

**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

ROBERT WILCOX  
Attorney

PAULA COOPER  
Secretary



MEMBERS

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

*(alternate)* Keith Martin

**Planning Board Minutes**  
**February 23<sup>rd</sup>, 2021**

Those present at the February 23<sup>rd</sup>, 2021 Planning Board meeting were:

Planning Board: R. Ferraro, Chairman, E. Andarawis, R. Lalukota, A. Neubauer, E. Ophardt, G. Szczesny  
Keith Martin – Alternate Member

Those absent were: D. Bagramian

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

Mr. Ferraro, Chairman, called the meeting to order at 7:00 p.m. Mr. Ferraro stated that in the absence of Ms. Bagramian tonight, Mr. Martin would be a voting member.

**Minutes Approval:**

Mr. Andarawis moved, seconded by Lalukota, approval of the minutes of the February 9<sup>th</sup>, 2021 Planning Board meeting as written. The motion was unanimously carried.

**Public Hearings:**

**2020-052 Manilenko Clifton Park Center Rd 3 Lot Subdivision**

*Applicant proposes to subdivide parcel into 3 new lots. Lot 1 will be 4.67 +/- acres, Lot 2 will be 1.35 +/- acres and include the existing house and outbuildings, Lot 3 will be 1.27 +/- acres. Lots 1 and 3 will be for construction of single family homes with connections to existing water and sewer along the north side of Clifton Park Center Road, 518 Clifton Park Center Rd, Zoned: R-1, Status: PB Preliminary Review w/possible determination*

SBL: 271.19-1-31

To be reviewed by: MJE Consultant: GVG Applicant: G. Manilenko **Last Seen on: 11-10-20**

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. Neubauer moved, second by Mr. Szczesny, 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 7:06 p.m. The Secretary read the public notice as published in the Daily Gazette on February 13<sup>th</sup>, 2021.

**Consultant/Applicant Presentation:**

Duane Rabideau – Van Guilder – Mr. Rabideau stated that the application tonight is to subdivide the property into 3 single family lots. He stated that Lot 1 would be 4.7 acres, Lot 2 would be 1.35 acres and have the existing home on it and have improvements, and Lot 3 would be 1.3 acres. Mr. Rabideau stated that all 3 lots would have public water and sewer and none of the lots would impact DEC wetlands or buffer areas for them but the lots have wetlands to the rear of them. He stated that the lots exceed the minimum lot sizes for the zoning. Mr. Rabideau stated that there is a 15 foot easement on Clifton Park Center Road for a potential future trail.

**Staff Comments:**

**Steve Myers, Director of Building and Development issued a memo dated 2/21/21 stating:**

- No further comments

**Scott Reese, Stormwater Management Technician issued a memo dated 2/18/21 with the following comments:**

1. No stormwater comments at this time.

**The Environmental Conservation Commission held a meeting on 2/16/21 and issued a memo recommending:**

1. The ECC has no more comments at this time

**John Scavo, Director of Planning issued a letter dated 2/18/21 with recommendations he made:**

1. The Saratoga Co. Planning Board noted in a letter dated, November 20, 2020, that the project will have no significant county-wide or inter-community impact.
2. The current submittal appears to adequately address my previous comments offered.
3. The Parkland fee shall be waived by the Planning Board as a result of the proposed 15' multiuse pathway easement.

**Professional Comments:**

**Walter Lippmann, P.E. of MJ Engineering in a letter dated 2/19/21 had the following comments:**

**STATE ENVIRONMENTAL QUALITY REVIEW**

1. No further comments.

**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. As per Comment 2 of our November 6, 2020 review letter, Part I.12b – The response indicates that the proposed 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. Regardless of a SWPPP being required or not, the applicant should provide documentation confirming the presence or absence of cultural or historic resources.

**SUBDIVISION**

3. Provide a proposed grading plan to indicate that the NYSDEC wetlands will not be disturbed.
4. Provide an erosion and sediment control plan.
5. Will the existing driveway be granted an easement for ingress/egress as it appears a portion is located on Lot 3.
6. Provide correspondence from NYSDEC and USACE validating the wetland boundaries.
7. The plat shall include contour lines at five-foot intervals to United States Geological Survey (USGS) datum pursuant to Section 179-8 of the Town Subdivision Law.

8. Indicate the existing trees to remain. Pursuant to Section 86-10 of the Town Zoning, the applicant shall be required to plant two trees per living unit on the street side of new construction sites. Provide planned species to be planted for review
9. Provide the size and material of the proposed culverts

### **Public Comments:**

Anthony LaFleche – 21 Wheeler Drive- Mr. LaFleche thanked the applicant for granting the 15 foot easement and asked the applicant if the homes would be placed where they were shown on the previous plans. Mr. Rabideau stated that Lot 1 proposed home has been moved more forward on the lot. Mr. LaFleche asked the applicant how close Lot 3 home is to the road. Mr. Rabideau stated it is about 150-200 feet from the edge of the roadway. Mr. La Fleche asked about the distance from the road is the home on Lot 1. Mr. Rabideau stated it is about 100 feet.

There being no additional public comment, Mr. Ferraro moved, second by Mr. Ophardt, to close the public hearing at 7:16p.m. The motion was unanimously carried.

### **Planning Board Review:**

Mr. Ophardt asked about the easement for Lot 2 driveways and if there was a decision on it. Mr. Rabideau stated that there is an easement to be granted over Lot 1 to allow for a driveway for Lot 2 and it will be added to the final map and plans. Mr. Rabideau stated that it is about 5 feet off of the existing driveway. Mr. Ophardt asked why a lot line adjustment wasn't made for this instead of an easement. Mr. Rabideau stated that this works better for the applicant so that the 100ft for the building line is met. Mr. Ophardt asked the applicant about the encroachment to the rear of the property and the side in relation to the right of way and the fencing. Mr. Rabideau stated that to the rear is not a big deal, and the Lot 3 neighbor has a fence over the property line and the owner is granting a use easement to the neighbor for the fencing instead of making them move it.

Mr. Martin stated that the response to the Planning Boards comments on item 4 and 12 do not make sense. Mr. Rabideau stated that the driveway for Lots 1 and 3 are both 100 feet east of Moe Road and comment 12 should have read Lot 3 not Lot 1 and is a typo.

Mr. Ferraro stated that the easement for the driveway is for Lots 2 and 3 and that notes should be reflected properly in the final plan.

Mr. Lippmann stated that the driveway 3 needs to be a minimum of 100 feet from the intersection of Moe Road. Mr. Rabideau stated that it meets the requirement.

Mr. Ferraro thanked the applicant for granting the 15 foot easement and stated that the applicant agreed to split rail fencing and signage every 50 feet intervals for the delineated protected

wetlands. Mr. Ferraro stated that he does have a concern with Lot 3 and its width; he stated it is meeting the requirements by providing an easement for the existing driveway of the adjacent property. He stated that since it is a relatively minor encroachment, he is comfortable with the proposal tonight.

Mr. Martin offered Resolution No. 03 of 2021, seconded by Mr. Ophardt to waive the final hearing for this application for the 3 Lot 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.

**Roll Call:**

D. Bagramian - Absent  
 E. Andarawis - Yes  
 E. Ophardt - Yes  
 A. Neubauer - Yes  
 G. Szczesny - Yes  
 R Ferraro - Yes  
 R. Lalukota – Yes  
 K. Martin - Alternate Member - Yes

Ayes 7

Noes: 0

The resolution is carried.

**Public Hearings:**

**2021-001 DCG Wood Road 3 Lot Subdivision**

*Applicant proposes subdividing the 16.01 +/- acre lot into three new lots which will be utilized for light industrial zoning developmet, Wood Rd, Zoned: L 2, Status: PB Prelim Review w/ possible determination*

SBL: 259.-2-74.2

To be reviewed by: MJE    Consultant: EDP    Applicant: DCG    **Last Seen on: 1-12-21**

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. Lalukota, 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 7:31 p.m. The Secretary read the public notice as published in the Daily Gazette on February 13<sup>th</sup>, 2021.

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

Joe Dannible – EDP – Mr. Dannible asked if there is a problem with the public hearing as it was listed as residential and is not a residential subdivision. Mr. Scavo stated that while the notice referenced a residential use for the subdivision which is not allowed in the industrial zone, the notice did correctly note a public hearing for a subdivision. Also since the residential use is a less intense use than an industrial permitted uses, the notice should be fine since the error did not take away from the public to be noticed of the subdivision action this evening which affords them the opportunity to speak during the public hearing. Mr. Wilcox stated that Mr. Scavo is correct and that proceeding should be fine.

Mr. Dannible stated that this is 3 lot subdivision located on Wood Road just north of the Route 9 and Ushers Road intersection. Mr. Dannible stated that Lot 1 would be 2.1 acres, Lot 2 would be 2.8 acres and Lot 3 would be 11.7 acres and stated that each lot would be subject to individual site plan review. Mr. Dannible stated that Lot 2 is currently before the Board for a site plan application. Mr. Dannible stated that DEC wetlands on the property are not being disturbed and that the 10 foot easement for a future trail connection is shown on the plan and will also be on the final plan. Mr. Dannible stated that the applicant has received review letters from Town Staff and MJ Engineering which offered minor technical comments that can easily be addressed, and the applicant seeking final approval tonight.

### **Staff Comments:**

**Steve Myers, Director of Building and Development issued a memo dated 2/21/21 stating:**

- No further comments

**Scott Reese, Stormwater Management Technician issued a memo dated 2/18/21 with the following comments:**

1. Offsite stormwater runoff onto proposed lot no. 2 should be addressed when developing on lot no. 2.

**The Environmental Conservation Commission held a meeting on 2/16/21 and issued a memo recommending:**

1. The ECC recommends the applicant clarify the NYSDEC & ACOE jurisdictional wetlands and boundaries on the subdivision plan.

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

**Jennifer Viggiani, Open Space Coordinator:**

Mr. Scavo stated that he had a conversation with Ms. Viggiani and she stated that the multiuse path easement has satisfied her comments and that she feels there is no need to further extend an easement on Wood Road.

**John Scavo, Director of Planning issued a letter dated 2/19/21 with recommendations he made:**

1. The applicant has provided clarification and a revised plan reflecting the fact that federal jurisdictional wetlands are not present on the site and a state regulated wetland with adjacent buffer area is shown on Lot #3. The Jurisdictional Determination provided by NYS DEC and Army Corp of Engineers is valid through June 29, 2022.
2. Add assigned 911 addresses, noted on the attached document, to the final subdivision plan.
3. The Saratoga Co. Planning Board met during the evening hours of February 18<sup>th</sup> to consider a recommendation. I will read the County's decision at the February 23<sup>rd</sup> Planning Board Meeting.
4. The CADD Stamp, noting "Approved by Motion" (used for site plans) should be changed to the "Approved by Resolution Stamp" for Subdivisions and Special Use Permit Applications. I have attached the appropriate CADD Stamp to this transmittal.

Mr. Scavo asked in the meeting if the lot lines were adjusted to accommodate the site plan for Lot 2 as requested. Mr. Dannible stated that 10 feet have been widened to allow for the buffer as requested by the Planning Board.

Mr. Ferraro asked for Mr. Scavo to explain the wetland delineation that was done prior to this. Mr. Scavo stated that when pre planning for future development the applicant looked at a bird's eye view of GIS layers wetlands and for potential federal wetlands and carried that GIS Layer over to this project site and worked around the constraints knowing that a field delineated determination would be provided at a later date. Mr. Scavo stated that a qualified

wetland biologist subsequently determined that there are no jurisdictional wetlands present where the GIS Layer assumed the presence of such features.

**Professional Comments:**

**Walter Lippmann, P.E. of MJ Engineering in a letter dated 2/19/21 had the following comments:**

**STATE ENVIRONMENTAL QUALITY REVIEW**

1. No further comments.

**ENVIRONMENTAL ASSESSMENT FORM**

2. No further comments.

**SUBDIVISION**

3. No further comments.

**Public Comments:**

Anthony LaFleche- 21 Wheeler Drive- Mr. LaFleche thanked the applicant for the 10 foot easement trail but asked why the easement was not 15 feet. Mr. Dannible stated that the easement agreed was always for 10 feet since 2008 when the original subdivision was approved. Mr. Ferraro stated that it is a continuation of an existing easement of 10 feet. Mr. LaFleche asked the applicant to consider an easement on Wood Road since the road may need to be widened in the future as the area is developed and bigger vehicles would be entering.

There being no additional public comment, Mr. Ferraro moved, second by Mr. Szczesny, to close the public hearing at 7:45 p.m. The motion was unanimously carried.

**Planning Board Review:**

Mr. Ferraro stated that earlier feedback from the Planning Department indicated that the existing Right of Way along Wood Road is wide enough to accommodate a future trail and therefore an easement would not be necessary along Wood Road. He stated that the northwestern wetlands on Lot 3 should be deed restricted and that Lot 2 is under conceptual site plan review and that the approval of the subdivision does not endorse the site plan nor gives approval to the site plan.

Mr. Lalukota offered Resolution No. 04 of 2021, seconded by Mr. Ophardt to waive the final hearing for this application for the 3Lot 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.

**Roll Call:**

D. Bagramian - Absent  
 E. Andarawis - Yes  
 E. Ophardt - Yes  
 A. Neubauer - Yes  
 G. Szczesny - Yes  
 R Ferraro - Yes  
 R. Lalukota – Yes  
 K. Martin - Alternate Member - Yes

Ayes   7  

Noes:   0  

The resolution is carried.

**Public Hearings:**

**2016-043 Boni Grooms Rd 2 Family Special Use Permit (SUP)**

*Applicant is requesting a SUP per section 208-10B(9)(a)[7] and 208-79 for a 2 family home on a .98+/- acre lot. Property would have public water and sewer connections. Grooms Rd, Zoned: R-1, Status PB Preliminary Review w/possible determination*

SBL: 277.14-1-31

To be reviewed by: N/A    Consultant: none    Applicant: R. Boni    **Last Seen on: 9-11-19**

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. Ophardt moved, second by Mr. Martin, 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 7:53 p.m. The Secretary read the public notice as published in the Daily Gazette on February 13<sup>th</sup>, 2021.

**Consultant/Applicant Presentation:**

Ryan Boni – Applicant – Mr. Boni stated he is looking for approval for a special use permit for a piece of property near the corner of Grooms Road and Barney Road. Mr. Boni stated that he has added a berm to the Barney Road side of the property and has made a 30 foot no cut zone to the rear of the property for buffering. Mr. Boni stated that he has included a 15 foot easement for a possible future trail. Mr. Boni stated that both adjacent corners have duplexes as well as another on Grooms Road heading towards I-87. He stated there are many other duplexes in the area as well. Mr. Boni stated that the northwest portion of the parcel is adjacent to the sewer pumping station and that he feels because of this, the property is better suited for renters rather than a single family home since tenants aren't making long term commitments to a property location. Mr. Boni showed on the Zoom screen the proposed drawing of the duplex.

**Staff Comments:**

**Steve Myers, Director of Building and Development issued a memo dated 2/21/21 stating:**

- Concern expressed by CPWA about the location of the existing waterline. Waterline appears to be approximately 15' from the front of the new structure
- No further comments

**Scott Reese, Stormwater Management Technician issued a memo dated 2/18/21 with the following comments:**

1. The NYSDEC issued a letter on December 20, 2020 stating “DEC will not take jurisdiction over the wetland on the above-described properties and this portion of the wetland will be deleted from the official DEC mapping.” With that it removes the LC Zone overlay along the culverted stream and filled in wetlands.

**The Environmental Conservation Commission held a meeting on 2/16/21 and issued a memo recommending:**

1. The ECC notes that the proposed structure may be within the 100-foot buffer zone of the NYSDEC Wetlands located on the west parcel (Lands N/F of Nuzzi). The limits of the LC Zone and the 100-foot buffer (NYSDEC Wetlands) shall be shown on the project plans.

**John Scavo, Director of Planning issued a letter dated 2/19/21 with recommendations he made:**

1. As I previously noted in my comments offered at the September 11, 2019 Planning Board Meeting:
  - a. At the time of preliminary plan submission, the applicant should provide an elevation of the proposed structure depicting what would be visible from Grooms Road
  - b. Approvals from both the Clifton Park Water Authority and Saratoga Co. Sewer District will be required to demonstrate each are willing to service the property and have adequate capacity.
  - c. The applicant needs to obtain a permit for construction of the proposed driveways and utility work within the County's ROW and is advised to contact Gary Meier, Saratoga County Department of Public Works, at 518-885-2235 to commence the permit process.
2. Pursuant to the assigned 911 addresses, the final site plan shall be labeled with 587A Grooms Road for the western most dwelling and 587B Grooms Road for the eastern most dwelling.

Mr. Scavo read the decision from the Saratoga County Planning Department that they did not find any county wide or intercommunity impact. Though the County Planning Board was okay with one curb cut that was shown on the first submittal, the revised plan that was submitted later showing two curb cuts was not supported by the County Planning Board or Department of Public Works. Mr. Scavo stated that their concern is to minimize curb cuts on county highways. Mr. Scavo stated they would not support 2 curb cuts so if this Board were to grant approval, the County would not allow 2 curb cuts unless the applicant would agree to modification unless this Board has a supermajority vote. Mr. Ferraro clarified that even if there is a supermajority to approve a duplex with 2 curb cuts, the County Department of Public Works still has the right to approve a second curb cut or not because they are the only authority over a highway curb cut along a County route

Mr. Ferraro asked for Mr. Scavo to explain to the Board the DEC determination regarding wetlands. Mr. Scavo stated that the final determination is that there are no wetlands on the property. There is a culvert pipe that was installed over what the State GIS Wetlands layer labeled as DEC wetlands. Mr. Scavo stated that this was a violation and it was satisfied once a wetlands biologist from NYS DEC investigated the violation and determined State regulated wetlands were not present in that area of disturbance.

**Professional Comments:**

No professional comments

**Public Comments:**

Anthony LaFleche – 21 Wheeler Drive – Mr. LaFleche asked where the 15 foot easement was as he cannot determine it on the bottom of the map. Mr. Ferraro stated that it is on the bottom and will be a part of the approval. Mr. LaFleche stated that he feels that 2 driveways close to the Barney Road intersection is not ideal and asked if the driveways could be moved to the west closer to the sewer treatment and then create a side facing driveway or a shared driveway that would have one entrance at the road front to accommodate the County comments.

There being no additional public comment, Mr. Ferraro moved, second by Mr. Szczesny, to close the public hearing at 8:06 p.m. The motion was unanimously carried.

### **Planning Board Review:**

Mr. Szczesny asked for the applicant to consider a side load garage as many other duplexes have with a turnaround area with a merging driveway since the 2 curb cuts are in question.

Mr. Martin stated that he has a concern about the comment that renters are not the same as owners and are not entitled to the same amenities and does not agree with these statements. Mr. Ferraro stated he agrees with Mr. Martin's comment and stated he can see why this has not been developed yet. Mr. Martin stated that he feels that this is a constrained site. Mr. Ferraro stated that he did park at the sewer site to look at the parcel in the application and stated that the odor was strong and unpleasant.

Mr. Ophardt stated that this is a buildable lot and it is constrained but the applicant is showing that it can be done but his concern is the shared driveway. Mr. Ophardt stated that there are other homes to the north and east of this site and the neighbors don't seem to be deterred by the smell. Mr. Ophardt stated that he is in favor of this site development but feels the driveway needs to be reconciled.

Mr. Neubauer stated that he is not in favor of going against the County's recommendation but agrees with the other Planning Boards' comments. He stated that the role of the Planning Board is to see the conformance with the County and to stick with what the Planning Board likes to see with a side loading garage. He would like to see the applicant conform to the requests before he can get behind the approval.

Mr. Andarawis stated that he echoes the comments of the other Planning Board members and there is a risk of approving something that cannot be built so far as the County's comments. Mr. Andarawis stated that a side load garage and one curb cut would be ultimately what this Planning Board and the County would like to see.

Mr. Ferraro stated that he had to back out of the driveway when he visited the site and felt it was not a safe situation. He stated that if this was approved there would be 2 driveways close to an intersection backing out onto Grooms Road. Mr. Ferraro suggested one front and one side garage similar to the one on the corner of Grooms Road and Sugarhill Road where there is one curb cut. He also suggested a turnaround that connected with the side load driveway with landscaping to make the frontage more visually appealing. Mr. Ophardt agrees with a turnaround as backing onto Grooms Road would be dangerous. Mr. Boni stated he can look at moving a garage to a side load as he owns the duplex Mr. Ferraro talked about. Mr. Boni stated that he can also try to move the home away from the road more as he was trying to keep more room in the rear to buffer from neighbors. He stated the easement is a utility easement which just means that the structure of the home cannot be built there or a pool cannot be put in. Mr. Ferraro stated he would like the buffer to the rear to remain as much as possible. Mr. Boni stated that he can put a berm or fence to block the sewer station but does not want to promise anything just yet; Mr. Ferraro stated that his preference would be natural plantings and Mr. Martin and Mr. Andarawis stated the same.

Mr. Ferraro would like the applicant resubmit with landscaping plan, curb cuts and showing the façade renderings with the side garage.

### **Old Business:**

#### **2020-023 Stewart's 923 Riverview Road Site Plan**

*Applicant proposes redevelopment of the existing shop with gasoline filling and car wash. The new store will be approximately 3,900 square feet. See Project 2017-050 Edison Club PDD for details between Stewart's and Edison Club, 923 Riverview Rd, Zoned: PDD, Status: PB Preliminary Review*  
 SBL: 269.-3-21 To be reviewed by: MJE Consultant: S. Kitchner  
 Applicant: Stewart's **Last Seen on: 11-24-20**

Mr. Ferraro stated that the County Planning Board is reviewing this application and that they have some concerns. Until the concerns are addressed no action can be taken tonight until the County's comments can be fully satisfied.

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

Marcus Andrews – Stewart's – Mr. Andrews stated this application is for the existing Stewart's location in Rexford. He stated that the county comments are related to the entrance for Riverview Road and the full access and they have concerns and therefore the applicant is going back to a right in right out only. Mr. Andrews stated that the county idea of right in and out is due to an alternative available to go east on Riverview Road without making a left hand turn out of the parking lot. With a light at the intersection of Route 146 and Riverview Road, cars would be

able to take a left on 146 and then a left onto Riverview. He stated that the other concern was the location of the sidewalk on Riverview Road and it has been switched to the Riverview side of 146 and they have put into the plan a fence to avoid pedestrians getting into the drainage culvert. Mr. Andrews stated that other changes are the agreement of the buffer to the rear. He stated the agreement was a 6 foot wood fence with landscaping of trees on the Edison Club side of the fence. He stated that the cupola was added back onto the building and the build itself has been flipped so that the main entrance is in front and the second entrance will be on the south side of the building and no entrance where the patio is. Mr. Andrews stated this would be a phased project to build the store and the gas tanks first and then at a later date the car wash but Stewart's is seeking approval for both phases at this time.

### **Staff Comments:**

#### **Steve Myers, Director of Building and Development issued a memo dated 2/21/21 stating:**

- Property converted to a PDD. As a result all zoning issues (lot coverage, greenspace, setbacks, etc.) determined by planning.
- SWPPP and post construction maintenance manual provided. Comments expected from Scott Reese
- No further comments

#### **Scott Reese, Stormwater Management Technician issued a memo dated 2/18/21 with the following comments:**

1. There appears to stormwater runoff that flows onto the site from the east. The stormwater report should address how runoff from offsite is being handled and or diverted.
2. Can the rip-rap emergency overflow of the bioretention area in the southwest corner be directed into the existing catch basin (Design Point2) via a pipe, rather than a 10' wide weir that could overflow onto Riverview Road?
3. The depth of the filter media shall follow Section 6.4.4 required elements of the NYS Stormwater Management Design Manual.
4. Landscaping plans shall follow section 6.4.5 of the NYS Stormwater Management Design Manual.
5. Verify how the project redevelopment will follow the NYS Stormwater Management Design Manual Section 9.2.B.

#### **The Environmental Conservation Commission held a meeting on 2/16/21 and issued a memo recommending:**

1. The ECC recommends that the applicant provide an easement on their property that would be able to extend north on similar right-of-ways through the intersection to Blue Barns Road.
2. Due to the probability of food and liquid wastes leaking from the on-site dumpster(s) into a storm water catch basin and/or surface water body, the ECC recommends the applicant

enclose the area (i.e. roof) on an impervious surface with a berm surrounding the dumpster(s) that accept food and liquid wastes. If necessary, the Applicant will need to periodically pump out the accumulated wastes within the bermed area to avoid any overflow.

**Jennifer Viggiani, Open Space Coordinator:**

Mr. Scavo stated that he spoke to Ms. Viggiani and she stated that she was satisfied with the plan and any future extension on Route 146 would more than likely cut into the Edison Club property so Stewarts would have to allow access.

**John Scavo, Director of Planning issued a letter dated 2/19/21 with recommendations he made:**

1. The Saratoga Co. Planning Board requested additional information from the applicant based on their review of the November 2020 plan submittal (Letter Attached). The current site plan has been forwarded to the County Planning Board for their consideration and will be reconsidered at their March 18<sup>th</sup> meeting. Therefore, preliminary and final approvals by this Planning Board can occur on March 23, 2021, if the County's concerns have been satisfied.
2. NYS DOT permit for work within the highway right-of-way (ROW) will be required for utility extensions, replacement, removal and relocation of the driveway for the new shop. The property owner is required to contact Allan Dickson at the Saratoga Springs Residency of the NYS DOT on West Avenue, to discuss the work being done within the State Route 146 ROW. Mr. Dickson can be reached by phone at 518-587-3790 or by email at: [allan.dickson@dot.ny.gov](mailto:allan.dickson@dot.ny.gov)
3. The sidewalk relocation along Route 146 appears to adequately reflect the comments and feedback received from the outcomes of the November 2020 Planning Board Meeting. This extension is consistent with the Open Space Trails Master Plan.
4. Add the attached, Clifton Park Site Plan Approval Stamp Block CADD File, to the site plan.
5. As a follow-up to the last meeting where a Member of the Board questioned ownership and maintenance of the "Welcome to Clifton Park" sign, Planning Staff has determined that the "Welcome to Clifton Park" sign, is owned and maintained by the Town. Permission was sought by the Town and granted from various private property owners to install such signs.

**Clifton Park Sewer comments:**

- Because this project is proposing to add a carwash on site, the Clifton Park Sewer Department is requesting official documentation of the flows anticipated from the project. This property is currently connected to the Old Nott Farm Sewer System and ultimately discharges to the City of Schenectady via the Town of Glenville. Per the Intermunicipal Agreement between the Town of Glenville we are currently restricted to a maximum daily sewer flow and a max daily average monthly. This project as

well as future commercial projects will require additional scrutiny from our consulting engineers to ensure the reserved capacity remains for existing properties not yet hooked up for usage.

- This property is served by a grinder pump. Will the current system continue to be utilized?
- It is imperative that stormwater not make entry into this sewer system. Carwash bays must be designed to keep rainwater out. Any 1/1 will be costly to all users of the sewer system.

### **Professional Comments:**

**Walter Lippmann, P.E. of MJ Engineering in a letter dated 2/19/21 had the following comments:**

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

1. The SEAF shall be updated to reflect the proposed car wash.

#### **SITE PLANS**

2. There needs to be indication whether the building will be provided with an automatic sprinkler as a result of proposed building materials and occupancy type. Depending on whether the building is sprinklered will dictate if an on-site hydrant is required.
3. Indicate on the plans the locations of the Knox Box and fire department connection or provide a note on the plans indicating final location is to be determined as part of the building permit process and is subject to the Town of Clifton Park's review and approval.
4. Provided water and sewer usage information based on similar facilities which include a car wash.
5. On the SWPPP Details Sheet S-5D, label the level of stormwater runoff by storm event in one of the sectional views of the subsurface chambers.
6. Sheet S-5F shall show existing with the proposed contours to demonstrate that the erosion control measures shown are appropriate and being placed correctly.
7. Pursuant to Section 3.5 of the NYSSMDM, the proposed stormwater practices need to have a conspicuous and legible sign posted. The plans need to provide the standard sign with the applicable language as well as the location for any modified and/or new stormwater facilities.
8. Section 6.3.5 of the NYSSMDM requires that upstream construction shall be completed and stabilized before connection to a downstream infiltration facility. A dense and vigorous vegetative cover shall be established over the contributing pervious drainage areas before runoff can be accepted into the facility. Sheet S-5F shall provide notation indicating the above requirement.
9. Sheet S-5F shall show required sediment traps along with sizing information.
10. Bioretention systems shall consist of the 2.5' to 4' four foot deep planting soil bed, a surface mulch layer, and a six inch deep surface ponding area. Revise typical section accordingly.
11. Provide bioretention media as specified by NYSDOT.



12. Within the plan set, provide a generic planting plan for the bioretention areas pursuant to Section 6.4.5 of the NYSSMDM.
13. The proposed water service lateral shown is subject to the review and approval by the Clifton Park Water Authority (CPWA). The Town shall be provided a record of approvals received from CPWA prior to issuance of a building permit.
14. The proposed sewer service lateral shown is subject to the review and approval by the Clifton Park Olde Nott Farm Sewer District. The Town shall be provided a record of approvals received from the Town prior to issuance of a building permit
15. The water and sewer detail on sheet S-4B and S-10 have not been reviewed as they are under the jurisdiction of Clifton Park Water Authority and Town of Clifton Park Olde Nott Farm Sewer District.
16. Provide notation on the plan as follows:
  - a. Any work required within the State or County right-of-way shall be subject to any permitting from the NYSDOT and Saratoga County Highway Department (driveway, culvert, water service, sewer).

### **STORMWATER POLLUTION PREVENTION PLAN**

17. Since the stormwater management area will be privately owned and operated, a Town of Clifton Park Maintenance Agreement will need to be executed and filed.
18. Section 1.0 indicates the project is considered entirely redevelopment and needing to only provide 25% of the required WQv and no RRv. In reviewing the site statistics table for pre and post development, there is 24,965 square feet and 44,065 square feet of impervious area, respectively. As such, the new impervious area shall comply with Chapter 4 of the NYSSMDM which require 100% WQv and RRv.

### **Public Comments:**

Anthony LaFleche – 21 Wheeler Drive – Mr. LaFleche asked if the entire project with the trucks coming in and out and cars moving, if they feel there is enough room for a safe traffic flow. Mr. Andrews stated that he is comfortable as the carwash is separate from the store and if someone is coming for a carwash they would not interact with the store. He stated there is a buffer between the car wash and the store as well. Mr. Andrews stated there is enough room left for the carwash if there is a backup for usage. Mr. Ferraro stated this is a comment from the County as well. Mr. Andrews stated that he is confident and that there is about 80 feet before the turn to the carwash so there could be 6 cars stacked before the turn. Mr. Andrews stated that he can better illustrate in the future for the board to see. Mr. Scavo stated that there is a touch free carwash at the Mobile at exit 9 and that some people can buy a wash with gas but then use at another time as well. Mr. Ferraro stated that he has concerns about the stacking at Hoffman's on Route 9 and does not want to seem the same backups. Mr. Andres stated that car washes are new to them but they can get info on the average number of washes per day and how much stacking can be done at this location. Mr. LaFleche commented that even with the right in right out, there will be people not obeying the right turn movement only and he felt it needed to be pointed out because

people traveling from Stewart's they would prefer to take a left out of Stewart's on Riverview instead of a left onto Route 146, as he feels it is safer. He stated that the right out only should be on Route 146. Mr. Ferraro stated that the applicant did revise it based on feedback by the Town Planning Board and now the County stated differently. Mr. Andrews stated that the new entrance from Route 146 is further away from the intersection than the current entrance. Mr. LaFleche asked about the sidewalk to Riverview Road and on the south side he asked for one to connect from the back of Stewart's to the golf course. Mr. Andrews stated that rear connection was previously discussed and there is no problem with that.

### **Planning Board Review:**

Mr. Neubauer asked the applicant to clarify the building doors. Mr. Andrews showed on the Zoom screen where the doors are located. He stated one on the center of the front of the building and one off center to the south side of the building. Mr. Martin stated that it is similar to the store on Route 146 and 146a. Mr. Neubauer asked for the building elevations. Mr. Andrews showed them on the Zoom screen and stated that there would be no entrance on the patio side of the building. Mr. Neubauer stated that he liked the fencing with the new location of the walkway and appreciated that the cupola was put back on the plan. He asked about the comments of open space and the fencing on the property line. Mr. Scavo showed an aerial view of the property and stated that the comments were in reference to the area to the north of the intersection and that the easement for a trail would have to be pushed in from the roadway due to the federal wetland along to roadside between the Edison Club greenway and the Stewart's entrance. Mr. Neubauer stated that it seems that there will still be a floating easement at the property line for a possible connection. Mr. Scavo stated it was accurate and Mr. Andrews stated that is what was intended.

Mr. Ferraro thanked that applicant for addressing the concerns of the Board from the last meeting. He stated he does not agree with the County for the entrances to the site and feels there are some technical issues that still need to be addressed such as stormwater management. Mr. Ferraro stated there were concerns about the dumpster. Mr. Andrews stated there is a dumpster that is enclosed by fencing and on a concrete pad. He stated that there is no roof on the dumpster area and if there were it would be counterintuitive. Mr. Andrews stated that the dumpster does have a lid but if it was covered with a roof the dumpster would have to be pulled out to be emptied and this would cause more of a concern for safety. Mr. Andrews stated that there is a concrete pad around it but it is not contained. Mr. Ferraro asked if it would be bermed around it to contain leakage. Mr. Andrews stated he can look at it but all other dumpster areas are the same and many don't have berms.

### **New Business:**

**2021-010 Hockey Hut Pavilion Site Plan**

*Applicant proposes construction of a 7,225 sf stand alone pavilion off the North end of the existing building. The pavilion will have a concrete pad and not be enclosed. Stormwater runoff from the roof will be handled with a stone drip edge and undrain system. 7 parking spaces are being proposed at the north end of the parking lot and 1 space at the south side using 8 of the 16 spaces that were approved as land banked spaces in 2008, 1535 Crescent Rd, Zoned: B-3, Status: PB Concept Review SBL: 284.-1-36*

To be reviewed by: MJE Consultant: ABD Applicant: Kuhl Properties, LLC

**Consultant/Applicant Presentation:**

Luigi Palleschi – ABD – Mr. Palleschi stated that Mr. Ron Kuhl from Hockey Hut is also in the meeting if there are questions for him. Mr. Palleschi stated that Hockey Hut is on 1.88 acres of land zoned B-3. He stated that Spitzies car wash shares a driveway with them and Hockey Hut is behind other buildings. Mr. Palleschi stated that netting is shown on the picture on the Zoom screen that he shared where the proposal is for. He stated that in 2008 there was a proposal for 27 parking spaces and an 8,500 square foot building, and at that time there was 16 banked parking spots as well that are currently still not in use but is where the netting is. Mr. Palleschi stated that with this proposal today there will be 8 additional parking spots that are not a part of the original site plan as well as the covered pavilion. Mr. Palleschi stated that the pavilion is proposed to be 7,225 square feet at the north end of the existing building and would have a covered roof and a paved floor. Mr. Palleschi stated that inside the current building is an ice rink. He stated that this proposed outdoor area is not going to be enclosed and will be freestanding post and beam steel construction and separate from the existing building. Mr. Palleschi stated that this proposal is not anticipated to increase the demand for parking but would be better suited for an outdoor training area. He stated that there is existing underground stormwater management and there is parking that sheets the stormwater to the east. Mr. Palleschi stated that the building would be behind the existing building but the stormwater would run opposite as the current but will conform to regulations. He stated that there are federal wetlands to the south, north and west of this proposal and grades are close, about 1-3 feet from the wetlands but they are able to build away from the wetlands and keep them protected during construction. Mr. Palleschi stated that the lighting on the original building would be relocated to accommodate the new structure.

**Staff Comments:**

**Steve Myers, Director of Building and Development issued a memo dated 2/21/21 stating:**

- Commercial recreation SUP approved in 2008
- B-3 zone- variance required for 50' rear setback (17' proposed) 100' buffer required at rear (17' proposed) 80' front setback (21' proposed)

- Narrative says freestanding but it appears attached to existing building
- Doors to new area not shown
- Fire rating of attachment unknown
- Narrative states post and beam construction but drawings show steel columns

**Scott Reese, Stormwater Management Technician issued a memo dated 2/18/21 with the following comments:**

1. Update the Stormwater Management Report for the Hockey Hut, dated February 15, 2008, to include the proposed addition and stormwater treatments.
2. Update the SWPPP and NOI for the Hockey Hut, dated February 15, 2008, to include the proposed addition, stormwater treatments, and erosion and sediment controls.

**The Environmental Conservation Commission held a meeting on 2/16/21 and issued a memo recommending:**

1. The ECC is concerned with the close proximity of the proposed addition to the federal wetlands; in particular, the runoff from the roof. Will the proposed underdrain act to dewater the existing wetlands? The ECC recommends additional engineering pre-planning to accommodate the stormwater that will impact the wetlands.

**John Scavo, Director of Planning issued a letter dated 2/19/21 with recommendations he made:**

1. The Project was referred to the Saratoga Co. Planning Board in accordance with GML §239(m)&(n) since Crescent Road is County owned.
2. I have clarified with Steve Myers, Chief Zoning Officer that the front setback is measured from the existing private roadway and the side yard closest to Crescent Road is not considered a front setback. Also, since SBL Parcel #284.-1-37.1 is between the project site and the R-1 Residential Zoning District, the 50' requirement for any building does not apply
3. Steve Myers also determined that if the pavilion is not attached to the main building it is an "accessory structure" with open air sides and is not considered a "Building" that must meet the setbacks prescribed in §208-38. Accessory structures are required to have a 10' side yard setback
4. Steve Myers also noted during my conversation with him that the separation between the accessory structure and existing building will need to be 10' pursuant to §602 of the NYS Building Code. Mr. Myers has determined the accessory structure will be considered Type 5B Construction. If the separation distance is to be less, the applicant must coordinate with Steve Myers to determine what the structure fire rating requirements will be.
5. Add a note to the site plan which states, "Accessory Structure is not be physically connected in any constructed form to the main building, without additional Town review and approvals."
6. The owner shall be required to provide a qualified inspector at the time of grading in the proximity of the federally regulated wetlands to ensure no encroachments or disturbances occur to the wetland during construction. Verification and sign-off from the qualified

inspector that no disturbances occurred, will be required from the Town prior to the issuance of a Certificate of Occupancy.

7. The original Jurisdiction Determination (JD) Letter for the associated wetlands appears to be from 2007. An updated JD is required based on a delineation performed by a qualified professional.

Mr. Ferraro asked for clarification for Mr. Scavo's comment 5. Mr. Palleschi stated that Mr. Scavo's comment 5 stated the beams of the new building connected to the old but Mr. Palleschi stated that it does not, but rather is a structural ridge banked to protect stormwater from falling between both structures.

### **Professional Comments:**

**Walter Lippmann, P.E. of MJ Engineering in a letter dated 2/19/21 had the following comments:**

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

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: Subdivision Plan approval
  - b. Saratoga County Planning: 239m referral is required due to the parcel's proximity to Crescent Road (County Route 92)
  - c. 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.

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:

1. 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 correspondence letter from SHPO to confirm the presence or absence of archeologically sensitive resources.
2. 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. Part I.17 – The response indicates that the proposed action will create stormwater discharge. A stormwater analysis should be conducted to ensure there will be no adverse impacts to adjacent or down gradient properties.

3. No further comments at this time.

### **SITE PLAN**

4. The project is located within the Town's Neighborhood Business District (B-3). The proposal for accessory structure is a permitted principal use within the B-3 District as noted in Section 208-64(B)(3) of the Town's Zoning.
5. The plan shows providing only the existing 27 parking spaces while banking 8 additional parking spaces. The narrative indicated due to COVID protocols they have reduced training classes and group size so additional square footage is required; however it is hopeful that these protocols will dissipate over time. Provide a description as to how the number of parking spaces was determined for the use proposed. With added square footage and when classes and group sizes are back to normal want to ensure there is adequate available parking at the facility.
6. The plan indicates base mapping is from 2008. Based on the date of the delineation and/or prior USACOE correspondence, the wetlands may require a re-delineation if the validation has expired. Provide documentation from ACOE that the delineation is still valid and has not expired.
7. There should be confirmation that the anticipated water usage (outdoor rink) and sewer generation as a result of the pavilion addition does not exceed any permit thresholds imposed by other regulatory agencies having jurisdiction.
8. Subsequent plans should include architectural elevations of the building with a listing of the materials of construction for review by the Planning Board.
9. Provide a proposed grading plan to indicate that the ACOE wetlands will not be disturbed in the northwest corner. As the project moves forward and if impacts will occur to the wetlands, appropriate permitting from the authorities having jurisdiction shall be provided to the Town.
10. 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 that there is no noticeable increase in runoff from the site.
11. Provide detail of dumpster enclosure.
12. 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.
13. The banked parking spaces will require the relocation of the stone infiltration areas and various underdrains from the existing stormwater system. The applicant should relocate these features as part of this project as to alleviate impacts in the future.
14. Subsequent submissions shall include building elevations to demonstrate conformance with Section 208-115(D) of the Town Zoning.
15. Considering the plan submitted is conceptual in nature, 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, lighting, erosion control and stormwater management to fully assess the design and its compliance to the applicable standards.

**Public Comments:**

No public comments.

**Planning Board Review:**

Mr. Neubauer stated that his biggest comment that he would like to be resolved is about clarification on how the two buildings would be tied together and what is going to be done to keep it to code such as sprinklers. Mr. Ferraro agrees with Mr. Neubauer comment and stated that this is up to the Town Planning and Building Departments and not the Planning Board. Mr. Palleschi stated that he is hoping to clarify this with Mr. Myers by the end of the week.

Mr. Ferraro stated that he has concerns with the stormwater runoff and the construction close to the wetlands but stated it sounds like the applicant is aware of this and is working to address the issue. Mr. Ferraro would also like to see the signoffs from the town staff as well to ensure wetlands are protected.

**New Business:****2021-011 Blue Barnes 7 Lot Subdivision**

*Applicant proposes to subdivide a 29.35 acre parcel into 7 building lots each having an on-site septic system. Project includes the construction of a small loop road and stormwater management, 102 Blue Barnes Rd, Zoned: CR, Status: PB Concept Review* SBL: 263.-1-22

To be reviewed by: MJE Consultant: EDP Applicant: Blue Barnes Development, LLC

Mr. Ferraro stated that this is an 8 lot subdivision and that there are 7 building lots and one solar array lot. He stated that this is for the subdivision only and that the solar array is not to be considered as there is a moratorium on this currently in the Town of Clifton Park and that a solar array would require a special use permit.

**Consultant/Applicant Presentation:**

Gavin Vuillaume – EDP – Mr. Vuillaume stated that this property is located at 102 Blue Barnes Road about 300-400 feet from the intersection of Ashdown Road and borders the rail road tracks to the west. He stated that there is about 1,107 feet of road frontage to Blue Barnes Road and there is 22.53 acres of uplands woods and grassy areas at the entrance as well as wetlands on the property that are identified in the darker areas of the map shown on the Zoom screen. He stated that this is a CR zone and has 5.12 acres of wetlands, no slopes and 24.23 acres of

unconstrained lands. Mr. Vuillaume stated that development of this land is closest to Blue Barns Road and no wetlands would be disrupted. He stated that 7 homes are proposed to be built and on the 8<sup>th</sup> parcel would be an array lot that would be solely for the 7 lots and the homes on them. He stated the lot sizes would range from 1.5 acres to 5.5 acres with onsite septic and storm water management. Mr. Vuillaume stated that the applicant had wanted a cul de sac road but the Town Highway Department wanted to stay away from them so the applicant is proposing a loop “eye brow” road instead. Mr. Vuillaume stated that the loop road would limit driveways on Blue Barns Road with Lot 1 and Lot 7 possibly having their own curb cuts on Blue Barns and the rest on the loop frontage road. He stated that public water for this proposal can be accessed from the corner of Bradt Road and Blue Barns and that about 14.7 acres of land will remain open space and some of the land would be held in a conservation easement.

### **Staff Comments:**

**Steve Myers, Director of Building and Development issued a memo dated 2/21/21 stating:**

- CR zone requires 3 acre lots. 4 of 8 lots less than 3 acres, but they may meet the overall density
- Viable water supply and septic design will be required prior to issuing any building permits
- The solar array cannot be approved in concept due to the moratorium currently in effect.
- Clearly delineate the proposal open space
- Proposed loop road needs to meet town standards and be approved by the Highway Department

**Scott Reese, Stormwater Management Technician issued a memo dated 2/18/21 with the following comments:**

1. If the placement of the stormwater management areas are going to be on the residential lots, then the Home Owners Association shall take responsibility for ownership and maintenance.
2. If the stormwater management areas are placed inside the proposed loop road, then the ownership and the maintenance can be with the town.

**The Environmental Conservation Commission held a meeting on 2/16/21 and issued a memo recommending:**

1. The ECC notes that the proposed ground mounted solar field would require a special use permit. Ground Mounted Solar Fields are currently under a moratorium.
2. The ECC notes there are four curb cuts in a short distance that impact ingress and egress onto Blue Barns Road. The ECC recommends the highway department review the proposed eyebrow to be dedicated to the Town.
3. The ECC requests the applicant delineate the designated open space on the subdivision plans.



4. The ECC requests the Code Enforcement Officer confirm that the lots conform to the CR Zone for frontage and building envelope width.

**Jennifer Viggiani, Open Space Coordinator:**

Mr. Scavo stated that Ms. Viggiani had looked at the plans and stated the approximately 14 acres of the land to the rear could be dedicated as open space to the town but can remain in private ownership. He stated he would let the Board know more as the project develops

**John Scavo, Director of Planning issued a letter dated 2/19/21 with recommendations he made:**

1. Since the project is adjacent to Blue Barns Road (CR-110), a referral to the Saratoga Co. Planning Board has been made in accordance with GML §239(m) & (n).
2. Lot 8 is considered a keyhole lot and is at the discretion of the Planning Board. The solar array shown on Lot 8 cannot be considered for site plan approval and/or a special use permit due to a current six month moratorium on ground mounted solar arrays within the CR Zoning District.
3. This layout with the proposed loop road is based on feedback from Town Staff and the Town Highway Superintendent who reviewed a sketch plan layout for a cul-de-sac design.
4. Due to the proximity of environmentally sensitive features and their buffers, it is imperative that the limits of clearing and grading be clearly marked by a land surveyor prior to any clearing or construction activities commencing.
5. Add assigned 911 addresses to each lo, once such addresses are made available through the Town Fire Marshall's Office.
6. As plans process, a signoff from the Clifton Park Water Authority will be required for the proposed water line extension.
7. Add locations for the installation of identifying signage (example shown on next page) along strategic points adjacent to the Federally Regulated Wetlands Boundary closest to the developed areas within Lots 1-7.



8. The preference of Town Staff is to receive parkland fees since there are no immediate plans for a multi-use pathway along the County Route. Also, such future improvement

would need extensive design considerations to address open ditch drainage within the County's ROW.

9. The applicant will need approval from the Saratoga Co. Department of Public Works (SCDPW) to conduct construction activities within the public right-of-way and must contact Mr. Gary Mier from SCDPW at 518-885-8809 for permit approval. In addition, the proposed loop road and driveways for Lots 1 & 7 will require curb cut permit approval from SCDPW. A culvert is likely to be required under each to allow for roadway stormwater runoff to continue to flow unimpeded.
10. Delineate the 50% of the area of the development site that will be designated as permanent open space pursuant to §208-16 of the Clifton Park Town Code. Also, provide a calculation to show compliance with §208-16E(3)(a) which states, "Permanent Open Space must include a minimum of 25% of the unconstrained land of the parcel."
11. Add the following note to the plan: Allowable uses on permanent open space are only those listed within §208-16D(2)[a][b]&[c] of the Clifton Park Town Code.

### **Professional Comments:**

**Walter Lippmann, P.E. of MJ Engineering in a letter dated 2/19/21 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. Saratoga County Planning: 239m referral due to location along Saratoga County Route 110
  - c. Clifton Park Water Authority: Public water connection
  - d. NYS Dept of Health: Public water supply plan approval.
  - e. Army Corps of Engineers: Wetland permit
  - f. NYS Dept of Environmental Conservation: Permit coverage under stormwater SPDES

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 more than one acre of land will be disturbed. The project will require a stormwater pollution prevention plan (SWPPP) to ensure there will be no adverse impacts to adjacent or down gradient properties.

3. Part I.13a & b - The response indicates that a portion of the site of the proposed action, or lands adjoining the proposed action contain wetlands or other waterbodies regulated by a federal, state, or local agency.

#### **SITE PLANS**

4. The project is located within the Town's Conservation Residential Zoning District (CR). The proposal for single family dwellings is a permitted use within the CR District as noted in Section 208-16(D)(b)(1) of the Town's Zoning. A special use permit would be required for the proposed solar array system.
5. The applicant is proposing to create eight new lots from one existing lot that has a total area of 29.35 acres. The proposal follows the development option outlined in Section 208-16(E)(2)(b) of Town's Zoning where the density may not exceed 0.33 units per acre of unconstrained land, provided 50% of the area of the development site is designated as permanent open space. In reviewing the submission, there will be 14.70 acres of permanent open space (50%) and there is 24.23 acres of unconstrained land, yielding a maximum number of 8 lots. The proposal appears to meet the requirements of Section 208-16(E)(2)(b) of the Town's Zoning. Should additional constrained lands be identified as the application progresses, the number of proposed lots may be reduced.
6. A note shall be placed on the plat indicating Lot 8 can not be developed as a residential lot. The project would be considered a realty subdivision in accordance with NYSDOH implementing regulations if Lot 8 was to be developed as residential.
7. The applicant shall identify ownership of the proposed open space, a requirement of Section 208-16(E)(3)(c) of the Town's Zoning. If held in private ownership, preservation in perpetuity shall follow the requirements of Section 208-16(F) of the Town's Zoning.
8. It appears Lot 8 is a keyhole lot. Pursuant to Section 208-86 of the Town's Zoning, keyhole lots may be permitted by the Planning Board only in Residential Districts R-1 and R-3 and only in rare instances when required due to unusual conditions of the area.
9. The proposed loop road should be reviewed by the Saratoga County Dept. of Public Works and Town Highway Department.
10. Section 86-6(E)(5) of the Town Code requires that street lighting be provided at the intersection of subdivision streets and an existing arterial or collector street. Subsequent plans may need to show a street light at the intersection with Blue Barns Road, if deemed appropriate for the existing setting.
11. The project proposes to service each new lot with public water from the Clifton Park Water Authority via extending a new public water main along Vischer Ferry Road. The applicant shall provide the Town documentation of the CPWA's ability and willingness to service the project with potable water. Any action on the subdivision application should be conditioned upon receipt of plan approval from the CPWA.
12. The extension of public water mains to the project is subject to NYSDOH plan approval and potentially the NYSDEC for the taking of additional water. As part of the project's regulatory review, the applicant will have to apply for the referenced plan approvals. Any action on the subdivision application should be conditioned upon receipt of plan approval from the NYSDOH and/or NYSDEC for the additional taking of water.
13. The applicant proposes to service the lot 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.
14. An on-site septic system is proposed. Subsequent submissions shall include the percolation and test pit results.
  15. 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. It is noted that the project is a residential subdivision with over 5 acres of disturbance. Pursuant to GP 0-20-001, Table 2 single family residential subdivisions that involve soil disturbances of five (5) or more acres of land, a Full SWPPP that addresses post construction practices is required.
  16. All lot grading shall be such that drainage is directed away from the homes and towards lot lines and ultimately to an approved drainage course as required by Section 86-7(A)(5) of the Town Code. In order to demonstrate conformance to the stated regulations, an overall project grading plan must be developed for review.
  17. Provide notation on the plan as follows:
    - a. No Utilities shall be installed beneath the proposed driveways.
    - b. Work within the Blue Barns Road right-of-way shall require a permit from the Saratoga County Dept. of Public Works.
  18. Identify the date and by whom the wetlands shown on the plat were delineated.
  19. Confirm that the proposed driveway has adequate site distance based upon the posted speed limit of Blue Barns Road.
  20. Subsequent plans shall identify whether a driveway culvert will be required at Blue Barns Road to adequately convey roadside drainage.
  21. Pursuant to Section 86-10 of the Town Zoning, the applicant shall be required to plant two trees per living unit on the street side of new construction sites. Provide planned species to be planted for review
  22. Any new access proposed onto Blue Barns Road (County Route 100) is subject to the review and approval of Saratoga County Dept. of Public Works.
  23. Provide information on the plans to indicate how potential sump pump laterals may be positioned which shall be in conformance with Section 86-7(A)(6) of the Town Code.
  24. The final subdivision plat must be stamped by a licensed surveyor.
  25. 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.
  26. Considering this plan is conceptual in nature, subsequent comments will be provided with a preliminary plan submission.

Mr. Ferraro asked Mr. Scavo to explain if keyhole lots are permitted in the CR zone or not since the code specifically states they are only permitted in the R-1 and R-3 zones. Mr. Scavo stated that Mr. Myers issued an interpretation about the legislative intent with the GEIS and permits keyhole lots in the CR zone only if approved by the Planning Board. Mr. Scavo stated that there was likely an oversight that the CR zone was not included. Mr. Meyers is looking for the Town to correct this zoning code in the future. Since 2007, he has permitted keyhole lots.

**Public Comments:**

Anthony LaFleche – 21 Wheeler Drive – Mr. LaFleche asked if the wetlands shown on the map are walkable or ponds. Mr. Vuillaume stated that they are walkable. Mr. LaFleche asked if it was possible to build a driveway through them. Mr. Vuillaume stated that it could with Board approval and a DEC Permit. Mr. LaFleche asked what the homeowners would do with Lots 2, 3, and 4 since they are long and skinny. He asked if they would be considered a keyhole for those lots. Mr. Vuillaume stated that they had but it would be too troublesome to try. Mr. LaFleche asked the applicant how wide the lots are as the homes seem close together. Mr. Vuillaume stated that they are between 80 feet to 100+ feet wide and the homes are about 50 feet apart. Mr. LaFleche stated he has concerns with the property owner having a lot of land with not much use for it. Mr. Vuillaume stated that the lots are larger than they would be in a typical subdivision. Mr. La Fleche asked if the property is a field or mixed with woods. Mr. Vuillaume stated it is a mix. Mr. LaFleche asked about a trail or drainage as he did not catch the comment made earlier. Mr. Scavo stated that there is a drainage ditch along Blue Barns Road, and if the town wanted to put in a trail they would have to close the drainage system. Mr. LaFleche asked if the trail could go on the other side of the road. Mr. LaFleche asked if the town should ask for an easement. Mr. Scavo stated that if they get an easement then the one-time fee would be waived but he prefers in this case, a monetary contribution instead given the uncertainty about a trail and that money collected could be put to good use.

**Planning Board Review:**

Mr. Andarawis commented that he would like to see the open space as one large lot instead of having it spread across the 7 lots. Mr. Vuillaume stated that he can look at this and see what they can do but it will probably be across a few lots. Mr. Andarawis asked about Lot 8 being a solar array and if it is feasible to make this a permanent array or will it always be zoned to allow for another single family home. Mr. Vuillaume stated that the intent is not to make this a home in the future as there is little room and if there were one on it, the driveway would be extremely long. He offered to Mr. Andarawis to put a note on the plan restricting its use to a solar array. Mr. Ferraro stated that this can be a condition of approval. Mr. Andarawis stated that this is a part of the development and avoids a concern about a definition of a development potential that an array can use. Mr. Andarawis stated that he likes the concept of an array being developed as a part of the subdivision.

Mr. Martin stated that he also likes the idea of integrating solar with subdivisions. Mr. Martin stated that there is a problem with the keyhole lot as 208-86 of the code states that keyhole lots shall not be created for any use other than a single family residence. Mr. Scavo stated that he and

Mr. Myers are looking into this as well and that this is not a community solar project and this may not be under the moratorium, so a recommendation could be made that if it is servicing the homes within a subdivision then there could be flexibility. Mr. Scavo stated that it may be able to be absorbed into another lot and then create an easement but this all would have to be looked into. Mr. Martin stated he does like the solar idea but is not sure the keyhole lot can be done at all based on the zoning code.

Mr. Ferraro stated that he feels uncomfortable as well that the Planning Board may be legislating, and would like the proper individuals to make the call. He did say he would be comfortable if the keyhole lot was allowed since it would be for the solar array serving the subdivision.

Mr. Vuillaume asked if the moratorium is for all ground mounted solar arrays or limited to the kilowatts as this array is only 100 kilowatts. Mr. Scavo stated that he thinks it is limited, but it may be to 2,500 kw and he will look into.

Mr. Ophardt asked the applicant why an eyebrow roadway was considered as opposed to a regular private cul de sac. Mr. Vuillaume stated that originally they looked into a cul de sac but a loop road was shown similar to those on other subdivisions. The loop road provides access to a collector road and has never had access issues such as school buses and feels it works best here. He stated that the width and radius would be reconciled for town, emergency, and school vehicles. Mr. Ophardt asked why not a private loop access to Blue Barns and not have the town take it over. Mr. Vuillaume stated that it happens a lot that the private roads would get petitioned to be turned over to the town. Mr. Scavo agrees with Mr. Vuillaume. Mr. Ophardt stated that this is a county road so the town would have to leave the town road to go to this one to plow. Mr. Ophardt stated he feels this would be better as a private loop. Mr. Ophardt asked if the highway safety committee looked at the driveways as they are close together. Mr. Scavo stated that he could bring it to them as they will be meeting in March.

Mr. Ferraro stated that the open space needs to be more clearly delineated and to have a large area on less parcels. He also stated that follow-up to Ms. Virginian's statements need to be completed as trail potential and Town Owned Open Space are unclear at this time.

### **New Business:**

#### **2021-012 Synergy Phase 3 Subdivision**

*Applicant proposes to create 2 new lots(9&10) and revise lots 2,6,7,&8 of the previously approved Synergy Phase 2 project. Once subdivided the applicant proposes to construct a 43,500 sf office/warehouse building. Also includes parcels 259.-2-47 and 259.-2-48, Rt 9, Zoned: L 2, Status: PB Concept Review* SBL: 259.-2-46

To be reviewed by: MJE    Consultant: Lansing Eng    Applicant: MJ Properties

**2021-013 Synergy Phase 3 Site Plan**

*Applicant proposes construction of a 43,500 sf office/warehouse building. Also involves parcels 259.-2-47 & 48. In order to accommodate the Site Plan a subdivision of the lots is also necessary, Rt 9, Zoned: L 2, Status: PB Concept Review SBL: 259.-2-46*

To be reviewed by: MJE Consultant: Lansing Applicant: MJ Properties

**Consultant/Applicant Presentation:**

Scott Lansing – Lansing Engineering – Mr. Lansing stated that the existing conditions are 94.8 acres and there are land conservation areas on that parcel. He stated that they were before the Board for the Roberts Lane road extension as well as for lots 4, 5 and 6. They are proposing adjustments to the lot lines as since there are not tenants when the project starts things tends to change as tenants come in to accommodate them. Mr. Lansing stated that the subdivision is for changes to all the lots, and creating 2 new lots. Mr. Lansing stated that 9 and 10 are being created and lots 2, 6, 7 and 8 are being adjusted from the previously approved plan and lot line adjustments for between Milton CAT and Synergy Tech Park. He showed on the Zoom screen the existing parcels. He stated that Lot 2 is in the existing right of way and the proposal is modified from 2.06 acres to 3.44 acres and the right of way has been modified. Mr. Lansing stated lot 4 is unchanged at 8.5 acres, and lot 5 has been changed from 12.76 acres to 12.33 acres and the subtraction came from lands owned by Milton CAT and have granted land use to the top of the parcel. Mr. Lansing stated that lot 6 went from 8.37 acres to 6.19 acres and this was done for a lot line adjustment to the north and a small section to create another lot. Mr. Lansing stated that lot 7 went from 17.07 acres to 13.71 acres and showed on the Zoom screen where the lot was adjusted and the lot line was pushed down. He stated lot 8 was 25.08 acres and went to 32.9 acres and took over some of the Country Club Acres. Mr. Lansing stated that lot 9 is a newly created lot and is 4.86 acres, and lot 10 is 11.13. He stated the Country Club Acres parcel was absorbed to create lots 9 and 10. Mr. Lansing stated that table was included with the application to calculate the distribution of land so show it is the same amount of land being utilized.

Mr. Lansing stated that the site plan is for Lot 9 and there are roadways and sidewalks included in that plan and how they connect to the entire site. He stated that this proposal is for a 43,500 square foot office building with parking and access for tractor trailer. He stated that about 1,400 square feet would be dedicated to office and the remainder would be warehouse space. He stated it could be used by multiple tenants for storage or distribution. The previously approved roadway would be the access and the site would include employee and visitor parking. 47 parking spaces and an additional 23 banked parking are included on the site plan. Mr. Lansing stated that Clifton Park water and sewer would be servicing the site and a full SWPPP would need to be completed.

Mr. Lansing stated that all comments seem like they can be addressed. He stated there was a comment about secondary access and noted only part of the access was shown on the map, however there is secondary and he pointed it out on the Zoom screen map and stated it will be shown on future submittals.

### **Staff Comments:**

**Steve Myers, Director of Building and Development issued a memo dated 2/21/21 stating:**

- Identify buildings currently under construction
- Address changes will be required again
- Steep slopes and proximity to the Dwass Kill a concern.

**Scott Reese, Stormwater Management Technician issued a memo dated 2/18/21 with the following comments:**

1. The Project Narrative states that the stormwater runoff will be managed on-site though the use of NYSDEC approved measures. The Phase 2 SWPPP will need to be updated of the access road revisions and include the proposed Phase 3 modifications.
2. The Project Narrative Summary states that the “Site Plan development will uphold the Town’s vision by working with existing land features”. There is a concern of the amount of fill of existing drainage fingers that outlet in the Dwaas Kill (NYSDEC 303d protected stream) will need to be impacted for this proposed project. How will the applicant address this in an enviromental sensitive way?

**The Environmental Conservation Commission held a meeting on 2/16/21 and issued a memo recommending:**

1. The ECC recommends that the subdivision and site plan take particular note of the ravines on the property and their role as excavation, drainage, and erosion areas.
2. It appears that the applicant plans to fill in two ravines upto a depth of 30 feet. The ECC recommends that the planning board require an engineering study that validates the effacacy of this plan prior to approving the subdivision. The soft sandy lacustrine soils on this site are very prone to erosion.
3. The ECC is concerned with the applicants continuous subdivision that may lead to segmentation. Numerous subdivision proposals give the potential impression that the applicant seeks to avoid full SEQRA review
4. The planning board should stipulate that any proposed banking of parking spaces be subject to further review by the planning board.
5. The ECC requests that the planning board validate that the proposed site plan will meet minimum greenspace standards if the banked parking is included.
6. The ECC recommends that the subdivision and site plan take particular note of the ravines on the property and their role as excavation, drainage, and erosion areas.
7. It appears that the applicant plans to fill in two ravines upto a depth of 30 feet. The ECC recommends that the planning board require an engineering study that validates the



efficacy of this plan prior to approving the subdivision. The soft sandy lacustrine soils on this site are very prone to erosion.

8. The ECC is concerned with the applicants continuous subdivision that may lead to segmentation. Numerous subdivision proposals give the potential impression that the applicant seeks to avoid full SEQRA review.

**John Scavo, Director of Planning issued a letter dated 2/21/21 with recommendations he made:**

1. Lead Agency Coordination Letters will be sent since the project appears to be a Type I Action pursuant to SEQRA.
2. Additional comments will be provided based on a Preliminary Plan Level review once such documentation is furnished by the applicant. Please be aware that erosion and sediment control is of a primary concern with the proposed action due to the proximity of steep slopes and the Dwaas Kill (CT Class Stream). Design solutions and practices must be employed to minimize the potential for soil erosion and adverse impacts on water quality during construction and with the long term operations and maintenance of the Synergy Technology Park Complex.

**Professional Comments:**

**Walter Lippmann, P.E. of MJ Engineering in a letter dated 2/19/20 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)(6)(i.). Assuming the Clifton Park Planning Board is to request Lead Agency status under SEQRA, a coordinated review is required for Type I actions. Under a coordinated review, involved / interested agencies to be engaged may include, but is not necessarily limited to the following:
  - a. Town of Clifton Park Planning Board: Site Plan and Subdivision approval
  - b. Clifton Park Water Authority – Water connection.
  - c. Saratoga County Planning Board – 239m referral due to the parcel’s proximity to U.S. Route 9.
  - d. Saratoga County Sewer District No. 1 – Sewer connection.
  - e. NYS Department of Transportation – entrance improvements at U.S. Route 9
  - f. NYS Dept of Environmental Conservation –permit coverage under stormwater SPDES, identification of threatened and endangered species, potential joint permit application for disturbances within regulated waters of the U.S.
  - g. NYS Office of Parks, Recreation and Historic Preservation – identification of cultural or historic resources.
  - h. United States Army Corps of Engineers – potential joint permit application for disturbances within regulated waters of the U.S.

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

## FULL ENVIRONMENTAL ASSESSMENT FORM

2. Part 1. D.1.b(b) – The applicant indicates that the action will disturb 22.96 acres of land. As a result, a Storm Water Pollution Prevention Plan (SWPPP) will be required.
3. Part 1. E.2.o – The response indicates that the project site contains species of plant or animal listed by NYS as rare or as a species of special concern, including the Frosted Elfin and Karner Blue Butterfly. The applicant should ensure that this response is inclusive of the U.S. Fish and Wildlife Service IPaC tool to ensure no federally identified species of concern.

## SITE PLANS/SUBDIVISION

4. The project is located within the Town's Light Industrial District (LI-2). The proposal for warehousing is a permitted principal use within the LI-2 District as noted in Section 208-64(B)(3) of the Town's Zoning.
5. The project also proposes a subdivision of five existing parcels to seven reconfigured parcels. The subdivision will affect lands identified as Synergy Phase 2 within the Town of Clifton Park.
6. The subdivision plat shall be prepared by a surveyor licensed to practice in the State of New York.
7. Subsequent submissions shall include the metes and bounds of the affected lots and right-of-way. This plat shall be prepared by a surveyor licensed to practice in the State of New York.
8. In a review of Section 208-65 of the Town's Zoning, the proposed lots and placement of the building structures general appear to meet the minimum bulk lot requirements of the LI-2 District.
9. The project is proposing to be serviced with public water from the Clifton Park Water Authority. The applicant shall provide the Town documentation of the CPWA's ability and willingness to service the project with potable water. Any action on the application should be conditioned upon receipt of plan approval from the CPWA.
10. The project is proposing to be serviced with public sewer from the Saratoga County Sewer District. The applicant shall provide the Town documentation of the SCSD's ability and willingness to service the project with public sewer. Any action on the application should be conditioned upon receipt of plan approval from the SCSD.
11. The project will disturb more than 1-acre of land. As such, it will be subject to the NYSDEC Phase II Stormwater Regulations and General Permit GP-0-15-002. Therefore, a full SWPPP will be required that addressed water quantity and quality controls. As the project proceeds through the Town's regulatory review process, a fully conforming SWPPP shall be provided for review.
12. Subsequent plans shall describe or illustrate the project's proposed landscaping to ensure conformance with Section 208-66(B) of the Town Zoning. The overall intent of this section is to promote and achieve, where possible, a well-landscaped site that takes into consideration the surroundings and the total environment. Consideration shall be given to preservation of natural and existing vegetation as well as new plantings throughout an entire site.
13. Subsequent submissions shall include building elevations to demonstrate conformance with Section 208-66(C) of the Town Zoning.

14. It is recommended that a traffic impact study be updated or verified that this development has been included as part of the peak hour vehicle trips. The findings of the study should be provided to the Region 1 office of the NYSDOT for input.
15. The existing topography indicates various steep slopes throughout the project areas. A site-specific geotechnical investigation was performed for Phase 2 and may need to be updated to ensure that construction on Lot 9 would not result in an adverse soil condition, compromising the building structure.
16. Subsequent plans shall show how Section 503.1.1 of the International Fire Code (IFC) is being satisfied which requires a fire apparatus access to extend within 150-feet of all portions of the facility and all portions of the exterior walls of the first story of the building. It should be noted that depending upon what type of materials are planned for storage within the warehouse, it may require additional measures be included as part of the project's fire service features as may be required by the IFC.
17. An emergency access road providing a separate means of access was identified on the Phase 2 site plans and should be shown on these Phase 3 drawings. Pursuant to Section D104 of the IFC, commercial or industrial buildings that are exceeding 62,000 sq. ft. shall be provided with two separate and approved fire apparatus access roads unless equipped with automatic sprinklers (this exemption is permissible up to 124,000 sq. ft. of building area).
18. Considering this plan is conceptual in nature, subsequent comments will be provided with a preliminary plan submission.

### **Public Comments:**

Anthony LaFleche – 21 Wheeler Drive – Mr. LaFleche asked about the building in Lot 9 and asked if there was a power line going south east and is shown on the map. Mr. Lansing stated it was. Mr. LaFleche thanked the applicant for the walk ways and or straightening out the road leading from Roberts Lane. Mr. LaFleche stated he has concerns about the maintenance of the power line as it is running over a few parking spots in the area and would like it not affect the maintenance and to keep the power line cut away for the public to have access to it if it is legal. Mr. Lansing stated the power line is an easement and public access is probably not an issue but this is a private site and is not a town right of way but the public can use the sidewalks no problem. Mr. LaFleche asked the applicant if the roadway intersection on the map going to be continued through the property or if it will stay as is. Mr. Lansing stated that the road will go through and that this was the emergency access road that was forgotten to be incorporated on the map. Mr. Ferraro asked if there is a problem with a structure in the easement for the power line. Mr. Lansing stated the building is outside of the easement but he will double check.

### **Planning Board Review:**

Mr. Ferraro asked about lot 9 and the banked parking and if it was included with the open space. Mr. Lansing stated that he will double check on that but even if it not the application should still have the required open space. Mr. Ferraro asked that in the next submittal to identify if there are changes to open space. Mr. Ferraro asked if there are any changes to the Clifton Country Acres lot related to the existing restrictions in place in addition to the wetland restrictions that are noted on the map. s Mr. Lansing stated that this is the only existing deed restriction that he is aware of on that parcel. Mr. Ferraro asked Mr. Scavo to look into it to make sure that existing deed restrictions are followed. Mr. Scavo stated that he can look into this. Mr. Ferraro stated he has concerns with the erosion and drainage issues that were mentioned by Mr. Scavo, Mr. Reese and others to make sure that it does not impact the Dwaas Kill. Mr. Ferraro stated he would like the traffic study to be updated as in Mr. Lippmann's comment 14. Mr. Ferraro stated he likes the pedestrian connections proposed around the area.

**Discussion Items:**

None

Mr. Szczesny moved, seconded by Mr. Martin, adjournment of the meeting at 11:20 p.m. The motion was unanimously carried.

The next meeting of the Planning Board will be held as scheduled on March 9<sup>th</sup>, 2021.

Respectfully submitted,

*Paula Cooper*

Paula Cooper, Secretary

