

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

PLANNING BOARD

ROCCO FERRARO  
Chairman

ANTHONY MORELLI  
Attorney

PAULA COOPER  
Secretary



MEMBERS

Emad Andarawis  
Eric Ophardt  
Ram Lalukota  
Andrew Neubauer  
Denise Bagramian  
Greg Szczesny  
Keith Martin (alternate)

**Planning Board Minutes**  
**September 9<sup>th</sup>, 2020**

Those present at the September 9<sup>th</sup>, 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: K. Martin (alternate)

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.

Mr. Scavo announced that at the Town Meeting Mr. Keith Martin had been appointed as the new alternate member for the Planning Board.

**Minutes Approval:**

Mr. Szczesny moved, seconded by Ms. Bagramian, approval of the minutes of the August 11<sup>th</sup>, 2020 Planning Board meeting as written. The motion was unanimously carried. Mr. Andarawis abstained from this vote as he was not present at the August 11<sup>th</sup>, 2020 meeting.

**New Business:****2020-038 Robertaccio 2 Lot Subdivision - Moved from the August 11<sup>th</sup> meeting**

*Applicant proposes subdividing 5.01 acres from the current 84.21 acre lot to provide for one residential dwelling and associated property, Hubbs Rd, Zoned: CR, Status: PB Concept Review*  
SBL: 258.-1-6.2 To be reviewed by: MJE Consultant: N/A Applicant: M. Robertaccio

Mr. Andarawis stated that he lives next to this project application and recused himself from the hearing of the application and signed out of the videoconference until consideration for this agenda item was completed.

**Consultant/Applicant Presentation:**

Mike Robertaccio – property owner – Mr. Robertaccio showed the property map on the screen for the meeting to view. He stated that the total parcel is 84.21 acres of land and zoned CR. Mr. Robertaccio stated he would like to split the land into two parcels one being 5.01 acres, of which 3.0 acres is uplands which would include septic, well, and a home. Mr. Robertaccio stated that he would like to put another home on the larger lot (Lot 1) behind the proposed home on the 5.01 acre parcel once subdivided due to wetland restrictions but the homes will be spaced apart with buffering between them. He stated that there will be another driveway moved to the east to separate the driveway from the neighbor and give a buffer. There is an 80 foot frontage requirement but with the DEC wetland there is also a 100 foot buffer from the wetland also required, so he is keeping the buffer as large as possible to be able to further subdivide and access the remainder of the property.

**Staff Comments:****Steve Myers, Director of Building and Development issued a memo dated 8/27/20 stating:**

- Viable water source and septic design will be required prior to issuance of a building permit.
- Driveway being installed currently (8/5/20) does not match proposal
- Subdivision of property in a CR zone is currently under a moratorium by the town board.
- Driveway will be required to be a minimum of 12' wide and able to support a 75,000 lb vehicle.

- A turnaround within 100' of the house will be required for emergency vehicles.

Mr. Scavo stated the moratorium had expired on September 5<sup>th</sup>, 2020 and the driveway comment has been addressed by the applicant and is reflected on the current plan

**Scott Reese, Stormwater Management Technician issued a memo dated 9/4/20 with the following comments:**

1. There are no stormwater comments at this time.

**The Environmental Conservation Commission held a meeting on 9/1/20 and issued a memo recommending:**

1. The ECC recommends the Open Space Committee explore the possibility to permanently preserve the remaining 79.2 acres, analyze its open space and recreation value and make a recommendation to purchase the site's development rights.
2. The proposed leach field appears to be to close and adjacent to the designated wetlands.

**The Trails and Open Space Subcommittee submitted the following comments for the Planning Board to consider in its decision making:**

1. This property location along Hubbs Road provides a unique opportunity for forward-thinking application and implementation of the Clifton Park Trails master plan.

With a NYS DEC Climate Smart Communities Grant recently awarded to the Town of Clifton Park, there is an expectation that in the near-term future that a multi-use path will be installed on the south side of Hubbs road along the eastern-most portion of Hubbs Road (from approximately the four-corners in Jonesville to the Dutch Meadows subdivision). This application provides an opportunity to obtain a public easement which would allow an additional connection opportunity for the extension of that anticipated multi-use path, if at some point in the future the multi-use path is extended westward towards Schauber Road.

Additionally, the Town is anticipating the conveyance of a parcel of property on the south side of Hubbs Road for which was conceived for public use<sup>1</sup> – including the creation of a trail and potential future trailhead – which will allow for the possibility of a northern trail connection to Veteran's Park through the pending, separate and additional conveyance of parkland from the Rolling Meadows subdivision at the time the roadways are conveyed to the Town. This application provides an opportunity to obtain a public easement to potentially create pedestrian access to the anticipated future trailhead on Hubbs Road.

The OSTRC would request that the landowner consider providing a public access easement to allow for the possibility in the future of the continuation of a multi-use path along the Hubbs Road frontage of the property.

**John Scavo, Director of Planning issued a letter dated 8/31/20 with recommendations he made:**

1. The current submittal adequately addresses my prior comments I raised in a review letter dated August 6th, based on a previous version of the plan.
2. The following Jurisdictional Determination Letters for the Wetlands identified on the project site have been included in the project file: a. NYS DEC Letter, May 25, 2018, prepared by Jed Hayden, Wetlands Biologist b. U.S. Army Corps of Engineers Letter, January 14, 2019, prepared by Amy Gitchell, Chief, Upstate New York Section.

Mr. Scavo stated that the keyhole lot exceeds the 3 acer density requirement.

**Professional Comments:**

**Walter Lippmann, P.E. of MJ Engineering in a letter dated 8/7/20 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 Planning Board: site plan approval
  - b. NYS Dept of Environmental Conservation – permit coverage under stormwater SPDES
  - c. Saratoga County Sewer District #1: sewer connection
  - d. Clifton Park Water Authority: water connection 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.12b - Part I.12.b – The applicant indicates that the project site is not located within or adjacent to an area designated as sensitive for archeological sites on the NY State Historic Preservation Office (SHPO) archeological site inventory. This response is inconsistent with a review of the DEC Environmental Assessment Form (EAF) Mapper, located at [www.dec.ny.gov/eafmapper/](http://www.dec.ny.gov/eafmapper/). The applicant should change the response in the

SEAF and provide a “no effect” letter from SHPO to confirm the presence or absence of archeologically sensitive resources.

3. 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. In future submissions the applicant will need to provide documentation to confirm the presence or absence of state or federally regulated wetlands on or adjacent to the project site. The applicant should also include a 100' wetland buffer on future site plan submissions.
4. No further comments at this time. Additional comments may be forthcoming as the project advances.

### **SITE PLANS**

5. The project is located within the Town’s Conservation Residential District (CR). The proposal for single family homes is a permitted principal use within the CR District as noted in Section 208-16(D)(1)(b) of the Town’s Zoning, however there is a moratorium on residential subdivisions within the Conservation Residential Zoning District for a period ending September 9, 2020.
6. In reviewing the proposed lot configuration, the created lots appear to be deficient in regards to meeting the minimum standard requirements outlined in Section 208-16 of the Town’s Zoning. The noted deficiencies are as follows:
  - a. Contour lines at a minimum of two-foot intervals to United State Geological Survey datum within the parcel.
  - b. Lakes, ponds, regulated streams, streams, and natural drainage swales.
  - c. Indicate watercourses, streams and other drainage corridors as classified pursuant to the New York State Department of Environmental Conservation Stream Classification System and as mapped on the Town of Clifton Park's Official Stream Protection Map.
  - d. Indicate vegetative cover conditions on the property according to general cover type, including cultivated land, permanent grassland, old field, hedgerow, significant forest areas, woodlands, wetlands, isolated trees or small groups of trees with a caliper in excess of 12 inches, and the actual canopy line of existing trees and woodlands. Vegetative types shall be described by plant community, age and condition.
  - e. Include a site statistics table indicating the following per Section 208.16(E) Standards:
    - i. Bulk
    - ii. Density
    - iii. Setbacks
    - iv. Constrained and Unconstrained Land
    - v. Permanent Open Space
    - vi. Conservation Design Layout
    - vi. Variances
7. Provide notation on the plan as follows:
  - a. No Utilities shall be installed beneath the proposed driveways.

- b. Any work required within the Town right-of-way shall be subject to any permitting from the Clifton Park Highway Department (driveway, culvert, water service, sewer).
8. Identify the date and by whom the wetlands shown were delineated. Verify if any wetlands are under the jurisdiction of the USACOE.
9. The applicant proposes to service the lots with an on-site septic system. The proposed septic system shall be designed by a New York State licensed professional engineer and conform to the requirements of the New York State Department of Health (Section 208-91) for review and approval by the Town Building Department.
10. The concept subdivision plan shall show speculative homes, driveways, utilities and grading for both lots.
11. Prior to approval or filing of the subdivision plat with the Saratoga County Clerk, the appropriate 911 emergency response numbers must be obtained for and assigned to each lot created and placed on the filed plat.
12. Considering this plan is conceptual in nature, subsequent comments will be provided with a preliminary plan submission.

**Public Comments:**

No public comments.

**Planning Board Review:**

Ms. Bagramian asked about what the plan is to subdivide in the future. Mr. Robertaccio stated that his plan is to further subdivide to build potentially 4 to 5 more homes mostly located on the uplands to the north of the proposed 5.01 acre lot.

Mr. Ophardt asked the applicant if he would run a driveway from the front of his property to the rear. Mr. Robertaccio stated he would run from front to back of his property with having to cross the wetlands. Mr. Ophardt asked why he is asking for a 40 ft access instead of meeting the 80 ft. frontage requirement. Mr. Robertaccio stated he may put in a separate home in the “dragon head” part of the uplands presented on the screen and driveway so he wanted to be able to leave room for that if needed. Mr. Ophardt asked if a driveway could be put in the buffer zone. Mr. Scavo stated that driveway crossings are permitted within the Town’s Land Conservation (LC) Zoning District, 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.

Mr. Ferraro asked how the northwestern portion of the parcel would be accessed. Mr. Robertaccio stated that he would need to cross the Army Corps wetland from a shared driveway coming from the front of the property to be extended from an existing driveway he is cleaning

up. Mr. Ferraro stated that he does have concerns with the future of subdividing of this parcel and would like to see a conceptual layout that includes the additional lots. Mr. Robertaccio stated that he has some options and can email them to the Board.

Mr. Ferraro stated he does also have concerns with the keyhole lot issue that was brought up by town staff. Mr. Robertaccio stated that this is his stepping stone and that this first subdivided lot is his target lot and feels he has justification in the wetland layout as to why this is creating a keyhole lot. Mr. Neubauer stated he does not see how the keyhole is justified and stated that the driveway does not comply with a keyhole lot configuration either.

Mr. Ferraro stated that he feels an easement for a future trail along Hubbs Road may not be necessary in this case since such pathway would likely occur on the south side of Hubbs Road. Mr. Scavo stated that with NYS DEC Wetland Constraints adjacent to the roadway frontage of this parcel the Town can elect to acquire lands for such purposes in the future from the property owner if it is necessary for any future trail development.

Mr. Ferraro stated that he would like to see signage and fencing indicating the protected wetlands and the fact it cannot be disturbed similar to what the Board has requested be done with other subdivisions constrained by wetlands. Mr. Ferraro also asked if the leach field from the septic is too close to the wetlands as the ECC had questioned this as well. Mr. Scavo stated that neither Mr. Reese nor Mr. Myers brought up this concern. Mr. Lippmann stated that there is a 50 ft separation for the well, and 100 ft for septic and leach field, and since this applies to such features on adjacent lots, their septic, leach fields and private wells should also be shown on the map. Mr. Lippmann stated he would check on the federal wetland separation guidelines.

### **New Business:**

#### **2020-037 Druthers of Clifton Park Site Plan- Moved from the August 11<sup>th</sup> meeting**

*Applicant proposes developing 5.3 acres with a restaurant/micro brewery. A 10,000 sf building will house the dining areas, kitchen, bathrooms and brewery. The plans will include extensive outdoor dining areas that will provide opportunities for play area, casual seating, music and private events. Paved parking will be provided for 120 cars with overflow land-banked parking for up to 130 cars. The building will be connected to public sewer and water utilities and storm water will be managed on site, South Side Dr, Zoned: PUD (comm), Status: PB Concept Review SBL: 271.16-1-6.1 To be reviewed by: MJE Consultant: EDP Applicant: Druthers Brewing Co*

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

Joe Dannible – EDP – Mr. Dannible stated that this proposal is for a family friendly facility at the corner of Maxwell Drive and Southside Drive. He stated that due to time restraints at the last

meeting, this application was tabled until tonight, giving the applicant's time to review comments made by the town staff and to review resident concerns. Mr. Dannible showed on the screen via Zoom a map of the area where the proposal is located and noted the proximity to the Town Park area purchased by the town from the Shenendehowa School District. Mr. Dannible stated that this proposal is for an indoor restaurant with a garden style outdoor dining area. He stated the parcel is a part of the Maxwell Drive South Planned Development District (PDD) that provides for this as a permitted use along with the Bentley Condominiums geared toward seniors. Mr. Dannible stated that the original SEQR determination was to allow a 93,000 sf office building with 350-400 parking spaces. Mr. Dannible stated that this restaurant use would create less traffic than the original office building proposed. Mr. Dannible stated that he feels this proposed use is within the character of the area and promotes access to the Town Center Park for Pedestrians.

He stated that the PDD allows for all permitted uses within the B-4 Zoning District, in which restaurants are allowed. Mr. Dannible also stated that the parcel is adjacent to the Town Center Zoning Districts, and this project either meet or exceed those provisions prescribed for Town Center Zoning. He stated that the project will increase the tax base in the area and increase the vibrant activity of the area for day and evening activities. Mr. Dannible stated that the proposal is asking for less parking than was originally approved for the office building. Mr. Dannible stated that a cross access easement was given to the property as well in 2003 from the Bentley Condominium Project.

Mr. Dannible showed the site plan proposal plan showing parking, garden area outdoor dining, and the restaurant building. He stated that the restaurant is proposed for 10,000 sf, a 2,000 sf pavilion for a bar area and 90 parking spaces in the front and side with 160 overflow parking for a total of 250 parking spaces. Mr. Dannible stated that there can be some parking land banked if needed. He stated that the project meets all requirement of the Clifton Park Water Authority, Saratoga County Sewer, and provides stormwater management areas with vast green space meeting 50% of the project site to promote a desirable outdoor dining area. Mr. Dannible stated that the would like to have rain gardens incorporated into the site, water features, an English garden style feel, and a pedestrian walkway footbridge feature. He stated that the restaurant would have live music that would be vibrant for the Town Center and have opportunities for bocce, corn hole, and a natural playground area.

Mr. Dannible stated that Trails Open Space Subcommittee and ECC comments on the building placement concerns and parking are acknowledged. However, due to an existing sewer line easement for the Bentley that was in place when the PDD was approved the applicant is restricted on how close the building can be shifted towards the intersection of Maxwell Drive South and Southside Drive. Mr. Dannible showed on the screen where the sewer easement is in relation to the site plan. Mr. Dannible stated that the Town Park has a parking area across the



street on Southside Drive and the parking for this site plan is nearest to this. Mr. Dannible showed on his screen the outline of the property lines as requested by Town representatives.

Mr. Dannible stated that he was aware of noise concerns brought up by the residents of the Bentley. Mr. Dannible stated that a noise study was done because of this and Mr. Scavo and Mr. Ferraro participated in observing the data collection. He stated that a typical decibel is 60 for normal conversation and the ambient background noise for the area was between 50 to 55 dBAs. He stated that the noise was tested in 6 different locations and showed the locations on a map via Zoom shared screen. The decibels provided at the speaker source was 90 and considered of hard core rock music. 90 dBAs is comparable to a plane or train, and people would have to yell to have a conversation. Mr. Dannible stated that the music to be provided by Druthers would be soft light acoustical music not loud bands. Mr. Dannible stated that location #1 was 90 dBAs, and was at a tree grove, just south of where the band would be. Location #2 was at the rear of the grove and was 57-59 dBAs. Location #3 was at the northeast corner of the Bentley and was 57 dBAs and was influenced by the exterior chilling unit of the Bentley. Location #4 was taken on a 4<sup>th</sup> floor balcony of a residential unit at the Bentley and was 52.5-53.5 dBAs which was consistent with existing ambient noise levels without music playing. Location #5, inside a Bentley unit was 43 dBAs. At Location #6 at the second floor balcony was 51 dBAs. Mr., Dannible reiterated that the music being played for this study was deep base and heavy metal in nature, much louder than he stated that of what would be at the restaurant.

Mr. Dannible stated that he does acknowledge the concerns of the residences and the applicant has reached out to the Bentley and the residents in a letter, which was also submitted to the Board to review, and offered a meeting and received no response. Mr. Dannible stated Dr. Robinson, Shenendehowa Superintendent, was reached out to as well since there may have been some concern with parents for having a bar so close to the school. A meeting was held with Druthers Representatives and Dr. Robinson to discuss concerns and go over license regulations for the State Liquor Authority. Dr. Robinson stated he did not want any overflow parking from Druthers on school property.

Mr. Dannible stated that a general office use in this location would generate about 140 trips in the p.m. peak hour and that this proposal would generate about the same at 130 trips. Mr. Dannible did note that the p.m. peak hour greatly increases if the same general office space is used for medical which is also a permitted use. Mr. Dannible showed on the Zoom screen the renderings of the building being proposed and stated that one row of parking was eliminated in the front of the building to push the front of the building closer to the roadway without encroaching onto the sewer easement for the Bentley. Mr. Dannible stated that the outdoor dining has been modified to keep some of the existing tree growth for ambiance and for visual buffering as well. He stated the patio area would be about 10x12 ft area for an acoustic singer and guitar with the noise projection faced away from the Bentley, which is contrary to where the speakers were pointed for the noise analysis that showed no impact. Mr. Dannible stated that

there would be 90 parking spots in the front and side of the building and 77-80 more secondary parking in the rear with land banking spaces for 80 additional spaces. Mr. Dannible stated that there will be an earthen berm with plantings erected nearest to the property boundary shared with the Bentley Condominium Complex.

**Staff Comments:**

**Steve Myers, Director of Building and Development issued a memo dated 8/7/20 stating:**

- It is believed the proposed parking is severely below what is required
- A full SWPPP will be required
- Will the access road from the Bentley be physically restricted to emergency traffic only? (by use of barriers and/or signage)
- The intersection with Southside Drive could have conflicts due to the number of current stop signs and traffic flow
- Stormwater to be a big issue due to the amount of impervious surface proposed and its effect on the current stormwater management areas for the Bentley that are between this proposal and the school road
- Building area says 12,000 sf. Proposal shows 10,000 sf restaurant, 10,000 sf outdoor dining area #1 and 10,000 sf outdoor dining area #2
- More comments to follow with more detail

**Sheryl Reed, Chief of the Bureau of Fire Prevention:**

1. Postal verification
2. Specify if the emergency access gate will have a Knox box or lock.
3. Specify the width of the gate and placement of sign per FCNYS
4. Specify location of the existing fire hydrants and any new hydrants

**Scott Reese, Stormwater Management Technician issued a memo dated 9/4/20 with the following comments:**

1. What is the planned surface for the Event and overflow parking?
2. Encourage public education signage for the Bio-Retention Area located on-site.
3. If soil condition permit, would permeable pavers be used for the outdoor dining areas
4. Will there be mash byproduct produced by the brewery? If so, how will it be collected / removed from the site?

**The Environmental Conservation Commission held a meeting on 9/1/20 and issued a memo recommending:**

1. The proposed use does not appear to be consistent with the predominant character of the surrounding built and natural landscape (ie. Senior housing, elementary schools, YMCA, and town park).

2. In keeping with the recommendations and goals of the Town Comprehensive Plan, the Applicant should retain existing vegetation to the maximum extent practical and/or the use landscaping and grading to provide visual and auditory buffering between the project and adjacent roadways or other properties.
3. The ECC specifically notes that appropriate stormwater management for the proposed site must be appropriately engineered to ensure that no stormwater runoff from the applicant's project encroaches on adjacent structures (i.e., underground parking at Bentley, etc.).
4. Emergency access through the Bentley Parking lot is not a safe and ensured route for emergency traffic. This would be particularly true if the parking lot needs to be used for emergency purposes for the Bentley Structure (e.g. HVAC maintenance for over 200 elderly Bentley residents).
5. The ECC has serious concerns about the viability of the proposed outdoor venue. Specifically, there is a high potential for noise disturbance which can endanger and or injure the health of humans residing in the senior residence adjacent to the property. For example, Bentley residents (and patrons of the YMCA) are expected to use the recently acquired parkland on the southside of Maxwell. Large events with significant vehicle traffic pose a hazard to pedestrians who wish to access this parkland.

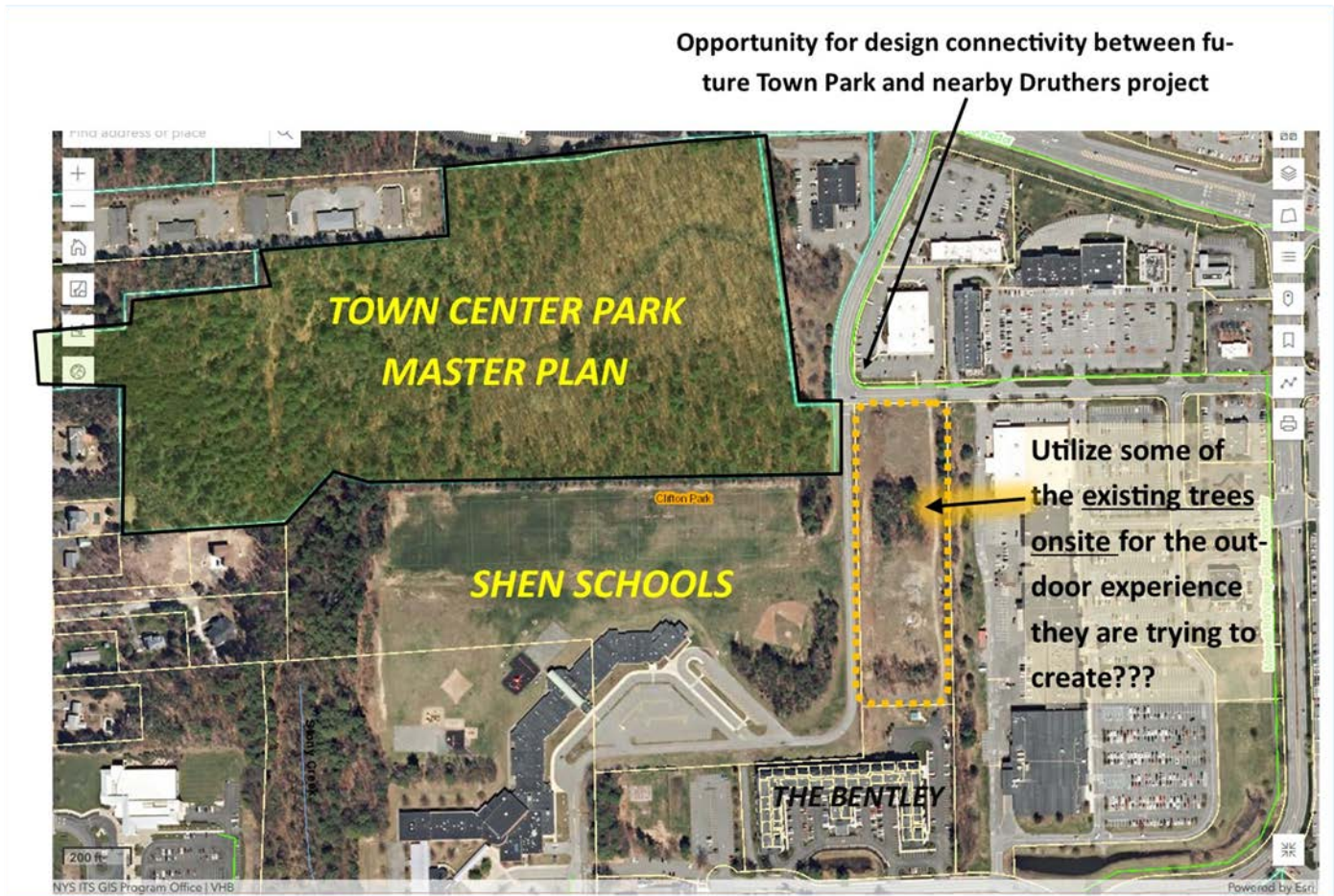
**The Trails and Open Space Subcommittee and Open Space Coordinator, Jennifer Viggiani, submitted the following comments for the Planning Board to consider in its decision making:**

Druthers' overall concept with outdoor seating is highly positive for this location in Town Center and proximity to Town Center Park, and nearby housing and other pedestrian generators.

KEY INTERSECTION WITH TOWN CENTER PARK: Sidewalks and crosswalks are important at Southside Drive/Maxwell Drive Extension/School Drive/ Town Center Park Entrance. The Town's plans call for a tremendous welcoming, gateway to the Town Center Park Master Plan (Adopted by the Town Board in January 2020). The crosswalk over to Druthers and its sidewalks should continue this strong pedestrian presence with a wider scale sidewalk, such as 8 feet wide and continue across Druthers frontage.

We encourage adjusted siting of the building, crosswalks, and all ingress/egress, and parking, to really connect with the Town Center Park adopted master plan, and its nearby green space.

We encourage reconsidering the siting of the proposed building and parking – to take advantage of the “island of trees” that remain on this otherwise cleared property. Could the applicant utilize some of the existing tree canopy and incorporate some of them – potentially – into the proposed “outdoor experience and seating area”? It just seems like an opportunity to fully consider.



Recommended considerations for this proposed conceptual layout:

- Please show the property lines and ownership for the adjacent parcel to the west – the Town of Clifton Park’s Town Center Park for context for the Planning Board’s informed decision making.
- The proposed new restaurant should be considered for moving the siting further to the north – north-west of its current proposed location – **so that it is more visible as a “Terminal Vista” as one approaches from Rt 146.**
  - The building could be more visible this way to oncoming travelers by vehicle.
  - Also, the closer connection to the Town Center Park entrance would be attractive for visitors to mutually access both facilities. The current, proposed location seems like the building is “hiding” too directly behind Staples.
  - Plus, perhaps this relocation of the building closer to Southside Drive could free up the use of the trees onsite, or a portion of them for incorporation into the “outdoor experience” as part of this project.
- Even though the proposed Druthers is part of a PDD, and not Form-Based Code, the Southside Drive (with a proposed access / front entrance to Druthers) is identified as a type “C” or “Park street” typology in the Town Center Form Based Code. Please refer to the Town Center Code on this street typology.
  - For such a street, the sidewalks should be 6 to 8 feet wide, set back from the street about 6 to 8 feet with a planted strip.



- There should be a strong infill of medium street trees installed 40 feet apart along Southside Drive.
- Even though there is a sidewalk already along the north side, of Southside Drive, a new sidewalk should be built along the south side of Southside Drive – for direct access to the Town Center Park and likewise for direct access to the east to retail and other shopping and commercial destinations, and hotels to the east/southeast. This east-west pedestrian connection should be designed as a wider than minimum sidewalk, as this will be a potentially heavily used pathway from Moe Road to Southside Drive.
- Please find a “close-up” of the Park Entrance – which is just across the street from the proposed Druthers. Ideally, the building may be considered bringing closer to the street, and perhaps some parking can be moved away from the nearby park entrance.



The Town Center Park Master Plan which can be reviewed from the following link available on the Town’s website:

<https://www.cliftonpark.org/document-center/projects/37-acre-town-center-park-project/2900-park-master-plan-town-board-dec-9-small-v2/file.html>



**John Scavo, Director of Planning issued a letter dated 8/4/20 with recommendations he made:**

1. Pursuant to Clifton Park Town Code, Chapter A217 - Planned Development Districts, Article XLIII (43) – Maxwell Drive South Mixed Use, established by Local Law No. 10 of 2003 by the Town of Clifton Park the use is permitted by zoning.
2. The applicant should provide documentation showing the existing noise level at the location and any increase in noise level that would be generated by the proposed premises.
3. Add a note to the site plan which states, “The site and it’s operations, facilities, and patrons shall comply with requirements prescribed by Clifton Park Town Code Chapter 149 – titled, *Noise*.”
4. Provide documentation for the mechanism that allows for the proposed emergency access connection to an adjacent parcel.
5. Since the application is conceptual in nature, the applicant should explore the opportunity to front and highlight the building at the intersection of Maxwell Drive South and South Side Drive which would shift the outdoor improvements and dining area also to the northern end of the parcel.
6. In accordance with Town Center Zoning, the Future Streets Map Regulation Plan classifies South Side Drive as a C-Park Street. While the subject parcel is subject to review and compliance with Local Law No. 10 of 2003, any improvements proposed within the public ROW should be consistent with the Form Based Code requirements for a Park Street, noted in Town Code §208-33(C). Compliance with the Future Streets Regulation Plan will promote the continued redevelopment and revitalization of the pedestrian-oriented Town Center by assisting in the creation of an inviting and vibrant streetscape.
7. As site design details are advanced, the following additional information should be provided for the Planning Board’s consideration:
  - a. A lighting plan, including under umbrella, table lighting, and any other lighting proposed, showing fixture, lamp type and locations should be provided.
  - b. Location, type and height of any fencing surrounding the outdoor dining use.

- c. The proposed layout of all use furnishings, including, but not limited to, tables, chairs, umbrellas, pergolas, heaters, planters, fencing or outside dividing walls, signage, and trash receptacles.
8. As detailed plans evolve, the applicant should consider vegetative canopied pathways and other unique opportunities to transform the outdoor dining space into a distinctive and inviting open air dining experience.
  9. The applicant should clarify if the land banked parking spaces are to be utilized as “overflow parking spaces” or are reserved to be developed later if needed. The applicant should note if the green space calculation includes the land banked parking spaces in the impervious calculations.
  10. The adjacent parcel to the west should show where the property boundary of the Town land is separated with the Shenendehowa School District Property.
  11. The applicant should clarify if any brewing or bottling operations will occur on-site or is the use at the proposed location for restaurant only.

**Professional Comments:**

**Walter Lippmann, P.E. of MJ Engineering in a letter dated 8/5/20 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 Planning Board: site plan approval
  - b) NYS Department of Environmental Conservation: permit coverage under stormwater SPDES
  - c) Saratoga County Sewer District #1: sewer connection
  - d) Clifton Park Water Authority: water connection

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 will physically disturb 4.9 acres of land. As such a Stormwater Pollution Prevention Plan (SWPPP) will be required.
3. Part I.12.b – The applicant indicates that the project site is not located within or adjacent to an area designated as sensitive for archeological sites on the NY State Historic Preservation Office (SHPO) archeological site inventory. This response is inconsistent with a review of the DEC Environmental Assessment Form (EAF) Mapper, located at [www.dec.ny.gov/eafmapper/](http://www.dec.ny.gov/eafmapper/). The applicant should change the response in the SEAF and provide a “no effect” letter from SHPO to confirm the presence or absence of archeologically sensitive resources.
4. Part I.13a – A review of the DEC EAF Mapper 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 change the answer to “yes” and in future submissions they will need to provide documentation to confirm the presence or absence of state or federally regulated wetlands on or adjacent to the project site.
5. No further comments at this time. Additional comments may be forthcoming as the project advances.

## **SITE PLANS**

6. The project is located within the Town’s Maxwell Drive South Mixed Use PDD. This was approved by the Clifton Park Town Board by way of Local Law No. 5 of 2018. Our review of the site plans submitted is primarily for conformance with the approved PDD and other applicable design standards.
7. The proposed project is an allowable use and requires Site Plan Review and approval by the Town Planning Board per Section A217-361(A) of the PDD.
8. Per the approved PDD, the proposed project is located on Lot 2, site statistic table references Lot 4, please clarify.
9. The site statistics table indicated banked garage parking spaces, please confirm the use of a garage.



10. Per Section 208-99 of the Town Code, total parking required at restaurants shall be 1 for each 75 sq. ft. of customer service area (excluding kitchens and storage areas) or 1 for each 3 seats, whichever is greater. Confirm the size of the proposed restaurant (10,000 Sf or 12,000 SF) and provide a narrative and calculations based on the proposed building and outdoor patio spaces. Based on this information the required ADA accessible parking spaces can be determined.
11. The submitted information indicates the project is proposing to connect to an existing water main(s) within proximity to the parcel. These mains are owned and operated by the Clifton Park Water Authority (CPWA). It is recommended that the Town be furnished with documentation that the CPWA is willing and capable of providing potable water to the project.
12. The submitted information indicates the project is proposing to connect to an existing sewer main(s) within close proximity to the parcel. These mains are owned and operated by the Saratoga County Sewer District No. 1 (SCSD). It is recommended that the Town be furnished with documentation that the SCSD is willing and capable of providing sanitary sewer service to the project.
13. Provide anticipated water and sewer usage information.
14. Keep in mind ADA accessibility and surfaces for the outdoor dining areas.
15. The plan provides little in the form of accommodations for pedestrian linkages to Maxwell Drive. The Planning Board may desire to have sidewalks along Maxwell Drive to encourage use of the proposed boardwalks.
16. The project will disturb more than 1-acre of land. As such, it will be subject to the NYSDEC Phase II Stormwater Regulations and General Permit GP-0-20-001. Therefore, a full SWPPP will be required that addressed water quantity and quality controls. As the project proceeds through the Town's regulatory review process, a fully conforming SWPPP shall be provided for review.
17. There needs to be a determination if the proposed building construction and use will warrant automatic sprinklers as prescribed in the Building Code of New York State. This information is needed to determine whether an on-site hydrant is required to satisfy the requirements of Section 508.8 of the FCNYS.
18. Determine if a Knox Box is required based upon the building arrangements, occupancy and materials of construction. If one is required, its location is subject to the review and approval of the Fire Chief.
19. Subsequent plans should include architectural elevations of the building with a listing of the materials of construction for review by the Planning Board.

20. Considering the plan submitted is conceptual in nature and for variances purposes, we will reserve further comments until more detailed plans and reports are submitted. Subsequent submissions shall include information as outlined in Section 208-115 of the Town zoning specific to site grading, site lighting, architectural renderings, erosion control and stormwater management to fully assess the design and its compliance to the applicable standards.

### **Public Comments:**

Mr. Scavo stated that there have been 60 individual letters submitted to the town from residents of the Bentley opposing the project. He also stated that there was a petition against the project provided to the town with numerous signatures from residents of the Bentley. Mr. Scavo stated that there have also been letters in favor of the proposal as well with a Change.org petition that was up to 68 signatures from various individuals within the community.

Bonnie Kowalski – Bentley resident – Ms. Kowalski stated that she has concerns with a bar being close to a housing complex designed for individuals 55 and over and where most of the residents are over 70. She also stated that there are laws indicating that a liquor license cannot be given to an establishment closer than 200ft from a school. Mr. Chris Martel, restraint owner, stated that this issue was discussed and that it is 200ft from the front door of the establishment to the front door to the school, and which this does have this distance, which is 700 ft. Ms. Kowalski referred to Zoning Law and stated that the Bentley residence are negatively affected by this proposal and would like to see this proposal at a different location. Ms. Kowalski also stated that she feels that the tree line on the rear of the property nearest to the Bentley should stay and possibly deeded over to the Bentley. Ms. Kowalski asked if an environmental impact statement has been done on this. Mr. Dannible stated a negative declaration was issued with original SEQR review conducted for the Maxwell Drive South PDD that contemplated an office use and the Bentley Condominiums at that time.

Dave and Lori Dittmer, 42 Canterbury Road, Clifton Park– Mr. Scavo read a comment from the Zoom Chat Dialogue offered by the Dittmer's in favor of the project that read, "I am over 60 years old and a military veteran, and I would welcome a nearby Druthers."

Joe Nial – Bentley resident – Mr. Nial stated that he is 81 years old and lives in the Bentley. He stated the impacts on the community this use would have at this location. He stated that he feels it is unfair for those who sought out a quiet place to live and remain independent to have to live adjacent to the proposed use. Mr. Nial stated he has concerns with the noise generated by 300 people and the dust kicked up from gravel parking areas. He stated he feels this use does not benefit or support the current residents. He has concerns that residents have spent their own money for the pergola, seating area and plantings that will no longer be able to be utilized as it is only a few feet away from the property line of this project site. Mr. Nial stated that as tax payers

they should have a say in what happens around them. He also asked for a landscape architect to help better figure out privacy for the residents of the Bentley from this proposal. Mr. Ferraro asked the residents if they were aware of the PDD when they purchased the property. Mr. Nial stated they were not notified and he did not look or did not know he should, into possible development when the home was purchased. Mr. Ferraro stated that when the Bentley was built there was already a plan in place for development of the parcel. Mr. Nial suggested there could be a parking agreement with the former Toys-R-Us building.

A resident over a phone line stated that she has a home in the Bentley overseeing the site proposal and that she was home during the noise testing and it brought her outside to find out what the noise was and that traffic noise, customers, and cars were not taken into account on top of the music.

### **Planning Board Review:**

Mr. Lalukota asked if the trees bordering the Bentley could be saved and asked if they need to put parking so far to the rear. Mr. Lalukota stated that he is in favor of the second site plan over the first concept plan originally submitted for the August meeting.

Mr. Ferraro asked if there could be a parking agreement with a neighboring business. Mr. Dannible stated that a verbal agreement would be easily obtained but getting a legal parking agreement would be difficult as it would hinder other development of agreeing site. Mr. Dannible stated that Shenendehowa does not want overflow parking on their property at all. He also stated that the property is being purchased at a premium price as it is in the town center so to deed some of the property to the Bentley would not make business sense. Mr. Donald MacElroy representing DCG, current property owner of the propose site, stated that this layout is the least restrictive for parking for the site but there are competitors around this site and they would not be agreeable to sharing parking. Mr. Ophardt stated that he agrees with Mr. McElroy and with comments made by Mr. Myers.

Mr. Ophardt stated that Peddlers restaurant has 115 parking spaces that are filled on weekends and this site is three times larger. He asked what the parking is like at other Druthers in the area. Mr. Martel stated that in Saratoga there is no parking. He stated that in Albany the building is 17,000 sf that includes commercial brewery space and has 20 spots of their own with 60 spots leased and on street parking, in Schenectady, there is a 9,000 sf building and a 4,000 sf patio area that is co-located with other commercial businesses on the first floor and residential units above, and he stated they have garage and on-street shared parking at the Mohawk Harbor, Schenectady Location.

Mr. Ferraro asked if the rear parking could be reduced from 80 to 40 spots and a berm added for buffering. Mr. Dannible stated that they can try their best to save the trees adjacent to the common property boundary with the Bentley but cannot promise to keep them forever. Mr.

Dannible stated that to keep an acre of buffer would be a concern to the project and that a conceptual site plan was done with the original PDD that contemplated a parking lot up to the property boundary with the Bentley..

Mr. Szczesny suggested that Mr. MacElroy, Mr. Dannible, and Mr. Martel work on options to mitigate some of the concerns raised this evenings and bring ideas back to the Board for review.

Mr. Szczesny asked if the proposal is within the parameters of the PDD and an allowable use. Mr. Scavo stated it is compatible with the PDD, and that the Board and staff members should look at the impact of the area and not the use as it is already permitted through the PDD.

Mr. Andarawis suggested looking into accommodations to the east of the site for shared parking. Mr. Neubauer stated he would like the applicant come back with more details for architecture, roadways, and a newer plan to reflect on the comments made tonight. Mr. Neubauer stated he would like to see more effort in the buffering with the Bentley. Mr. Dannible stated that he is welcome to more comments if they can be given to Mr. Scavo to be forwarded to him for review.

### **Public Hearings:**

#### **2020-043 Park West PDD Subdivision**

*Applicant proposes the subdivision of land from a proposed PDD to provide a Public Right of Way by fee dedication for the Town and to place the stormwater management basins within individual lots, Rt 146, Zoned: R-3, Status: PB Preliminary Review*

SBL: 271.-1-13 To be reviewed by: MJE Consultant: Lansing Engineering Applicant: S.Earl

Mr. Ferraro clarified that this is for subdivision only and that the site plan will not be approved if the subdivision is tonight.

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

Mr. Ferraro, Chairman, called the public hearing to order at 10:38 p.m. The Secretary read the public notice as published in the Daily Gazette on August 28<sup>th</sup>, 2020.

**Consultant/Applicant Presentation:**

Scott Lansing – Lansing Engineering – Mr. Lansing stated that the proposal is to remain the same as far as the number of buildings and units. Mr. Lansing stated that the roads are to be dedicated to the town, and that the alleyways have been removed from the plan, decreasing the asphalt by 1,617 linear feet and thus increasing the greenspace to 73% greenspace. Mr. Lansing stated that due to the greenspace increase the stormwater management area was decreased and the soil disturbance was decreased. He stated the buffers that were previously approved have not changed, and the southwest stormwater area is 1.24 acres in size, and for the east the stormwater management area is 2.0 acres. Also the sidewalks have been put back in place from the original site plan design.

**Staff Comments:**

**Steve Myers, Director of Building and Development issued a memo dated 8/27/20 stating:**

- Driveways moved to the front of all buildings
- Clubhouse and one duplex removed
- one fourplex added
- alleys removed and extra parking added along roads
- depth of stormwater areas will require fencing
- all fourplexes and single family homes are required to be sprinklered

**Scott Reese, Stormwater Management Technician issued a memo dated 9/4/20 with the following comments:**

1. There are no stormwater comments at this time. For the subdivision

**Sheryl Reed, Chief of the Bureau of Fire Prevention:**

1. Revise the site map to reflect the correct 911 addresses

**The Environmental Conservation Commission held a meeting on 9/1/20 and issued a memo recommending:**

1. The ECC has no comments at this time.

**John Scavo, Director of Planning issued a letter dated 8/31/20 with recommendations he made:**

1. The subdivision does not appear to exceed any development thresholds or potential impacts identified by both the Town Board and Planning Board when the PDD and Site Plan Applications were reviewed in accordance with SEQR. It is recommended that the

Planning Board reaffirms its original SEQR Determination of a Negative Declaration for the additional action (subdivision) requested.

2. The subdivision appears to address my prior comments regarding a proposal to convey the roadway and stormwater management systems in fee title to the Town of Clifton Park.
3. In accordance with §86-5 of the Clifton Park Town Code, add the following note to the final subdivision plan:
  - a. Monuments shall be located in sufficient number to control the subdivision, but, as a minimum, they shall be located as necessary to provide visibility between adjacent monuments along one right-of-way line of each street. All easements to be dedicated to the town or open space to be dedicated to the town shall be monumented at their point of intersection with the right-of-way. Iron rods shall be set at all other bend points along any easement to be dedicated to the town or any open space to be dedicated to the town.
4. A note should be added to the final subdivision plan that states:
  - a. With the exception of conveyances of land and improvements to the Town of Clifton Park identified herein, this subdivision is bound by all conditions, covenants, restrictions, and notices of decision issued for Park West PDD adopted by Local Law No. 5 of 2018 by the Town of Clifton Park Town Board, and Park West PDD Site Plan Amendment approved by the Town of Clifton Park Planning Board.

### **Professional Comments:**

**Walter Lippmann, P.E. of MJ Engineering in a letter dated 9/4/20 had the following comments:**

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

1. The SEQRA review was completed for this application as part of the PDD review process with the Town Board issuing its findings and a negative declaration. The Clifton Park Planning Board served as an involved agency during that review. Under the presumption that the detailed site plans submitted proposes improvements that are consistent with the Town's findings, no further SEQRA action is necessary. In our review of the plans, we believe that the Town Board's SEQRA findings have not been upset and no additional SEQRA review is warranted on this application.

#### **SITE PLANS**

2. Provide notation on the plan as follows:
  - a. No Utilities shall be installed beneath the proposed driveways.
  - b. Any work required within the Town right-of-way shall be subject to any permitting from the Clifton Park Highway Department (driveway, culvert, water service, sewer).

3. Identify the date and by whom the wetlands shown were delineated. Verify if any wetlands are under the jurisdiction of the USACOE.

**Public Comments:**

Anthony LaFleche – 21 Wheeler Drive – Mr. LaFleche asked what the purpose of the subdivision would be. Mr. Lansing stated it is to be able to donate the right of way and the stormwater management areas to the town, which was a request by the town. He also asked if this interferes with any of the current footpaths and if the paths could be maintained from Beacon Drive to the Dwaas Kill. Mr. Lansing stated that this is maintained in the subdivision.

There being no additional public comment, Mr. Ferraro moved, second by Mr. Ophardt, to close the public hearing at 10:50 p.m. The motion was unanimously carried.

**Planning Board Review:**

No Planning Board comments

Mr. Ophardt offered Resolution No. 12 of 2020, seconded by Mr. Andarawis to waive the final hearing for this application for the Park West PDD Subdivision approval, and to grant preliminary and final subdivision approval condition upon satisfaction of all comments, provided by the Planning Department, Town Designated Engineer, and all items listed in the final comment letter issued by the Planning Department.

**Conditions:**

With the exception of conveyances of land and improvements to the Town of Clifton Park identified herein, this subdivision is bound by all conditions, covenants, restrictions, and notices of decision issued for Park West PDD adopted by Local Law No. 5 of 2018 by the Town of Clifton Park Town Board, and Park West PDD Site Plan Amendment approved by the Town of Clifton Park Planning Board.

**Roll Call:**

D. Bagramian - Y  
E. Andarawis - Y  
E. Ophardt - Y  
A. Neubauer - Y  
G. Szczesny - Y  
R Ferraro - Y  
R. Lalukota – Y

Ayes \_\_\_\_\_7\_\_\_\_\_

Noes: \_\_\_0\_\_\_\_\_

The resolution is carried.

### **Old Business:**

#### **2020-032 Hubbs Road Active Solar Special Use Permit**

*Applicant proposes constructing 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 Preliminary Review*

SBL: 258.-1-6.3 To be reviewed by: MJE Consultant: Creighton Manning Applicant: Active Solar **Last Seen on: 7-14-20**

#### **2020-031 Hubbs Road Active Solar Site Plan**

*Applicant proposes constructing 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 Preliminary Review*

SBL: 258.-1-6.3 To be reviewed by: MJE Consultant: Creighton Manning Applicant: Active Solar **Last Seen on: 7-14-20**

Mr. Andarawis stated that for the record he lives within ¼ mile of the location of the application. He has participated in the past discussions. Mr. Scavo stated that earlier this evening he spoke to the Attorney and that as long as there is disclosure and acknowledgement that Mr. Andarawis has no personal interests or gains from the project he can participate in the discussion of this application.

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

Ryan Farnum – Creighton Manning – Mr. Farnum stated that is application is near the corner of Hubbs Road and Schaubert Road consisting of wooded and field areas. This application will provide local community solar power. Mr. Farnum stated that this farm will create 6.7mw/dc of power. The land is 84.7 acres in total and the solar farm will cover 22.6 acres on a zoning of CR. Stormwater areas, emergency access road pull off comments have been addressed as well as a gap in the chain-link fence for wildlife to move through the habitat. Mr. Farnum stated that there are protected wetlands on the parcel and he is working with the proper parties to obtain necessary permitting. He also noted that when a SHPO letter of no-effect is received he will notify the town



and provide a copy of the letter for the project file. He presented on the shared zoom screen what the paneling would look like on two locations with the natural buffering from Schaubert Road as requested by the Board as well as indicating on the map the control points for the picture locations that were selected by Town Staff. Mr. Farnum stated that the tress hedge row located about 750 feet off the road will remain for buffering; there will be a small portion of the solar panels visible from one of the viewpoints, but this is the edge line of the panels. The second viewpoint Mr. Farnum showed and indicated a location more in the center of the project and was stated to also be about 750 feet from the roadway and showed existing trees that would remain for buffering and very minimal visual impact. Mr. Farnum stated that the visual impact from Hubbs Road had been shifted back away from the driveway curb cut and proposed interconnecting poles from Hubbs Road. He stated that the clearing is 210 sq.ft. of wooded area. The last view provided was from the east side of the property. Mr. Farnum stated that there is a wooded area of existing vegetation and this project is proposing to keep 20 ft of the area for buffering, keeping the panels about 40 feet away from the property line. Mr. Farnum stated that per Active Solar the panels have a maturity life of 30 years and a useful life of 35-45 years. Mr. Farnum stated that if the panels do not generate continuous power for 12 months it will be decommissioned and considered abandoned. A decommissioning bond will be provided to the Town before the project starts.

### **Staff Comments:**

#### **Steve Myers, Director of Building and Development issued a memo dated 8/27/20 stating:**

- Emergency access roads
- Pull offs must be at least 50' long (truck used in analysis is 44' long)
- Turn around area must be at least 70' long
- Road must be a minimum of 20' wide and certified to support a 75,000 lb vehicle by an engineer.
- There must be access all the way around the array between the panels and the fence. Noted in response
- Stormwater comments to be provided by Scott Reese and TDE
- Turning radius template for roads is available. It is for a vehicle larger than shown
- A knox box and/or knox lock will be required.

#### **Sheryl Reed, Chief of the Bureau of Fire Prevention:**

Place the 911 address of 35 Hubbs Road on the final map

#### **Scott Reese, Stormwater Management Technician issued a memo dated 9/4/20 with the following comments:**

1. In Appendix E of the SWPPP on Page 2 the Area Listings for Pre-Development is 2.251 acres of woods, good HSG A, on Page 2 the Area Listing for Post-Development is 5.093 acres of woods, good HSG A, please clarify the increase.

2. Extend the Time Spans so runoff volumes can be completely modeled.
3. The Analyst Points should be prior to the mapped wetlands to show that no increase is entering the wetlands. Wetlands can not be used for post stormwater controls.
4. It appears through past aerials that the open fields were more meadow (hay fields) in nature than row crops.
5. What measures are being provided to protect the proposed riparian buffers?

**The Environmental Conservation Commission held a meeting on 9/1/20 and issued a memo recommending:**

1. The ECC has no further comment at this time

**John Scavo, Director of Planning issued a letter dated 8/31/20 with recommendations he made:**

1. Please review the attached wetlands mapping for the parcel directly east and adjacent to the solar array. This delineation has received Jurisdiction Determination Letters from both the Army Corps of Engineers and NYS DEC. The applicant should evaluate if additional screening of the eastern portion of the solar array is necessary to protect the adjacent property's uplands from potential visual impacts. Based on prior comments expressed by Planning Board Members, there was a concern that buffering offered to this parcel assumed the presence of adjacent wetlands that were not likely to be developed. This mapping indicates uplands that appears to have the potential to be negatively impacted by the lack of visual screening from the proposed array. Based on the additional information of wetlands mapping available for the adjacent parcel, please provide information on where the array lies in relation to the common shared boundary line with parcel SBL: #258.-1-6.2.
2. The Planning Board will need to complete the SEQR Review process prior to opening the public hearing for the special use permit.
3. A referral of the preliminary site plan and special use permit application have been made to the Saratoga Co. Planning Board in accordance with GML §239(m)&(n). The County Planning Board will consider the referral at the meeting scheduled for September 17th.
4. The NYS DEC issued a letter dated July 27, 2020, that stated, "Based on the information provided, DEC agrees with the Clifton Park Planning Board to serve as SEQR lead agency for this project." The Agency then went on to note that disturbance of more than one acre of total land will require a SPDES General Permit for Storm Water Discharges from Construction Activities (GP-0-15-002).
5. Based on prior comments offered by Town Staff and Planning Board Members, the applicant has submitted a revised FEAF Part 1, dated 8/17/2020, that has been included in the project file to replace the prior FEAF dated 6/22/2020. 6. The applicant should verify that the site plan and detail for the 7' fence includes the habitat gap previously discussed.

**Professional Comments:**

**Walter Lippmann, P.E. of MJ Engineering in a letter dated 9/4/20 had the following comments:**

**STATE ENVIRONMENTAL QUALITY REVIEW**

1. No further comments.

### **SITE PLANS**

As noted in Comment 15 of our July 10, 2020 review, 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.

2. Revised primary staging area boundaries to avoid the proposed riparian buffer area.
3. Revised note on Sheet C-4.0 to indicate a Knox Box shall be provided on all gates.
4. Provide a standard detail for the culvert crossings shown on the plans. This include pipe bedding, fill material, pipe cover requirements and any pipe end treatments.
5. Provide a standard detail for the vegetative swale along the western portion of the site.
6. Provide a fence gate detail on the plans.
7. Correspondence with the USACOE shall be provided to the Town for their records. Any approvals offered by the Town should be conditions upon the applicant receiving the necessary permits for activities planned within the regulated wetlands.

### **DECOMMISSIONING PLANS**

8. No further comments.

### **STORMWATER POLLUTION PREVENTION PLAN**

1. As noted in Comment 20 of our July 10, 2020 review, consultation with NYS SHPO is required in order to obtain a “letter of no effect”. The applicant indicated an archeological investigation is being performed and a copy should be provided to the Town upon completion.
2. 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.
3. SWPPP text shall include a general discussion of stormwater management planning undertaken with emphasis on items outlined in Section 5.3 (Table 5.7) of the New York State Stormwater Management Design Manual (NYSSMDM).
4. Extend the time span in the HydroCad model to 48 hours.
5. Per the NYSWDM Section 5.3 the following should be met for riparian buffers:

- a. Runoff shall enter the buffer as overland sheet flow; the average contributing slope shall be 3% maximum unless a flow spreader is used, a level spreader shall be used between buffer slopes ranging between 3% and 15%; for buffer slopes beyond 15% this practice cannot be applied.
  - b. Minimum width of a vegetated filter strip or undisturbed riparian buffer shall be 50 feet for slopes of 0% to 8%, 75 feet for slopes of 8% to 12% and 100 feet for slopes of 12 % to 15 %.
  - c. In HSG C and D buffer length should be increased by 15%-20% respectively.
6. The plans and SWPPP should note that the riparian buffer area should be protected during construction to prevent soil compaction by heavy equipment.
  7. Provide locations of rock check dams in proposed vegetative swale.
  8. The SWPPP shall include the operation and maintenance required of the installed stormwater management facilities pursuant to Part III.B.2.f of GP 0-20-001 (Vegetative swale Section 5.3.3).
  9. 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.

### **VISUAL ANALYSIS**

10. The Planning board may consider a visual simulation at the viewpoint of the eastern boundaries of the project closest to the adjacent property line.

### **Public Comments:**

Mr. Scavo stated that written comments via email and paper were received by staff and comments have been forwarded to the Board for review. Mr. Ferraro asked for clarification of tree removal as some letters reflected 20 acres to 50 acres tree clearing. Mr. Farnum stated the clearing would be closer to 12 acres.

Mike Robertaccio – Mr. Robertaccio stated that earlier in the night he had an application before the Board adjacent to this project site. His property is to the east of this application that can negatively impact his future plan to subdivide his parcel with additional homes. He stated he felt that there is not enough buffering between his property and this application. He stated that he sent a picture of the property line and the lack of buffering for his property and stated that especially in to winter months the lack of leaves exacerbates the visual impacts. Mr. Scavo used the share screen feature for Zoom to show the picture provided by Mr. Robertaccio. Mr.

Robertaccio stated he has no problem with the proposal but would like to see something to make both properties successful. Mr. Ferraro stated that for a prior community solar application they had 2 rows of evergreens planned to buffer the array from adjacent parcels. Mr. Ferraro also stated that there is proposed tree removal in that area and if the applicant could clarify what may be able to be done. Mr. Farnum stated he would look at the upland areas and buffer accordingly.

Mr. Ferraro stated that there are questions in the chat about the visual impact in the winter months when some buffering is sparse. Mr. Farnum stated he would like to speak with the landscape architect to see if anything can be created to bring back to the board for a visual of what it would look like in winter months.

Helen Wilson – 28 Hubbs Road – Ms. Wilson stated that she is directly across the roadway from the proposal, and she has submitted a letter with concern to the Planning Department. She asked if evergreens are planted how long will they take to grow and fully buffer the areas indicated. She believes that the 20 foot setback with the driveway will not allow for enough buffering in the winter months and she will be looking at the solar panels. She also stated she has concerns about chemicals leaching and getting into existing wells of those who reside on Hubbs Road. Ms. Wilson stated that another concern is traffic due to clearing of the land and installation of the panels, and Hubbs Road is a one lane road in each direction. She stated that in the plan it says that there are poles to carry the electrical lines to the transfer station and if the lines would add more poles to the transfer station. She stated concerns about the decrease in home resale value. Ms. Wilson stated that there are fire concerns as well as there are no hydrants in the area and suggested that the project should bring town water to the site. Mr. Keith Goldstein from Active Solar stated that the panels are a tier 1 of the highest quality panels and the life of the panels are 45 years. Other solar projects have had the same questions and have all been addressed to the Boards satisfaction. Mr., Ferraro stated that Mr. Myers has made comments about the fire access and would like elaboration. Mr. Goldstein stated that those comments would be addressed by the next meeting. Mr. Scavo stated that he does not want to speak for the applicant but the utility poles carrying the energy would connect to existing lines along Hubbs Road, there would be no additional pole or lines in the right of way.

Lois New – Ms. New owns and operates a horse farm on Hubbs Road and Schauber across from the project site and is a Clifton Park resident– She stated she is in favor of the solar farm. She stated she drives the roadway daily and feels the work to install the farm wouldn't be any different than other projects going on in the roadway. She stated she supports clean energy and the diligent review and attention this project is getting from the Board.

Mr. Scavo stated there was a comment asking what the impact to the well water is. Mr. Scavo stated that other solar projects have conducted reviews and that they have stated that in June of 2015 in Massachusetts the conclusion stated the solar array are constructed with well water supplied to the community in mind and solar panels are contained in one solid matrix. Mr. Scavo

stated that the solar panels are contained in a solid matrix, are insoluble and are glass enclosed. He also noted Solar PV panels must burn at greater than 1000 degrees Celsius to emit toxic substances which is much higher than a normal house or brush fire would ever burn.

Mr. Scavo stated another comment is concerned about no hydrants in the area, decrease in property value and concerns on the excessive speed of vehicles on the roadway. Mr. Scavo stated that Mr. Myers has made comments pertaining to the fire access and has not raised the water issue for emergency service purposes. Mr. Scavo stated that as far as the construction, signage can be provided to alert traffic of temporary construction vehicle activities. Mr. Scavo stated the water use for community solar arrays is zero and the panels do not absorb any water so the ground water sources would continue to be recharged from rainfall absorbing into the soils beneath the panel arrays. On the question of impact on property values, John stated he will investigate other studies that may have been done evaluating the impact of solar arrays on property values.

Mr. Scavo stated another question was asked about glare of the panels and what direction the panels would face. Mr. Scavo stated that the Board has addressed this in other proposals and that an airport glare study was done and the findings of this study was presented to the Board. The study showed that flight patterns were not impacted. He noted city lights give more glare at night than the panels would create during the daylight hours. He stated that any glare is light not absorbed by the panels and equate potential energy loss of the array which is why panels are black in color to absorb the maximum amount of sunlight and are inherently designed to minimize any glare that equates to energy collection losses and efficacy of the collector panels.

Ralph Savage – Schaubert Road resident – Mr. Savage stated he has been living for years in this home. He stated that he felt he has lived in open space and has felt over the years more development has come to the area and have become residential. He feels that Mr. Scavo was right in having the Board look at the impact on the residential area is key. He stated that he has not been informed of the number of transformers or other equipment or where these materials were made. Mr. Savage stated at the last meeting that the lines would transmit the energy down Hubbs Road and was questioning the old lines capability of this, now he is saying this is fine and he has concerns with this. Mr. Savage suggested that the impacts on the area homeowners are irreversible. Mr. Savage stated he has concerns with the high amount of electrical static is being carried down the roadway and that it can cause adverse effects on human health. Mr. Savage stated he also has the same concerns as other residence in the fire risk that the solar farm can present. Mr. Savage voiced concerns about possible bald eagles in the area as well.

Lydia Savage – Schaurber Road resident – Ms. Savage asked what the impact this project would have on Schaurber Road. Mr. Farnum stated that the permanent access would be on Hubbs Road and he is still working with the developer to see where the locations for installation access will be located, none of which would be permanent. Mr. Ferraro asked how long Mr. Farnum would

project the tree removal to occur. Mr. Farnum stated that he believes it would be about 2 months. Mr. Goldstein stated there would be about 6 weeks of site work, 4-6 weeks of constructing the panel racking system, and then 1 month of panel installation. Ms. Savage asked where the power generated would be connecting to. Mr. Goldstein stated that there is a report that can be provided to Mr. Scavo that can address the power station the panels generate go and if they have the capacity to accept the power.

Rose Masseria – resident – Ms. Masseria asked if the project is already started, and if the concerns of the public are being taken into consideration for this project. Mr. Ferraro stated the project needs approval from the Planning Board for the SUP. Mr. Scavo stated that there is no know activity on this project going on.

Tony Papa – Applicant Land Owner – Mr. Papa stated that the connection is going to the substation in Elnora, owned by National Grid. He also stated that there has been no work on his land. Mr. Papa stated that if the residence prefers they can restrict access, but the traffic would not be extreme as the panels will fit on only about 5 tractor trailers.

Bill Dolland– 30 Hubbs Road – Mr. Dolland stated that he knows what he purchased when he brought his property and he was only notified of this project 2 weeks ago and is concerned on how quickly this is moving along.

### **Planning Board Review:**

Mr. Szczesny stated that he supports the solar farms over a new housing development. He also stated that the property owner is allowed to use their property as they choose if they receive the approvals needed and for uses permitted under the zoning by way of special use permit

Mr. Neubauer stated that the members of the Board have the experience and the credentials for addressing concerns for fire safety and have shared them. He stated he has no fire safety concerns with this project. Mr. Neubauer stated that Clifton Park is in favor of solar array especially with the array that is on the old landfill owned by Clifton Park. Mr. Neubauer stated that he believes the buffering can be mitigated. He also stated that he believes that the tradeoff compared to the alternative is worth it as on the parcel there can be 28 residential homes under the current CR Zoning instead of a solar farm.

The consultant will prepare and present for review by the Planning Board responses to the issues raised before a public hearing is scheduling.

### **New Business:**

**2020-044 Greene, Donald 750 Route 146A Subdivision**

*Applicant proposes subdividing a 5.5 +/- acre lot (264.-3-37.3) into 2 new single family residential lots with the remainder to be merged with the 40.25 +/- acre parcel (264.-3-37.12) an adjacent parcel under common ownership. Proposed Lot 1 to be developed in the future with a residential dwelling and Proposed Lot 2 will have the existing dwelling and barns, 750 Rt 146A, Zoned: CR, Status: PB Concept Review SBL: 264.-3-37.3 To be reviewed by: MJE Consultant: EDP Applicant: D. Greene*

**RESCHEDULED TO NEXT MEETING ON SEPTEMBER 22<sup>nd</sup> , 2020 DUE TO TIME CONSTRAINTS ON MEETING TONIGHT. THE APPLICANT HAS AGREED THAT THIS APPLICATION WILL BE SEEN BEFORE SCHEDULED ITEMS ON AGENDA.**

**Discussion Items:**

None

Mr. Szczesny moved, seconded by Mr. Neubauer, adjournment of the meeting at 12:25 a.m. The motion was unanimously carried.

The next meeting of the Planning Board will be held as scheduled on September 22<sup>nd</sup>, 2020.

Respectfully submitted,

*Paula Cooper*

Paula Cooper, Secretary