

Town of Clifton Park Planning Board
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PLANNING BOARD

ROCCO FERRARO
Chairman

ANTHONY MORELLI
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PAULA COOPER
Secretary



MEMBERS

Emad Andarawis
Eric Ophardt
Ram Lalukota
Andrew Neubauer
Denise Bagramian
Greg Szczesny

Planning Board Minutes
July 14th, 2020

Those present at the July 14th, 2020 Planning Board meeting were:

Planning Board: R. Ferraro, Chairman, E. Andarawis, D. Bagramian, A. Neubauer, E. Ophardt, G. Szczesny, R. Lalukota

Those absent were:

Those also present were: J. Scavo, Director of Planning
W. Lippmann, M J Engineering and Land Surveying, P.C.
A. Morelli, Counsel
P. Cooper, Secretary

Mr. Ferraro, Chairman, called the meeting to order at 7:00 p.m. Mr. Ferraro stated that the Planning Board meeting for tonight is being held remotely due to the current health crisis and inability to hold large gatherings in one place.

Rocky announced that Jason Beach resigned from the Board due to job relocation. As a result, the Town Board appointed Ram Lalukota to fill the remainder of Jason's term through December 31, 2021.

Minutes Approval:

Ms. Bagramian moved, seconded by Mr. Andarawis, approval of the minutes of the June 24th, 2020 Planning Board meeting as written. The motion was unanimously carried.

Public Hearings:

None

Old Business:

None

New Business:**2020-030 Motostar Motorcycle Sales Site Plan**

Applicant proposes to resurface an existing parking area and use an existing 6,500 sf one story building for a motorcycle sales facility on 1.26 acres with road frontage on Route 9 and Old Route 146, 31 Old Rt 146, Zoned: B-4A, Status: PB Change of Use w/ Possible *Determination* SBL: 272.9-1-37 To be reviewed by: MJE Consultant: EDP Applicant: Motostar Inc.

Consultant/Applicant Presentation:

Gavin Vuillaume – EDP – Mr. Vuillaume stated that this project is on the north side of Old Route 146 and was previously occupied by the Salvation Army and used as a thrift store. The property is 1.3 acres with the vacant primary building and accessory structures on the property. There is also a residential home just to the west also located on the property. Mr. Vuillaume stated that the applicant proposes an improvement to the exterior of the building that includes repaving the parcel which currently consists of broken asphalt and some rubble in the rear of the building. Mr. Vuillaume stated that the applicant is not going to repave the frontage of the building on Old Route 146, but to put in more landscaping there instead. Mr. Vuillaume showed the Board and the attendees via shared screen on Zoom the layout of the building and the proposals for the asphalt repaving and landscaping. Mr. Vuillaume stated that most of the activity surrounding the project would be at the rear of the building nearest to the Route 9 entrance. He indicated on the map shown where the parking would be located as well as the handicapped parking, ramps and sidewalks on the side of the building leading to the showroom. He stated there is also another entrance facing Route 9 that is to be utilized for the service area of the proposed business. Mr. Vuillaume stated that there are drainage problems that need to be rectified at this point but they are being addressed, and showed the dumpster area with buffering on the map. Mr. Vuillaume stated that the proposal is to have a sign where the existing one for

the Salvation Army was adjacent to Route 9; he has not yet gotten specifications but has a plan to meet on July 15th, 2020 to discuss this as well as other paving changes. Mr. Vuillaume stated he has gotten comments from the Town and from MJ Engineering, and he feels they can be addressed.

Staff Comments:

Steve Myers, Director of Building and Development issued a memo dated 6/30/20 stating:

- Applicant proposes to convert a mercantile building to motorcycle sales and service. Change of use required. This is an allowed use in the B-4 zone.
- Found applicant renovating building and repairing motorcycles in the building without any permits or approvals.
- Proposal will require significant structural and fire separation upgrades at a minimum.
- It is unknown if building will require sprinkler at this time as we are still awaiting plans for the renovation
- Handicapped accessibility to the building is an issue
- Curb cuts to Route 9 may require NYSDOT approval
- Applicant should not be conducting any service or renovations in the building at this time.

Sheryl Reed, Chief of the Bureau of Fire Prevention:

No comments

Scott Reese, Stormwater Management Technician issued a memo dated 7/10/20 with the following comments:

1. Provide test pit info at proposed precast concrete drywell for seasonal high ground water table.
2. Will dumpster be covered? Will ground surface under the dumpster drain to the drywell?
3. Are there wetlands on the project site?
4. Is the stormwater management area located at the north end of the site (North arrow?) existing or proposed?
5. The project site is substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places. The project is adjacent to an area designated as sensitive for archaeological sites on the NY SHPO site inventory.
6. The site of the proposed action, or adjoining lands contain wetlands or other waterbodies by a federal state, or local agency.

The Environmental Conservation Commission held a meeting on 7/7/20 and issued a memo recommending:

1. The ECC is concerned with the operation of automotive fluids leaking toward the proposed drywell and the existing stormwater management area. The applicant shall plan out how spills and disposal of automotive fluids will be handled.
2. The applicant shall state all operations that the business is planning on engaging in (eg. Customized painting, vehicular maintenance, etc.).

John Scavo, Director of Planning issued a letter dated 7/6/20 with recommendations he made:

1. The applicability of site plan review shall be determined by the Planning Board pursuant to §208-113(2)(b) of the Clifton Park Town Code, which states:
 - a. In instances where the building exists, the site is in conformity with a previously approved site plan (as determined by the Building Inspector) and a change of occupancy is occurring without structural changes to the building, the following procedures shall be followed:
 - b. If the new use is not of the same type and intensity (i.e., office to retail, sit-down restaurant to fast-food restaurant, etc.), the new owner shall, if required by the Building Inspector, appear before the Planning Department to arrange to appear before the Planning Board to determine if a revised site plan approval will be required prior to the issuance of a building permit and/or certificate of occupancy or tenancy.
 - c. Based on the above code referenced with a portion underlined for emphasis, the Planning Board after hearing the proposal shall decide if a revised site plan is required. The prior use was a retail thrift store. The new use proposed is for motorcycle sales.
2. The applicant should provide the striping detail and signage for the accessible parking space and access isle. The applicant should verify the accessible space and access isle provide the shortest accessible route to the store's front entrance.
3. Provide spot elevations to demonstrate the accessible path of travel and curb ramp does not exceed the grade and cross slope requirements of the New York State Building Code.
4. The applicant shall provide additional information documenting all existing and proposed exterior lighting for the site. The final site plan shall include a lighting plan, which shall delineate the type of fixture(s) to be used and the subsequent lighting pattern, the height of the fixture and the wattage of the light systems utilized.
5. The applicant should note if any work is proposed within the NYS DOT ROW. Add the following note to the final site plan:
 - a. Any utility work or construction within the State Highway Right-Of-Way requires the property owner to obtain a highway work permit from the NYS Department of Transportation, whether it is for construction or installation of facilities, or for repairs and maintenance.

Professional Comments:

Walter Lippmann, P.E. of MJ Engineering in a letter dated 7/10/20 had the following comments:

STATE ENVIRONMENTAL QUALITY REVIEW

1. Based upon our review of Part 617 of NYS Environmental Conservation Law, the project appears to be an “Unlisted” action. If the Planning Board is to request Lead Agency status under SEQRA, the need to undergo a coordinated review is optional. Under a coordinated review, involved / interested agencies to be engaged may include, but is not necessarily limited to the following:
 - a) Town of Clifton Park: Site Plan approval
 - b) Saratoga County Planning: 239m and n referral due to location along U.S. Route 9
 - c) NYS Dept of Transportation: permit for driveway access on U.S. Route 9
 - d) NY State Historic Preservation Office: correspondence with SHPO to ensure no archeologically sensitive resources on project site.

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

SHORT ENVIRONMENTAL ASSESSMENT FORM

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

2. Part I.3b – The response indicates that the project site will physical disturb 0.10, please verify area as it appears to scale to 0.42 acres.
3. Part I.12a – The response indicates that the project site contains or is substantially contiguous to a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation (OPRHP) to be eligible for listing on the State Register of Historic Places. A review of the proposed action indicates that the project site is separated from any historic resources by U.S. Route 9, a 5-lane highway, and is not considered to be substantially contiguous.
4. Part I.12b – The response indicates that the project site is located within or adjacent to an area designated as sensitive for archeological sites on the NY State Historic Preservation Office (SHPO) archeological site inventory. The applicant should provide a “no effect” letter from SHPO to confirm the presence or absence of archeologically sensitive resources.
5. Part I.13a – 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. The applicant should also include a 100' wetland buffer on future site plan submissions if wetlands are present.

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 Highway Business/Restricted Retail (B-4A) zoning district. The proposal for a motorcycle sales facility is a permitted use within the B-4A District as noted in Section 208-50.2 of the Town's Zoning.
8. In reviewing the proposed lot configuration, the created lot appear to be deficient with current standards, however it is an existing structure with no additions or renovations being proposed.
9. For clarity, provide a bulk lot table showing existing, required and proposed lot setbacks/coverages as it relates to the zoning district standards.
10. Section 208-50.4 of the Town Zoning requires that no more than one entrance and one exit per establishment upon any individual public thoroughfare and the distance between the entrance and exit center lines, if separated, shall be not less than 100 feet. The current plan appears to maintain the two existing access points onto Route at approximately 80 feet apart.
11. Section 208-50.5 of the Town Zoning requires that property margins at the sides shall be planted with trees and shrubs for a width of not less than 15-feet. The plans to not describe how this provision of the Town Zoning is being satisfied.
12. The project proposes access onto U.S. Route 9. This proposed work is subject to the review and approval of the NYSDOT. The applicant shall coordinate with the regional office of the NYSDOT and obtain permitting in advance of construction.
13. The proposes site plan indicates water will be provided via an on-site well. Please clarify.
14. Ensure stormwater runoff is contained within property. Will parking lot be curbed?
15. Provide in-situ percolation tests and test pits in the proposed drywell location to demonstrate the location indicated is feasible.
16. Provide existing and proposed contours.

17. The plans note that the project disturbance will be less than 1-acre, as such, the project is not subject to the NYSDEC Phase II Stormwater Regulations and General Permit GP-0-20-001. The plans do show proposed stormwater management facilities. Subsequent submissions shall include a summary of the design of the facilities demonstrating there is no noticeable increase in runoff from the site.
18. The plans indicate that the proposed stormwater management facilities will generally be infiltration practices. Subsequent submissions shall include the appropriate soil testing to support their use.
19. Provide detail of dumpster enclosure.
20. The plan provides little in the form of accommodations for pedestrian linkages to adjacent uses or the public right-of-way. The Planning Board may desire to have sidewalks along Old Route 146 and connectivity to and from the project site and other adjacent uses.
21. Provide a curb ramp or flush entry to the sidewalk for the accessible aisle. Provide supporting construction details for the curb ramp conforming to the 2010 ADAAG standards.
22. Accessible parking spaces and access aisles shall be level with surface slopes not exceeding 1:50 (2%) in all directions pursuant to Section 4.6.6 of the ADA 2010 Standards. Provide spot elevations at these locations to confirm conformance.
23. Provide a stripping detail for the proposed ADA parking space and accessible aisle.
24. The parking Lot width along the east side of building is shown as 18 feet wide. Indicate if this will be designated as one-way. Consider angled parking spaces in this location.
25. The plan does not show existing or proposed exterior lighting, it is recommended that at a minimum, lighting be provided for security purposes.
26. Determine if a Knox Box is required if one is required, its location is subject to the review and approval of the Fire Chief.
27. Subsequent submissions shall include information as outlined in Section 208-115 of the Town zoning specific to lighting, site grading, landscaping, erosion control and stormwater management to fully assess the design and its compliance to the applicable standards.

Public Comments:

Anthony LaFleche – 21 Wheeler Drive – Mr. La Fleche asked how far the building is from Old Route 146 from edge of pavement to edge of building. Mr. Vuillaume stated it is about 20 feet.

Mr. LaFleche asked if the entrances on Route 9 would be both right and left turns or restricted. Mr. Vuillaume stated they are currently both full access. Mr. LaFleche asked about adding more entrances, Mr. Vuillaume stated no entrances would be added. Mr. LaFleche asked if the shoulders on Old Route 146 and Route 9 could be widened as an easement for a possible future trail or pathway. Mr. Vuillaume stated that as of now, the proposal is for landscaping only on Old Route 146, so there should be no problem adding a walkway if proposed in the future.

Planning Board Review:

Mr. Szczesny asked how big of a project would it be to change the direction of the water flow from the stormwater runoff. Mr. Vuillaume stated that they do to anticipate a large grade change and would use shim asphalt and use a dry well to capture stormwater runoff. He said he has spoken to an excavator about the plans and the backup plan is to bring the runoff to the north side of the site.

Mr. Ferraro asked about the northwest part of the parcel and the storm water management area shown on the map and if it was existing or is an addition with the proposal. Mr. Vuillaume stated that the area is reserved for water to collect, and may not be as big as currently proposed but wants to be prepared for larger storm events. Mr. Ferraro asked about the property boundaries and if it included the old framed home on the corner. Mr. Greg Gisoti, owner, stated that the home is a two family and is a rental property. Mr. Ferraro asked if there would be any disturbance to the rental, or if the dumpster area will be hidden from them. Mr. Vuillaume stated that the dumpster will remain, moving it closer to the building, and what is existing as a buffer area between the commercial building and the rental would also remain with a few more plantings. Mr. Ferraro asked about what the label on the plan indicating a flex roof drain was. Mr. Vuillaume stated that it is a down spout from the gutters on the building and can run under the asphalt to direct the water away from the building. Mr. Ferrero asked the applicant how the automotive fluid would be managed. Mr. Gisoti stated that it is only for small engine service and there would only be about 1 to 2 quarts per machine. Mr. Gisoti also stated the state permit requires storage containers to be sized 120% of the fluid volumes to be stored. Mr. Ferraro asked about Mr. Reese's review of the stormwater plans and if there are any concerns. Mr. Scavo stated there is no SWPPP needed but will ask Mr. Vuillaume to follow up with him on the comments made tonight.

Mr. Ophardt referred to question 24 from MJE and asked for clarification on parking in relation to this. Mr. Vuillaume stated that there is a narrow functioning driveway in that area specified and that there will be parallel parking there. He stated that main traffic is not in that area and that diagonal parking can be looked at. Mr. Lippmann stated that the concern is that the width is 18 feet and with cars pulling and out more space would better as the turning is tight. Mr. Vuillaume

stated at this time they would prefer the way it is but can look at other options if the Board feels it needs to be addressed.

Ms. Bagramian asked if there would be any display areas, inside or outside on Route 9. Mr. Gisoti stated there would be display areas inside the building in the showroom area. He is also looking for approval to get a display area where the sign is, and get it on a stand but not high, only about 4 feet as things such as a jet ski cannot sit on the ground. But what can be on the ground will.

Mr. Ophardt asked what the open paved area would be for. Mr. Vuillaume stated it would be for deliveries and drop offs for larger trucks and some of the trucks would take up most of the room. Mr. Ophardt asked if there would be outside storage. Mr. Gisoti stated no, it may be out for a day or overnight but he would like to keep his deliveries indoors.

Mr. Ferraro would like to see all display areas noted on the plan and the map for Board approval on the next submittal as well. Mr. Vuillaume stated it can be put there for review and approval. Mr. Ferraro also asked about the 15 foot requirements for buffered plantings, and if there are no existing changes to the site if they can waive going before ZBA. Mr. Scavo stated this can be waived by the Planning Board by looking at the plans and what is being provided. Mr. Ferraro asked about the trees between the entrances and if they would stay. Mr. Vuillaume stated they can stay if they do not interfere with the sign, but noted it was a DOT right of way and DOT can remove those trees. Mr. Ferraro stated he would like to see that noted on the plan as well. Mr. Ferraro stated he does like that the applicant is removing the asphalt on the Old Route 146 side and the property will be dressed up with landscaping. Mr. Ferraro stated he would like to see an easement adjacent to the Rt. 9 the right of way for a future sidewalk improvement.

Mr. Neubauer stated that this site is in the Town Center Code Expansion Area, and that architectural requirements of this, and the building renderings submitted show exterior composite panels. He asked the applicant to describe the proposed material type for the building exterior. Mr. Gisoti stated that the exterior of the building are made up of high pressure laminate panels similar to what Market 32 used. Mr. Neubauer asked if the structure is changing at all and asked if that building is structurally sound. Mr. Gisoti stated the building is sound and there will be windows added on both sides of the Kawasaki sign that is shown on the screen. Mr. Neubauer asked for the elevations on the Old Route 146 side. Mr. Vuillaume stated he can get them to the Board.

Mr. Ophardt asked if the building is a 6,500 square feet footprint or is the garage area included. Mr. Gisoti stated that the first floor is 6,500 square feet and the walk out garage is about half of that. He stated that the entire first floor would be retail and sales, the second floor is for repairs and putting together the machines.

Mr. Ferraro stated the property line to the east has a lot of underbrush and asked if it would be modified. Mr. Vuillaume stated that there is no room there for any additional landscaping.

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

Mr. Lalukota moved, second by Mr. Szczesny, to waive the preliminary hearing for this application for the site plan review of Motostar Motorcycle Sales, 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 preliminary comment letter issued by the Planning Department.

Conditions:

1. All technical questions addressed by the staff
2. Address how automotive waste will be handled and then reviewed by Mr. Reese
3. Elevation plan to be provided for the portion on Old Route 146

Ayes: 6 Noes : 0

The motion is carried.

New Business:

2020-031 & 2020-032 Hubbs Road Active Solar Site Plan & SUP

Applicant proposes constructing a 6.7 MW(DC) ground mounted solar energy facility that will use approximately 16,896 solar panels. The panels will be mounted on a system of steel posts and racks. Two concrete pads with the electrical equipment are located near the panels and will include inverters and transformers. The site will be surrounded by a 7 ft chain link fence, Hubbs Rd, Zoned: CR, Status: PB Concept Review

SBL: 258.-1-6.3 To be reviewed by: MJE Consultant: Creighton Manning

Applicant: Active Solar

Mr. Andarawis stated that he lives within ¼ mile of the proposal. He would like to make everyone in attendance aware. Mr. Morelli stated that he is aware and has no concern or feels there is no conflict with Mr. Andarawis sitting in on the proposal.

Consultant/Applicant Presentation:

Ryan Farnum – Creighton Manning Engineering – Mr. Farnum stated that this is a 6.7mega watt ground mounted solar facility. He stated that it will be on an existing 88 acre parcel, with the project covering 22 acres of that land. Mr. Farnum stated the project site has a residential dwelling in addition to multiple agricultural uses and a portion of the area proposed to be occupied by the solar array includes woods that would be removed in the northeast part of the property. He noted that the property is zoned conservation-residential (CR). He noted on the site there is a proposed east and west solar arrays to avoid environmental concerns in the middle of the site. A 20 foot wide gravel access roadway is being proposed, and access to the site will be from Hubbs Road. Mr. Farnum stated the panels will be setback about 200 feet from Hubbs Road, and around the panels will be a 7 foot high chain link fence with a 5” wildlife gap the bottom. Mr. Farnum stated that there will be tree clearing involved, consisting of approximately 15 acres. He stated that on the site there are environmental concerns including protected wetlands. The project is proposed to permanently impact .031 acres of wetlands, and incorporates a 12 inch culvert design under a driveway crossing. He stated that since there are two areas impacted by the proposal, each of the solar array sites will be fenced in with a sliding gate to allow access to the area with a Knox Box. There is emergency assess throughout the project with access from Hubbs Road. Mr. Farnum stated in the two array areas there will be 2 pads constructed at grade and the solar panels will be mounted on posts and racks. The type of panel proposed does not need grading. He noted 6 utility poles will be placed in the ground to connect the panels by overhead wire to the existing electric poles along Hubbs Road. He noted the applicant is in discussions with SHPO, and the Army Corp of Engineers regarding wetland impacts for the driveway permit.

Staff Comments:

Steve Myers, Director of Building and Development issued a memo dated 6/30/20 stating:

- Applicant proposes 6.7 MW ground mounted solar array at 413 Schaubert Road. This requires SUP approval from planning per Section 208-16D(3)(a)[22] of the CR zone
- Unclear if tree removal is being proposed in the wetland areas.
- Ensure the required turning radius is available at all points of access road
- 20’ roads will be allowed so long as they are certified by a PE that they can hold a 75,000 lb. vehicle
- Pull off shall be required at a maximum of 500’ apart along the entire access road (to allow vehicles to pass in either direction). These pull offs shall be a minimum of 40’ long and 10’ wide (beyond the road width).

Sheryl Reed, Chief of the Bureau of Fire Prevention:

1. Postal verification
2. All emergency access roads must be able to withstand 75,000 lb. loading

3. Provide full pull off areas at maximum intervals of 500 feet along the access roadways per IFC
4. If the emergency access roads are to be gated provide a knox box or key for the fire department

Scott Reese, Stormwater Management Technician issued a memo dated 7/10/20 with the following comments:

1. There are impervious access roadways that will need to be treated for water quality and quantity on the project site. Future submissions shall include a FULL SWPPP to address the proposed impervious roadways and removal of the woodlands.
2. The Erosion and Sediment Control Plan show silt fence around the perimeter of the project, silt fence is generally suited for 100 feet of uphill sheet flow of disturbed areas.
3. The Erosion and Sediment Control Plan shall also address the stability of the soils during construction, with the multiple construction vehicle trips up and down the solar rows may create ruts for stormwater runoff to be concentrated to flow downhill towards the wetlands in concentrated channels.

The Environmental Conservation Commission held a meeting on 7/7/20 and issued a memo recommending:

1. The limits of (the LC Zone and 100-foot buffer zone, DEC Wetlands, Federal Jurisdictional Wetlands) shall be identified on the plot plan.
2. If the wetlands are NYS Wetlands - The Land Conservation (LC) Zone has been delineated in accordance with Section 208-69 of the Clifton Park Town Code. Uses in this area are restricted. The Town of Clifton Park Building Department shall be notified before undertaking any land disturbance activities in the LC Zone.
3. The ECC requests that the solar field be redesigned so that a vegetative buffer of at least 15 feet be maintained between the project and the adjoining neighbor to the East (lands of Michael Robertaccio). It appears that the current design abuts the property boundary to the east side.
4. ECC requests that the revegetation be pollinator -friendly planting plan which would provide habitat for bees, butterflies, and other wildlife.
5. The fence detail shall show a permanent small wildlife passage below the fence line.

John Scavo, Director of Planning issued a letter dated 7/7/20 with recommendations he made:

1. Since the parcel extends into the Town of Ballston, is adjacent to CR-80, and is located within Saratoga Co. Consolidated Agricultural District #2, a referral to the Saratoga Co. Planning Board is required in accordance with GML §239m. Notice of the applications have also been provided to the Town of Ballston as an interested agency for review and comments.
2. The project as proposed, appears to protect significant agricultural soils and fields to the west of the proposed solar panel locations on the project parcel. The MvB – Mosherville Silt Loam Soil is defined as “somewhat poorly drained, finer than typical soil with low cultivation potential.” The Sn – Sloan Silt Loam is defined as very poorly drained and is

- also not a good candidate for crop placement. As a result of protecting good agricultural soils and supplementing the property income by using less desirable soils for community solar placement, the trade-off is clearing of trees. The preservation of agricultural land use is reinforced by the data presented within the LEAF Part I – Page 9, Section E.1(b).
3. Page 8, Section 3.5 refers to a 30-year maturity of the system. Other sections of the plan refer to 35 years. The applicant shall check and verify the system life expectancy and modify the document to reflect a consistent date of maturity.
 4. With .031 acres of wetlands disturbance proposed for an access road to the solar array, it appears the applicant has minimized wetlands disturbance to the greatest extent practicable.
 5. Final Plans will not be stamped until a PILOT Agreement is executed with the Clifton Park IDA, sought in accordance with §487 of the Real Property Tax Law. The applicant should contact Thomas McCarthy, Esq., Town Attorney at 518-371-6651 to begin the process.
 6. The utility poles proposed for the area of power interconnection appear to be 370' at its closest point to the side property line with the adjacent property owner to the east. Any potential amendment to the plan that could place such access closer to the adjacent property owner shall require additional Town review and approvals.
 7. A SHPO Letter of No Effect shall be required for the project file prior to issuing a final determination.
 8. The applicant should note if any exterior lighting is proposed for the project. If lighting is proposed within the equipment area, it shall be motion activated.
 9. The applicant should note if they are restricted to tree clearing limitations during specific time periods of the year to protect the Northern Long Eared Bat Species.
 10. The following notes should be added to the plan:
 - a. Clifton Park is a Right to Farm Community. The Solar Utility should be aware that farmers have the right to undertake farm practices which may generate dust, odor, noise, smoke, and vibration associated with farming practices.
 - b. Solar Energy Systems are considered abandoned after 12 months without electrical energy generation with distribution and must be removed from the property. Applications for an extension may be reviewed by the Clifton Park Planning Board for a period of 12 additional months.
 11. With the amount of acreage that will involve tree cutting to accommodate the solar panels, the SWPPP should address the use of best management practices for these activities:
 - a. Debris should be kept from draining into wetland areas.
 - b. Mud should be prevented from being carried onto adjacent roadways.
 - c. Identify landing area for process and stacking of removed trees.
 - d. Identify where water will drain off the identified landing area and keep it clear of debris.
 - e. Remediate any ruts to the landscape created by equipment or from dragging felled trees
 - f. Document the extent to which stumps are to be removed from soils.

12. The removal of the existing Term Conservation Easement on the property will result in payback of benefits realized by the property owner. These benefits must be paid back prior to stamping the final plan and shall be a condition of approval.

Professional Comments:

Walter Lippmann, P.E. of MJ Engineering in a letter dated 7/10/20 had the following comments:

STATE ENVIRONMENTAL QUALITY REVIEW

1. Based upon our review of Part 617 of NYS Environmental Conservation Law, the project appears to be an “Type 1” action pursuant to Part 617.4(b)(8).
2. Assuming the Clifton Park Planning Board is to request Lead Agency status under SEQRA, a coordinated review is required for Type I actions. Under a coordinated review, involved / interested agencies to be engaged may include, but is not necessarily limited to the following:
 - a. Clifton Park Planning Board: Site plan review and special use permit
 - b. Clifton Park Highway Department: Driveway Permit
 - c. Clifton Park Water Authority – request for taking of additional water, public water supply plan approval.
 - d. Saratoga County Planning – 239n referral due to the project's location within an agricultural district
 - e. NYS Dept of Environmental Conservation – permit coverage under stormwater SPDES, wetland crossing permit
 - f. NYS Office of Parks, Recreation and Historic Preservation – identification of cultural or historic resources.
 - g. U.S. Army Corps of Engineers – wetland crossing permit

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

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 FEAF, the following comments are offered:

3. Part C.4.b – Please provide a response to the question.
4. Part D.1.b.b. – The response indicates that the project will physically disturb 22.38 acres of land. As such a Stormwater Pollution Prevention Plan (SWPPP) is required.

5. Part D.2.s – Please provide an answer to the question.
6. Part E.2.1 – The response indicates that the site is located over a principal source aquifer. Any proposed stormwater management facilities need to consider the associated boundary conditions with sole source aquifers when placing such facilities.
7. Part E.3.f – The response indicates that the project site is located in or adjacent to an area designated as sensitive for archeological sites on the NY State historic Preservation Office (SHPO) archeological site inventory. The applicant should provide a “no effect” letter from SHPO to confirm the presence or absence of archeologically sensitive resources.

No additional comments at this time.

SITE PLANS

8. 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.
9. The Planning Board shall review the proposal following the criteria outlined in Section 208-79(E) of the Town's Zoning as it relates to the special use request.
10. Subsequent submissions shall show how site disturbances will occur without exceeding 5-acres of ground disturbance at one time.
11. The proposed gravel access and turn around shall be reviewed by the responding emergency services to ensure it is adequate.
12. Provide the turning movements of an emergency vehicle along to access road to verify the road widths are adequate especially in some of the tight turns.
13. Add a note to the Plans indicating all work within the Hubbs Road right-of-way is subject to permitting by the Town of Clifton Park Highway Department.
14. 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.
15. In the areas where the solar arrays or access road are in close proximity to the property line especially the eastern line, shall consider additional landscaping to buffer views from neighboring properties.
16. The Planning Board may consider a visual simulation be provided as to how the solar arrays will be viewed from various vantage points.
17. Is a proposed staging area needed, if so, this should be shown on the plans.

18. Will perimeter access gates be installed throughout the fencing, if so show all gates on the plans.
19. On Sheet C-4.0, Silt fence should be installed parallel to existing contours, adjust as necessary.
20. On Sheet C-4.0, identify all locations for concrete washout basins.
21. Subsequent submissions should include the proposed grading plan.
22. Considering this plan is conceptual in nature, subsequent comments will be provided with a preliminary plan submission.

DECOMMISSIONING PLANS

23. Under Section 1, provide clarification on the size (MW) of the proposed facility. The plans indicate 6.7 MW oppose to the 5.0 MW indicated.
24. Under Section 4, the decommissioning costs shall be adjusted to the size of the facility being proposed (6.7 MW as opposed to 5.0 MW).

STORMWATER POLLUTION PREVENTION PLAN

25. The total area of disturbance associated with the project is anticipated to be more than 1-acre, including 1.71 acres of impervious surfaces (access roads) and a substantial amount of tree clearing (15.28 acres) changing the ground cover from wooded to grass, therefore the SWPPP shall also discuss permanent stormwater management systems. This is consistent with the NYSDEC SWPPP Guidance Memo dated April 5, 2018 which is specific to large scale solar installations.
26. 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. Consultation with NYS SHPO is required in order to obtain a “letter of no effect”.
27. 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.

Public Comments:

Mr. Ferraro stated that the Planning Department received a letter of concern this afternoon and this it was distributed to the Board for review.

Mr. Ralph Savage – Mr. Savage stated he is a retired GE employee – Mr. Savage stated that the applicant is Active Solar Development LLC, not a project management company, and that they state on the website that they have over 100mw of development, but do not say they manage it or run the project. Mr. Savage stated that he is concerned about the potential output of heat that the panels create via the transformers, inverters, and solar cells, and has concerns about the potential fire risk. Mr. Savage stated that his main concerns are the visual impacts of the array, fire risk, and it conflicts with the Town's open space policies.

Ms. Lydia Savage – Ms. Savage stated she feels that this project is more of a power plant rather than an array as stated, and that the commercial use of this project should be kept away from the residential areas of the town. Mr. Ferraro stated that a solar array is permitted under a Special Use Permit under the CR zone.

Ms. Joanne Coons – 4 Balsam Way – Ms. Coons stated she is in favor of homegrown energy for local use. She states it is clean, safe, can decrease carbon, and it is a 30 year life expectancy to produce power. She also stated that after this project runs out the land can once again be used for farming whereas if it was developed it would no longer be able to be farmed and it would also increase taxes and traffic to the area.

Mr. Dan Mathais – written comment read by Mr. Scavo – Does National Grid confirm that the infrastructure to support this? Mr. Scavo stated that this is also a question he has for the applicant. Mr. Frank McCleneghen from Active Solar responded stating that they have been in contact with National Grid and Active Solar is ready to pay for necessary upgrades to the substation for the capacity needed.

Planning Board Review:

Mr. Ferraro asked if the substation that the applicant would be hooking up to does not have capacity, where is the hookup going to be located. Mr. McCleneghen stated that there are coordinated peak sites and that they look at peak loads and makes an educated application. Mr. Ferraro asked if the applicant has been in contact with National Grid about the conflicting data that shows max capacity. Mr. McCleneghen stated that they have weekly contact with National Grid and reviewing their power capacity mapping, and the applicant is willing to make modifications to upgrade to the system. Mr. Ferraro asked NYSERDA review the viability of the project. Mr. Scavo stated that NYSERDA will receive a copy of a Notice of Decision and SEQR Determination once issued by the Planning Board. Mr. Ferraro asked if the tree clearing needs to be reviewed as well before it starts. Mr. Scavo stated yes by the governing agencies having permitting authority and the plans need to be stamped as well.

Mr. Neubauer commented on the arrays in the town that the town has been presented with so this is not a new process and they have extensive conversations on the solar array proposals including usage, development, and decommissioning of these facilities. Mr. Neubauer stated that he is in favor of adding a solar array over development of more homes in a CR zone. He also stated that the view shed needs to be protected in this plan as well as the others that have been reviewed, and he feels this does a good job of doing so. Mr. McCleneghen stated that the topography makes it hard to be seen from the roadway. He noted the property owner may be able to see a little bit of the panels from his home, but they may berm that. Mr. Ferraro would like to see visualization from the road to be presented for the Board to evaluate. Mr. Scavo stated he would provide clarification on the locations of where the visuals should be provided from including Schaubert Road.

Mr. Andarawis stated that the last project done has a buffer along one edge especially the east side as there has been clearing done in the past. Mr. Ferraro agrees with this comment and stated he wants to see trees planted there for buffering as well. He would like to see meadow like conditions as well under the panels as seen previously. Mr. Scavo stated that mapping was given to the board and it will also be made public shortly.

Mr. Tony Papa – Land owner – Mr. Papa stated that this land has been in his family since the 50's. He stated that he does not want the land to go to development but rather help to keep it as is so making it a solar array is the best use for this.

Ms. Bagramian stated she is concerned about harmful chemicals leaching over 30 years, and returning this back to farm land. She asked to see the SDS sheets for the particular model of panels that are planned to be used ahead of time before approving or disapproving. Mr. Ferraro asked if this relates to the stormwater review. Mr. Scavo stated that Mr. Reese would only receive SDS sheets if hazardous materials were present. Ms. Coons stated there is no evidence of leaching and under normal operating conditions there would be no leaching. Ms. Bagramian asked for documentation or studies she would like to review them. Ms. Coons stated that she can help get that information to the Board. Mr. McCleneghen stated that his company only uses tier 1 panels. Ms. Bagramian asked if he has paperwork on the panels they could review. Mr. McCleneghen stated that he can look into some information to send to the Board.

MR. Lalukota asked what the difference in the previous Appleton Project and this one. Mr. Scavo stated that the applicant is using a tier 1 panel, not that there is a difference, but the fact that it is noted in this review and that it was a concern.

Mr. Ferraro asked for clarification on the protected wetlands and that since it is not DEC there is no 100 ft. buffer required. Mr. Scavo stated that is correct. Mr. Ferraro asked if 5 inches would be enough ground clearance for wildlife was. Mr. McCleneghen stated it is a standard specification used, and Mr. Scavo stated a mature deer can jump and clear a 7 foot high fence.

Discussion Items:

None

Mr. Szczesny moved, seconded by Ms. Bagramian, adjournment of the meeting at 10:06 p.m.
The motion was unanimously carried.

The next meeting of the Planning Board will be held as scheduled on August 11th, 2020.

Respectfully submitted,

Paula Cooper

Paula Cooper, Secretary