as shown on the plans? What visual mitigation can be done with the tall power poles with the electrical gear mass at the top of the poles? Please see a pdf document that shows examples of what to avoid in terms of placing the mass of electrical poles in a highly visible location where the connections are made to the grid -- in full visibility of the public road.
- This project is directly across from a Town of Clifton Park -- public park, Garnsey Park, so will also be highly visible from the public park and natural resources across NY 146, making it more significant to mitigate visual impacts from not only the solar panels themselves, but also from see a wide road with a concentration of power poles. Please consider mitigating the layout to reduce the concentration of poles in such a visible location.
- The proposal is to clear all the trees (28.41 acres) from the 63.14-acre property, or about 45% of the property is to be tree cleared and grubbed - nearly half the entire site. It is a significant tree clearance. Is there any way to reduce the tree clearance, even slightly? It is recommended that the project include reforesting/ planting a diversity of native tree species in along NY 146 to replace some of the tree cover that will be removed, to the extent feasible without impacting the natural gas lines. There appears to be some room.

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

- The visual impacts from this community solar site plan can be significantly minimized with the preservation of mature vegetative buffers limiting views from adjacent residents and along public roadways into the solar array. Add a note on the plan stating that additional clearing or grading activities beyond the limits shown within this site plan will require additional Town review and approval.
- The arrangement of panels within the project site as two distinct nodes maintains areas conducive to larger wildlife traveling through the site and around each fenced perimeter.
- The proposal's sensitivity to minimize impacts and disturbances to wetland areas assists in breaking up the panel bay groups and will make the eventual restoration of the land to its previous state much easier and more effective when the facility becomes obsolete.
- A letter of no effect for negative impacts associated with endangered and threatened species assessment has been issued by NYS DEC, dated August 15, 2023.
- The project is a Type I Action pursuant to SEQR, therefore coordinated is required. The Planning Board should declare by motion its desire to seek lead agency status for the environmental review process.
- The proposed project is subject to Section 239 of General Municipal Law and will be referred to the Saratoga Co. Planning Board for a recommendation

**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 a “Type 1” action per 6 CRR-NY 617.4.b(6)(i) . If the Planning Board is to request Lead Agency status under SEQRA, the need to undergo a coordinated review is required. 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: Special use permit, site plan review, and SEQRA
  - b. Clifton Park Highway Department: Driveway permit.
  - c. Saratoga County Planning: GML 239m referral
  - d. NYS Dept of Environmental Conservation: stormwater permit
  - e. U.S. Army Corps of Engineers: Wetland permit
  - f. New York State Parks, Recreation & Historic Preservation: Confirmation of presence or absence of historical/cultural resources

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

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

2. Part 1. D.1.b(b) – The applicant indicates that the action will disturb 28.15 acres 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.
3. Part 1. E.2.h – The response indicates that a portion of the site or lands adjoining the site of the proposed action, contains wetlands or other waterbodies regulated by a federal, state or local agency. The applicant should provide documentation that confirms the presence or absence of federally regulated wetlands adjacent to the project site. Additionally, a 100’ wetland buffer should be clearly shown on plan to confirm.
4. Part 1. E.2.o – The response indicates that the project site contains species of plant or animal listed by NYS as rare or as a species of special concern, including the Bald Eagle. The applicant should ensure that this response is inclusive of the U.S. Fish and Wildlife Service IPaC tool to ensure no federally identified species of concern
5. Part 1. E.3.e – The response indicates the project site contains, or is substantially contiguous to, a building, archaeological site, or district. Applicant states 8th century New England center chimney farmhouse located  $\pm 1,000$  feet northeast of the proposed project. Should be confirmed with NY State Historic Preservation Office.
6. No further comments at this time. Additional comments may be forthcoming as the project advances.

#### SITE PLANS

7. The project is located within the Town’s Conservation Residential (CR) zoning district. Based upon information provided by Town staff, it is understood that the proposed use is permitted under a special use permit.
8. The Planning Board shall review the proposal following the criteria outlined in Section 208-79(E) and 208-80 of the Town's Zoning as it relates to the special use request.
9. In reviewing the proposed lot layout in comparison to Section 208-80 of the Town’s Zoning, it would appear all minimum bulk lot requirements are satisfied.

10. The site plans shall note the individual/firm that completed the wetland delineation and date of delineation being completed.
11. The proposed access road is shown only to the concrete pad area and not throughout the arrays. The applicant shall provide acceptance from the local fire jurisdiction as they have the authority to require supplementary requirements.
12. Subsequent submissions shall show how site disturbances will occur without exceeding 5-acres of ground disturbance at one time.
13. The plan proposes no additional landscaped buffering to adjoining properties. The project proposes limited tree removal with existing tree rows offering shielding during the summer months. The Town may want to consider some level of augmented buffering to limit visual impacts to any adjoining properties during leaf off conditions.
14. The proposed access road and turn around shall be reviewed by the responding emergency services to ensure it is adequate.
15. Provide the turning movements of an emergency vehicle along to access road to verify the road widths are adequate.
16. Add a note to the Plans indicating all work within the Nott Road and Appleton Road right-of-way is subject to permitting by the Town of Clifton Park Highway Department.
17. The plans show a gated access to the solar arrays. The Town's emergency services may consider a Knox Box to ensure access in case there is a need to response to an event at the facility.
18. It appears on the erosion and sediment control plans that the silt fence is shown as a bold line and not the line type shown in the legend. Revise line type accordingly so silt fence stands out on the plans.

#### STORMWATER

19. The SWPPP text shall explicitly state that no soil disturbance of 5 acres or more are not permitted at any one time and if required, written authorization from the MS4 is required.
20. 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 NYSDEC New York Natural Heritage Program letter as an Appendices in the SWPPP once received.
21. 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. It was indicated that a Phase 1A/B should be conducted on the site. A no effect letter should be provided by SHPO and included in the SWPPP.
22. The SWPPP shall be modified to include the post construction maintenance associated with soil restoration.
23. The Erosion and Sediment Control Plan provided in Section 2 has multiple locations where the solar panels are shown to be constructed nearly perpendicular to the site contours. It is recommended to adjust these locations so solar panels follow existing grades to the maximum extent feasible
24. The Stormwater Management Narrative provided in Section 6 states that the project falls under Scenario 2 for the solar projects while question 39 of the eNOI states that the project falls under scenario 1.

#### DECOMMISSIONING PLAN

25. Introduction, references Washington County, revise accordingly. Considering that the plans submitted are preliminary in nature, we will reserve further comments until revised plans and reports are submitted. The applicant shall provide written responses to all technical comments provided by Town staff and consultants as part of the next submission.

**Public Comments:**

No public comment.

**Planning Board Review:**

Ms. Bagramian stated that the comments given in the last application applies apply here as well.

Mr. Andarawis stated that he would like to see the access road on Nott Road be moved further to the south. Ms. Alessandrini stated that it would have to be discussed with National Grid. Mr. Martin stated that optimizing space between the road and Route 146 is important. Ms. Bagramian stated she would like to see visuals on these. Mr. Scavo stated that residential feedback is about visuals as well.

Mr. Ophardt asked if there can be a 20' roadway with this as well. Mr. Scavo stated that he can discuss this with the Town. Mr. Ophardt asked if there can be a curve in the road like the last application to help hide the poles. Mr. Andarawis stated that he would also like to see less visual of the poles. Ms. Alessandrini stated that each entrance would have 4 piles. Mr. Ophardt asked why there are different maps for fire access. Mr. Scavo stated that the 911 addresses and the postal addresses are different but he feels that they can work through it.

Mr. Andarawis asked why the pole numbers seem random from project to project. Mr. Scavo stated that that he is unsure as of why but this is only a 2 mw project per array so possibly less poles are needed.

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

**Discussion Items:**

None

Ms. Fariello moved, seconded by Ms. Bagramian, adjournment of the meeting at 12:01a.m. The motion was unanimously carried.

The next meeting of the Planning Board will be held as scheduled on September 26<sup>th</sup>, 2023.

Respectfully submitted,

*Paula Cooper*

Paula Cooper, Secretary