

Town of Clifton Park Planning Board
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PLANNING BOARD

Chairman

ROBERT WILCOX
Attorney

PAULA COOPER
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MEMBERS

Emad Andarawis
Eric Ophardt
Heather Fariello
Andrew Neubauer
Denise Bagramian
Keith Martin

(alternate) Jennyfer Gleason

Planning Board Minutes
April 26th, 2022

Those present at the April 26th, 2022 Planning Board meeting were:

Planning Board: E. Andarawis, D. Bagramian, H. Fariello, A. Neubauer, E. Ophardt, J. Gleason – Alternate Member

Those absent were: K. Martin

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. Ophardt called the meeting to order at 7:00 p.m. All in attendance stood for a recitation of the Pledge of Allegiance.

Mr. Ophardt stated that Ms. Gleason would be a voting member tonight in the absence of Mr. Martin

Minutes Approval:

Ms. Bagramian moved, seconded by Fariello, approval of the minutes of the April 12th, 2022 Planning Board meeting as written. The motion was unanimously carried.

Public Hearing:**2021-004 DCG Tallow Wood Subdivision**

Applicant proposes to subdivide the 8.15 acre lot into 2 lots which will be utilized for zoning compliant site developments, 855 Rt 146 & 3 Tallow Wood Dr, Zoned: TC4, Status: PB Concept Review SBL: 271.-3-67.1 To be reviewed by: MJE
 Consultant: EDP Applicant: DCG Last Seen on: 1/12/21

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

Consultant/Applicant Presentation:

Joe Dannible – EDP – Mr. Dannible stated the project was last presented in January of 2021. He stated that they understand the code as it pertains to the project and stated that they feel it can proceed based on density. He stated that the plan has not changed much since 2021 but there is need for cross easements for ingress, egress, sanitary sewer as well as others. Mr. Dannible stated that these cross-access easements would be provided before final stamping. He stated that this is within the Exit 9 commercial corridor with I-87 to the west and is behind the St. Peters medical campus. Mr. Dannible stated that there is ample parking -site and that it fronts Tallow Wood Drive and Route 146 so each subdivided parcel would have a lot fronting one of the roads. Mr. Dannible stated that the parcel is zoned TC4 and 2.3 acres will be subdivided out to a previously approved apartment complex and keeping the daycare and St. Peter's on the remaining 5.6 acres of land. Mr. Dannible stated that the 5 acres would be maintained and that a portion of it would be deed restricted for no additional build-out and indicated on the map shown. Mr. Dannible stated that the apartments are awaiting construction until the subdivision is approved and there would be 34 units.

Staff Comments:

Steve Myers, Director of Building and Development issued a memo dated 4/22/22 stating:

- Density restrictions changed by town board approval, 50 units now allowed
- Has 3rd parcel been approved (existing daycare)?

Wade Schoenborn, Chief of the Bureau of Fire Prevention:

1. No comment

Scott Reese, Stormwater Management Technician issued a memo dated 4/25/22 with the following comments:

1. The applicant shall narrate on the ownership and maintenance responsibilities of the stormwater management area that will be on Parcel #2. Drainage easements may need to be added if the maintenance will be shared between the three parcels

The Environmental Conservation Commission held a meeting on 4/19/22 and issued a memo recommending:

1. Any sales of the involved lots must refer to the subdivision maps for density requirements

John Scavo, Director of Planning issued a letter dated 4/18/22 with recommendations he made:

1. By providing a restricted deed covenant on Parcel #2 to account for the residential density allocations on Lot #1, the Town's intent is honored of residential density not exceeding ten units per acre with a density cap of 50 units for any single project.
2. Provide a copy of the restrictive covenant for the deed to the Planning Staff and Planning Board Attorney for review and comments.

Professional Comments:

Walter Lippmann, P.E. of MJ Engineering in a letter dated 4/22/22 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 due to location along NYS Route 146
- c. NY State Historic Preservation Office (SHPO): 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. No further comments at this time. Additional comments may be forthcoming as the project advances.

SUBDIVISION

3. In reviewing Section 208-22(6) TC-4 of Town Zoning, the base residential density in the Town Center Districts shall not exceed 10 dwellings units per acre. The Planning Board shall determine if this is in compliance with the Town Code.
4. In reviewing the proposed lot configuration, the created lots appear to be deficient in regards to meeting the minimum bulk lot requirements outlined in Section 208-22.1 of the Town's Zoning. The noted deficiencies are as follows:
 - a. Based on parking setback requirements shown, it appears the minimum rear setback requirements of 5 feet minimum for parking has not been met. Both lots provide 0' setbacks. The plan would need to be modified or the applicant will be required to seek relief from the Town Zoning Board of Appeals for the lot layout as proposed.
5. The previously approved site plan for Lot 1 indicated 82 parking spaces, it appears the subdivision line reduces this total to 75 spaces.
6. Provide the building setback lines for each lot shown.
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. 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.
9. Comments on the individual site plans were addressed during each site plan application process.
10. Considering this plan is conceptual in nature, subsequent comments will be provided with a preliminary plan submission.

Public Comments:

No public comment.

Planning Board Review:

Mr. Ophardt asked if the properties would be under common ownership or owned separately and what the maintenance agreement would be. Mr. Dannible stated that the intent of the subdivision is to make the residential area viable as a standalone parcel and ultimately be under separate ownership. Mr. Dannible stated that there will be maintenance agreements in place so if there is a need for a remedy it could be found in that document. Mr. Ophardt asked if St. Peters and the daycare would stay with DCG. Mr. Dannible stated that it would be under DCG for now with the residential partial being eventually sold.

Mr. Neubauer stated that borrowing the land from another site is similar to what has been done in NYC for years with the purchase of air rights and would protect the acreage for the 2 lots for density. He stated that this is a creative solution and makes sense.

Ms. Bagramian stated that this is a creative way to meet density and likes this idea.

Mr. Andarawis stated that he too feels that the CR Zoning would benefit from this transfer rights.

Mr. Ophardt stated that he agrees with the density exercise and hopes other developers follow.

New Business:

2022-009 & 2022-010 Synergy Phase 3 Site Plan & Subdivision (overflow from 4-12-22 PB Meeting)

Applicant proposes construction of 5 warehouse/office buildings. Buildings will be serviced by public water and sewer (SCSD#1). Stormwater will be managed on site.

Project involves parcels: 259.-2- 45.12, 259.-2-48, 259.-2-118.1, 259.-2-118.3, 259.-2-118.6, and 259.-2-118.7, Roberts Lane, Zoned: L 2, Status: PB Concept Review

SBL: 259.-2-48

To be reviewed by: MJE

Consultant: Lansing

Applicant: MJ Properties

Consultant/Applicant Presentation:

Jason Dell – Lansing Engineering – Mr. Dell stated that this was brought to the Board as a concept plan when Phase 2 was approved last year. Mr. Dell stated that this Phase 3 is to the west of Phase 2 on Route 9 and is in the LI-2 zone. He stated that there is about 64 acres on this parcel and it is a part of the original 90 acres. He stated that there are 4.19 acres of wetlands on the property and there are 5 buildings being proposed with a total of 342,000 sf of office and warehouse space, which are both permitted. Mr. Dell stated that there are no tenants identified at this time but the applicant would like each lot to shovel ready when they do. Mr. Dell stated that the buildings would be 150,000 sf, 100,000 sf, 40,000 sf, 32,000 sf and 20,000 sf and would be subdivided so each building would be on their own lots. Mr. Dell stated that they would use the Phase 1 and 2 approved roadways for access from Route 9. He stated that tractor trailers would be able to move throughout the site and there would be overhead doors on the buildings to accommodate access to the buildings. Mr. Dell stated that public water and sewer will be provided. He also noted that stormwater would be managed on-site with retain basins and conveyance systems under the parking areas. He stated that parking is within Town Code standards with 392 spaces required and 476 spaces proposed. Mr. Dell stated that some parking may be able to be banked as the project moves forward. He stated that lighting and landscaping plans will be provided as design plans.

Staff Comments:

Steve Myers, Director of Building and Development issued a memo dated 4/22/22 stating:

- Overflow
- All lots are only accessible by private roads. None of the lots have access on a public road
- Significant earthwork is required in proximity to wetlands
- Emergency services access to the buildings on lots 12, 11 and 7R will require further review
- Slope setbacks do not appear sufficient on lot 7R and existing 32,000 sf building
- Utilities shall be fully noted on plans
- Overhead lines in proximity of buildings will not be allowed
- Property coverage and greenspace shall be noted
- A full SWPPP will be required
- More comments to follow with more detailed submission

Wade Schoenborn, Chief of the Bureau of Fire Prevention:

1. Provide fire department apparatus access plan for review
2. Specify hydrant locations
3. Postal verification
4. Specify FDC locations

Scott Reese, Stormwater Management Technician issued a memo dated 4/25/22 with the following comments:

1. Show wetland mitigation area on the plans.
2. Add conceptual stormwater management areas on the plans.
3. Proposed Building #3 should be shifted the maximum extent possible from the wetland fingers on Lot 7R

The Environmental Conservation Commission held a meeting on 4/19/22 and issued a memo recommending:

1. The limits of (the LC Zone and 100-foot buffer zone, DEC Wetlands, Federal Jurisdictional Wetlands) shall be identified on the plot plan. This delineation shall include any wetland mitigation areas.
2. The Planning Board shall require the applicant to reforest the previously disturbed areas which were previously deforested without approval. This requirement is in accordance with the recent designation of Clifton Park as a Tree City USA.

John Scavo, Director of Planning issued a letter dated 4/18/22 with recommendations he made:

1. As discussed with Planning Staff and Walter Lippmann, MJ Engineering, at a meeting held on April 20th, an overall Synergy Park Concept Plan should be provided, showing approvals to date and how this proposed subdivision and site plan configuration fits within that plan.
2. Provide information within the site statistics table demonstrating each proposed lot meets greenspace and lot coverage area for the B-5 Corporate Commerce requirements.

3. As plans advance to detailed design, it is essential to respect and protect the Dwass Kill Stream and its water quality during and post-construction.
4. Construct a dedicated turn lane from Kinns Road, heading eastbound onto Route 9, per the SEQR Findings Statement with Synergy Phase I. This project will exceed the total square footage of the technology park's requirement to construct the turn lane.
5. I recommend a technical review by the Town Designated Engineer and Town Staff for comments on preliminary plans before the applicant submits for preliminary site plan, subdivision plan, and a SEQR Determination from the Planning Board.

Professional Comments:

Walter Lippmann, P.E. of MJ Engineering in a letter dated 4/8/22 had the following comments:

STATE ENVIRONMENTAL QUALITY REVIEW

1. Based upon our review of Part 617 of NYS Environmental Conservation Law, the project appears to be a "Type 1" action per 6 CRR-NY 617.4.b(6)(i) . If the Planning Board is to request Lead Agency status under SEQRA, the need to undergo a coordinated review is required. Under a coordinated review, involved / interested agencies to be engaged may include, but is not necessarily limited to the following:
 - a. Town of Clifton Park Planning Board: Plan approval
 - b. Saratoga County Planning: Plan approval
 - c. Clifton Park Water Authority (CPWA): Connection to municipal water
 - d. Saratoga County Sewer District #1: Connection to public wastewater infrastructure
 - e. NYS Historic Preservation Office: NYS Heritage Area: Mohawk Valley Heritage Corridor
 - f. NYS Dept of Environmental Conservation: Stormwater permit approval
 Additional agencies may be identified by the Town during its review of the project.

FULL ENVIRONMENTAL ASSESSMENT FORM

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

2. Part 1. D.1.b(b) – The applicant indicates that the action will disturb 23.24+/- acres of land. As a result, a Storm Water Pollution Prevention Plan (SWPPP) will be required.
3. Part 1 E.2. h (iiI – iv) – The applicant indicates that wetlands or other waterbodies regulated by federal, state or local agencies, adjoin the project site, this is seen in the attached EAF Summary Report. It is recommended that the applicant utilize the Environmental Resource Mapper to gain further information on local and federal wetlands and waterbodies.
4. EAF Mapper Summary Report - The report indicates that the project site may contain species of animals or associated habitats, listed by the State or Federal government as threatened or endangered, including the Karner Blue and Frosted Elfin. The applicant will need to provide correspondence from the Permits staff at the NYSDEC Region 5 Office to confirm the presence or absence of the listed species and for any permit considerations.

The applicant should also provide correspondence from the NY Natural Heritage Program to confirm the presence or absence of rare plants or animals and significant natural communities as well as the US Fish and Wildlife Service IPaC database.

SITE PLANS/SUBDIVISION

5. 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
6. The project also proposes a subdivision of four existing parcels to eight reconfigured parcels. The subdivision will affect lands identified as Synergy Phase 2 within the Town of Clifton Park.
7. The subdivision plat shall be prepared by a surveyor licensed to practice in the State of New York.
8. 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.
9. 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.
10. 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.
11. 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.
12. 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.
13. 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.
14. Subsequent submissions shall include building elevations to demonstrate conformance with Section 208-66(C) of the Town Zoning.
15. 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.
16. 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 7R, 11 and 12 would not result in an adverse soil condition, compromising the building structure.

17. 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.
18. 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).
19. 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 the applicant if he could show the power lines and the rail road tracks as they relate to the plan and if there is a plan for the buildings to have access to the rail road. Mr. Dell indicated on a map shown where the areas are and stated that there is a potential for the tenants to access trains but there are no plans yet and has not yet been worked into the plans. Mr. LaFleche asked about trees that were improperly cut and if this has been resolved. Mr. Scavo stated it was resolved from an enforcement action about 3 years ago. Mr. LaFleche asked if there could be clear delineations from the roadway to the parking areas so that traffic is not interfering with the parking lot.

Planning Board Review:

Mr. Neubauer asked for the applicant to outline Phase 4. Mr. Dell showed on the map what Phase 3 and 4 would be. Mr. Neubauer stated that the proximity of the Northway may need to be addressed in Phase 4.

Mr. Ophardt stated that this would create truck traffic and asked if there was a traffic study done. Mr. Dell stated that there has not been a traffic study done yet but there was an overall traffic study done at the beginning of this and they would also look at the Phase 1 study as well. Mr. Ophardt asked about the build out for Phase 2. Mr. Dell stated that one building has been constructed, one is awaiting permits and a third is pending. Mr. Dell stated that Phase 1 buildings have been started as well.

Mr. Andarawis stated that he would like to see pedestrian access to be shown on the plan.

Ms. Bagramian asked if the smaller buildings would be flex space and if so, the buildings would be smaller and ground level. Mr. Dell stated that it could possibly be flex space and since the space has not been developed it could be but overhead doors would be included. Ms. Bagramian stated that more traffic would be generated if the site were to be used as flex space. Mr. Dell stated that they can add that component into the traffic study.

Mr. Ophardt stated that the applicant is above the minimum parking and if the applicant would be willing to cut back. Mr. Dell stated that allows for more traffic due to truck turnarounds and stripped areas, so more pavement is needed.

Old Business:

2020-057 & 2020-058 Blue Barns Solar Development Special Use Permit & Site

Plan Source Renewable LLC proposes installing a 2.5 MW-AC solar farm on the approximately 36 acres vacant CR property. The 19 Acre project area will consist of about 237 free-standing, tracking solar tables (total 19,206 modules/panels) to be installed. Anchored into the ground via H-Piles, each row of solar tables will be about 5.5 ft in height, 6.5 ft in width. Ground disturbance will be about .8 acres. Low-growth pollinator-friendly seed mix will be planted underneath the tables. An access road will enter the site from Blue Barns Road. Both underground and overhead electrical lines will be installed. Source Renewables, LLC will participate in the NYSERDA NY-Sun Initiative to provide clean energy to local businesses, Blue Barns Rd, Zoned: CR, Status: PB Preliminary Review w/ possible determination SBL: 263.-2-80 To be reviewed by: MJE Consultant: LaBella Applicant: Last Seen on: 1/12/21

Consultant/Applicant Presentation:

Genevieve Traige – Barkley – Ms. Traige stated that tonight here is also Christian Bergman with LaBella Engineering as well as the applicant representative Andrew Day. She stated that this application is to develop and construct 21 acres on a 36 acre parcel in the CR zone. Ms. Traige stated that a solar array is an allowable use with a Special Use Permit in the CR zoning. A SWPPP update was completed in 2022, the wetlands were delineated, and responses to comments were addressed. Ms. Traige stated that a second access was added to the plan as requested as well as a decommissioning and bond plan. She stated that above and below ground electrical lines are proposed along with dry stormwater collection basins. Ms. Traige stated that the landscaping plan has been updated, the area will be fenced, and there are no DEC wetland impacts with this proposal. She stated that the Army Core of Engineers allows solar panels and hand clearing of a site and there will be no stump removal and timber matting will be used. She

stated that there is less than 1/10 of an acre of wetland disturbance with a permit from ACOE pending.

Staff Comments:

Steve Myers, Director of Building and Development issued a memo dated 4/22/22 stating:

- Roadway now appear sufficient, including a drivable area around the entire perimeter
- Stormwater containment and erosion and sediment control will be of primary importance due to wetlands

Wade Schoenborn, Chief of the Bureau of Fire Prevention:

1. No further comment

Scott Reese, Stormwater Management Technician issued a memo dated 4/25/22 with the following comments:

1. The applicant is requesting to disturb more than 5 acres of soil at one time. The applicant will need to submit more detail on the procedures that include the following:
 - a. A written justification for the reason for disturbing more than 5 acres at one time.
 - b. A higher level of detail of the construction schedule that includes the construction steps and time durations.
 - c. Additional Erosion and Sediment Controls description and phasing to protect environmental elements on the site.
 - d. Detailed construction procedures in and around the wetlands on the site that will address:
 - i. If the wetland soils are not firm enough to avoid rutting, what measures will be used (e.g., with timber riprap, prefabricated equipment mats, or terra mats) or using low-ground-weight construction equipment. What construction equipment will be used to set the posts and what will be used to bring in and mount the panels that will not disturb the wetlands?

The Environmental Conservation Commission held a meeting on 4/19/22 and issued a memo recommending:

1. The goals of minimizing the impact of the solar field on the wetlands is a concern. Implementation of the array is potentially environmentally destructive particularly with regards to the Federal ACOE requirement that disturbances shall not exceed more than 4 inches of depressions (e.g. ruts) into the Federal Wetlands.
2. The ECC recommends the Planning Board consider the response of the applicant and be assured that the extensive impact of this project on the forests, waters, and wildlife is addressed.
3. The ECC recommends the Planning Board consider the longevity of this type of project and the lack of an emergency action pollution plan and a detailed decommissioning plan.

John Scavo, Director of Planning issued a letter dated 4/22/22 with recommendations he made:

1. I appreciate the applicant's submittal of a detailed comment response letter dated April 4, 2022. Based on provided responses, my initial concerns are satisfied.
2. Any approvals considered by the Planning Board shall include the applicant's need to establish a Decommissioning Bond in the amount outlined by the Decommissioning Estimate dated April 4, 2022, prepared by Labella Associates.
3. The project may be eligible for coverage by the Army Corps of Engineers (ACOE), Nation Wide Permit (NWP) 51 for Land-Based Renewable Energy Generation Facilities. Before commencing construction activities, the applicant is responsible for obtaining all necessary state and federal permits. The FEAF notes that the project will not disturb more than 0.10 acres of wetland. Therefore, neither mitigation nor a Preconstruction Notification (PCN) for NWP 51 is required for proposed jurisdictional impacts. The applicant is ultimately responsible for confirming requirements with the ACOE.

Professional Comments:

Walter Lippmann, P.E. of MJ Engineering in a letter dated 4/22/22 had the following comments:

FULL ENVIRONMENTAL ASSESSMENT FORM

1. No further comments at this time.

SITE PLANS

2. The applicant has indicated they are waiting for a JD letter from ACOE. Once received, a copy of the JD letter shall be provided to the Town.
3. The applicant will coordinate with emergency services to ensure there is adequate access around the site.
4. Visual simulations are currently being prepared at the two access points and will be submitted prior to the planning board.
5. A detailed erosion and sediment control phasing plan shall be provided showing the area of disturbance for each phase.
6. The erosion and sediment control plan does not show the proposed locations of silt fence. Provide silt fencing throughout the site, in areas not limited to around existing wetlands, along access roads, any areas downstream from any type of soil disturbance, etc.
7. Provide erosion control blanket on any slopes greater than 3:1.
8. The arrays are being installed perpendicular to the contours, therefore additional level spreaders shall be installed to dissipate energy and maintain sheet flow. Show all locations of waterstop/stone diaphragms per spacing indicated on plans.

STORMWATER POLLUTION PREVENTION PLAN

9. As noted previously, Question 5 of the NOI indicates more than 5-acres of disturbance is proposed. The Town of Clifton Park as a regulated land use MS4 has the authority to review and take action on a 5-acre disturbance waiver upon submission of a waiver request. This is a discretionary approval that may be rescinded at any time. The applicant must submit a waiver request that (1) justifies the request (2) identifies time frames/duration of the request (3) identify additional BMPs that will be implemented above the minimum to control the site such that it does not become unmanageable. This request must be provided for review by the Town prior to the NOI being submitted for

permit coverage. Should the Planning Board grant site plan approval, it shall not be construed as a granting of the 5-acre waiver as that is a discretionary approval of the Town SMO.

Public Comments:

Anthony LaFleche 21 Wheeler Drive – Mr. LaFleche asked how close this proposal is to the other solar array on Blue Barns Road. Mr. Scavo stated that this is not next to the mentioned project. Mr. LaFleche asked what the perimeter road would be. Mr. Scavo stated that it can be a grassed area or enough room for a pickup truck to get through. He stated that this helps decrease disturbance so it will not be paved. Mr. LaFleche asked if there was a stream that runs through the site. Mr. Bergman stated that there is a stream thru the site but there will be no alteration to it. Mr. LaFleche asked Mr. Scavo if a trail easement would be beneficial here. Mr. Scavo stated that he does not think there is a need for a trail easement here.

Planning Board Review:

Ms. Bagramian asked if any MSDS sheets could be provided for the product specification. Mr. Scavo stated that they can get product detail sheets, but MSDS sheets do not exist since there are no chemicals or hazardous materials in the panels. Ms. Bagramian stated she would like to see this as part of the plan as it will be going over a stream or wetlands on the site and she would like to ensure quality. Ms. Traige stated that this can be provided. Ms. Bagramian asked if pile screws would be used or what kind. Mr. Bergman stated he is unsure of what would be used but he can find the information for the next submittal. Mr. Day stated that it would be galvanized steel posts.

Mr. Ophardt asked if the visual simulations were available. Mr. Bergman showed the main entrance and the northern entrance simulation with landscaping to all in attendance. Mr. Ophardt stated that he feels that the landscaping is not robust enough for screening the array from the roadway and asked for more trees. Ms. Fariello seconds this comment. Mr. Bergman stated that they can add more. Mr. Scavo stated that others before the Board have done 20 ft. apart on center to ensure proper screening. Mr. Ophardt asked if there is an erosion plan in place with the proposal. Mr. Bergman stated it is a part of the waiver application.

Mr. Andarawis stated that he would like the applicant to keep the buffers that may be there rather than removing all plantings and then replacing. He stated that he feels that the visual of the utility disconnect poles may be too offensive and the site needs to be hidden more. He stated other examples of solar projects in the Town where the entrance was reconfigured to hide poles. Ms. Traige stated that they can add smaller vegetation along the roadway to help with screening. Mr. Andarawis asked if there would be a wildlife gap. Mr. Bergman stated that there is a six inch gap. Mr. Andarawis asked what the tilt system for this project is. Mr. Day stated that it is a mechanism that helps the array move for optimum function and it would only require maintenance 2 times per year and will work well in snow and powers itself with no energy

storage. Mr. Andarawis stated that he feels this is a good location for a solar array as it is between 2 railroad tracks but the amount of land is concerning as the footprint is large. H stated that he feels that the amount of disturbance of the parcel is excessive being over 50%. Ms. Triage stated that 21 acres are needed to develop the site but the total will decrease after construction is complete.

Mr. Neubauer stated that out of most of the arrays that have come to the Board, he feels that this is the most visible from a roadway. He stated that he isn't necessarily concerned with the visual of the array, but more with the poles that would have transformers on them. He asked the applicant to try and keep the setback further as to help screen the proposal on Blue Barns Road. He stated that this visual mitigation is important. Mr. Neubauer stated that if traffic is coming from Burnt Hills this array will be sloping up and be visible.

Mr. Ophardt asked how far the setback was from Blue Barns Road. Mr. Bergman stated it is 150'. He stated that they will be clear cutting most of the site but will be landscaping the frontage to shield it from the public. Mr. Andarawis stated that he does not like clear-cutting and would like to see the applicant scale back the disburance and array size a little as he feels it is too big. Ms. Bagramian agrees with the impact on the site.

Mr. Ophardt stated that there will be a decrease in the impact on the CR zone,if visibility can be decreased away from the road. Mr. Day stated that technology is constantly improving and that panels may be developed that could increase the amps and take up less room.

Mr. Day stated that he can take the comments tonight back to the engineers to see what can be done to decrease the panels but maintain the wattage to allow for buffering.

Old Business:

2017-045 CPC Out Parcel Apartments Site Plan

Applicant proposes to construct 50 apartment units with garage parking in a 38,850 sf building area. The project will redevelop Clifton Park Center frontage along Clifton Park Center Rd. An expansive landscape area, street scape and multi-use trail will be developed along the projects frontage with in the public/open space overlay area.

Building will connect to CPWA and SCSD mains. Stormwater will be managed on-site with existing stormwater management system. Total Acreage 5.33. There will be 50 total parking spaces, 42 Clifton Country Rd, Zoned: TC2, Status: PB Concept Review

SBL: 272.-1-45.2 To be reviewed by: MJE Consultant: EDP

Applicant: DCG Last Seen on: 9/12/17

2022-015 CPC Out Parcel Apartments Subdivision

Applicant proposes a lot line adjustment and subdivision needed to create 2 new parcels at the location of their proposed 50 unit apartment project within Clifton Park Center, 42 Clifton Country Rd, Zoned: B-4, Status: PB Concept Review SBL: 272.-1-45.2
To be reviewed by: MJE Consultant: EDP Applicant: DCG

Consultant/Applicant Presentation:

Joe Dannible – EDP – Mr. Dannible stated that the site plan and subdivision could be looked at together tonight. He stated that a TAC will be established for this application. He stated that this application fronts Clifton Park Center Road and is to the south of Homewood Suites. Mr. Dannible stated that this proposal is for a 50 unit apartment community with pedestrian access on Clifton Park Center Road and vehicular access from behind Homewood Suites with garages. Mr. Dannible stated that the front setback requirement is between 5’ and 15’ but the applicant would like 25’-30’ to create a larger green space in the front of the site with a park like area. Mr. Dannible stated that currently, the site has a landscaped berm area fronting the road and this provides a buffer from the commercial mall to the residential areas across the street. He stated that this would help keep a buffer between them and become a transitional area. Mr. Dannible stated that if parallel parking is required, then they can work with the TAC on implementation. Mr. Dannible showed character photos indicating the front being pedestrian access only and stated that the rear of the apartments would have garages with direct access to the unit. Mr. Dannible stated that the subdivision would have the hotel on its own parcel and that parcel 5 of the map would be for the apartment development. Mr. Dannible stated that they are proposing deed restrictions of 1.6 acres on other mall areas to cover density similar to his prior proposal this evening.

Staff Comments:

Steve Myers, Director of Building and Development issued a memo dated 4/22/22 stating:

- Roadway now appear sufficient including a drivable area around entire perimeter
- Stormwater containment and erosion and sediment control will be of primary importance due to wetlands
- Previous comments noted the need for examining the elimination of parking on the south side of the hotel and the effect of the porous pavement at the hotel

Wade Schoenborn, Chief of the Bureau of Fire Prevention:

1. Buildings will be required to be sprinklered
2. Specify hydrant locations
3. Specify FDC locations
4. Postal verification
5. Specify hydrants within 100’ of FDC

Scott Reese, Stormwater Management Technician issued a memo dated 4/25/22 with the following comments:

1. Applicant is proposing to use the existing stormwater pond that is located off-site. This project will be an addition of impervious area and the existing pond does appear to have adequate storage for additional runoff. On site stormwater management for quality as well as quantity will need to be provided.
2. The proposed apartments are filling in one of the stormwater management areas of Homewood Suites how will this project mitigate this?
3. There are limited drainage connections along Clifton Park Center Road. Applicant to address how drainage from proposed development will be collected and routed along Clifton Park Center Road when submitting the SWPPP in the future.
4. How will this project impact the "Land Banked Parking Area" for Homewood Suites?
5. The applicant shall narrate on the ownership and maintenance responsibilities of the stormwater management area that will be on Parcel #2. Drainage easements may need to be added if the maintenance will be shared between the three parcels

The Environmental Conservation Commission held a meeting on 4/19/22 and issued a memo recommending:

1. The ECC requests the applicant to provide a continuous tree buffer along Clifton Park Center Road
2. This project removes a mature vegetative buffer between a heavily commercial zone and residential zone. The new landscaping plan shall be compatible to provide a similar environmental buffer between the two zones. This is in keeping with the newly designated Tree City USA for the Town of Clifton Park.
3. The plans need to show the locations of the proposed stormwater management areas and also the remediation of the existing stormwater management areas for Homewood Suites this project is going to impact.
4. The ECC is concerned with regards to the proposed residential density calculations and request the Planning Board ensure all calculations are accurate and legally permitted.
5. Any sales of the involved lots must refer to the subdivision maps for density requirements.

John Scavo, Director of Planning issued a letter dated 4/22/22 with recommendations he made:

1. As plans progress, the applicant should meet with the Town Center Technical Advisory Committee (TAC) to ensure drawings demonstrate compliance with §208-24 Form Standards, §208-25 Architectural Standards, and §208-26(1)-(7) Site Standards.
2. The applicant should verify if existing overhead or underground utilities will impede the ability to meet landscaping requirements prescribed under §208-26 of the Town Code.
3. Additional comments will follow at and as a result of future TAC review.

Professional Comments:

Walter Lippmann, P.E. of MJ Engineering in a letter dated 4/22/22 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: Plan approval
- b. Saratoga County Planning: Plan approval
- c. Clifton Park Water Authority (CPWA): Connection to municipal water
- d. Saratoga County Sewer District #1: Connection to public wastewater infrastructure
- e. NYS Historic Preservation Office: archeological sensitive area
- f. NYS Dept of Environmental Conservation: Stormwater permit approval
- g. NYS Dept of Transportation: proximity to I-87

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

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

1. Part 1. 3.b. – The response indicates that the action will disturb 1.65+/- acres of land. It appears the project will be subject to the NYSDEC Phase II Stormwater Regulations and General Permit GP-0-20-001. Therefore, a full Stormwater Pollution Prevention Plan (SWPPP) will be required. As the project proceeds through the Town’s regulatory review process, a fully conforming SWPPP shall be provided for review.
2. Part 1 12.b. – 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.
3. Part 1 13.a. – The response indicates that wetlands or other waterbodies regulated by federal, state or local agencies adjoin or are contained within the project site (per the EAF Summary Report. The applicant should provide documentation that confirms the presence or absence of federally regulated wetlands adjacent to the project site. Should this change as the project design progresses, additional approvals and permits may be required.
4. No further comments at this time.

SUBDIVISION

5. In reviewing the subdivision plan it appears that six (6) lots are being developed. 5. Provide a site statistics table for each of the proposed lots.
6. Provide contour lines at five-foot intervals, minimum United States Geological Survey datum.

7. In reviewing the proposed lot configuration, the created lots appear to be deficient in regards to meeting the minimum bulk lot requirements outlined in Section 208-22.1 of the Town's Zoning. The noted deficiencies are as follows:
 - a. Based on parking setback requirements shown, it appears the minimum rear setback requirements of TC2 (side: 8' min., rear: 5' min) and TC5 (side: 0' min., rear: 5' min) 5 feet minimum for parking has not been met. Lots 1, 2 & 3 provide 0' setbacks.
 - b. Parcel 3: The allowable base residential density within the Town Center shall not exceed 10 dwelling units per acre, therefore 3.08 acres can accommodate Up to 30 dwellings.
The plan would need to be modified or the applicant will be required to seek relief from the Town Zoning Board of Appeals for the lot layout as proposed.
8. Provide the building setback lines for each lot shown.
9. Provide all easements existing or proposed on the subdivision map. Several easements were previously shown for application #2021-003.
10. Will an ingress/egress easement agreement be in place to access the western most apartment buildings.
11. 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.
12. 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.
13. Considering this plan is conceptual in nature, subsequent comments will be provided with a preliminary plan submission.

SITE PLAN

14. The project is located within the Town's TC2 Edge Zone of the Town Zoning. The proposal for apartments are a permitted use within the TC2 zone.
15. The project resides within the Town's TC2 Edge Zone. In our review of Section 208-22.1 of the Town Zoning, indicates the following bulk lot deficiencies:
 - a. Section 208-22.1(A) requires 10' min. and 15' max. front setback from the property line. The proposed building proposes 25-33 feet.
16. Provide contour lines at two-foot intervals, minimum United States Geological Survey datum.
17. Section 208.26(1)(C) indicates the minimum parking requirements per use. Residence, multifamily (1-2 bedrooms) requires 1.5 spaces per unit and Residence, multifamily (3+ bedroom require 2 spaces per dwelling. Provide how many bedrooms will be in each unit to determine the parking requirements
18. Subsequent plans should include architectural elevations of the building with a listing of the materials of construction for review by the Planning Board.
19. With the proposal for a residential apartments, there needs to be an analysis of the cumulative residential density as described in Section 208.22(B) of the Town's Zoning and it shall take into account the site plan submitted for additional residential units under Town Application 2017-044.

20. The project will disturb more than 1-acre of land. As such, it will be subject to the NYSDEC Phase II Stormwater Regulations and General Permit GP-0-20-001. Therefore, a full SWPPP will be required that addressed water quantity and quality controls. As the project proceeds through the Town's regulatory review process, a fully conforming SWPPP shall be provided for review.
21. 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. A copy of the plans shall be submitted to CPWA for review and approval.
22. The project proposes to provide sanitary sewer service to the site from the Saratoga County Sewer District No. 1 (SCSD). The applicant shall provide the Town documentation indicating the SCSD's ability and willingness to provide additional sewer service to the project. A copy of the plans shall be submitted to the SCSD for review and approval.
23. The project proposes to provide sanitary sewer service to the buildings via the Saratoga County Sewer District No. 1 (SCSD). The applicant shall provide the Town documentation indicating SCSD's ability and willingness to provide sewer capacity to the project.
24. Given the size of the proposed development, at a minimum, the applicant shall provide a summary of expected peak hour vehicle trips. Should this analysis show that more than 100 new peak vehicle trips will result, a formal traffic impact statement may be required. This assessment needs to account for other projects proposed within proximity of the site.
25. Provide a narrative as to how the number of parking spaces was determined for the use proposed.
26. The following comments are relative to the site plan and its conformance to the NYS Fire Code (NYSFC). The Town Fire Official shall have final authority on the applicability of these comments to the proposed site layout:
 - a. Determine if a Knox Box is required based upon the building arrangements, occupancy and materials of construction. If one is required, its location is subject to the review and approval of the Fire Chief.
 - b. If the proposed building is to be provided with an automatic sprinkler, show the location of the fire department connection to ensure they are reasonably accessible.
 - c. Section 912.2 of the IFC requires a fire hydrant to be located within 100-feet of the building's fire department connection. It is not clear from the plans where the closes hydrant to the site is or where the fire department connection may be. Additional hydrants may be necessary.
 - d. Identify the actual height of the buildings. If greater than 30-feet in height above the average grade plan, aerial apparatus access shall be provided that is between 15 and 30 feet of one entire side of the building in accordance with Appendix D105 of the IFC. If aerial apparatus access is required, its location shall be identified on the plans.
 - e. Provide a turning template analysis for the largest emergency vehicle that may respond to an event at the site.
27. Subsequent submissions shall include information as outlined in Section 208-115 of the Town zoning specific to lighting, site grading, landscaping, erosion control and

stormwater management to fully assess the design and its compliance to the applicable standards

Public Comments:

Jean Cotchel – 7 Kings Court – Ms. Cotchel stated that she has concerns with stormwater management. She stated that she has lived on her property for about 18 years and the road and personal property has flooded since Homewood Suites was put in. Ms. Cotchel asked what the applicant would be using for stormwater management. Mr. Dannible stated that they will be providing a full NYS and DEC standard stormwater management plan and that porous pavement will be used and surface water will be treated before going to the pond. Ms. Cotchel stated she would like to see studies done on the water table levels. She stated that she would like landscaping to be taken into account and asked if the apartments could be 2 stories instead of 3 to help fit in with the residential homes.

Dave Tenack – 2 Kings Court – Mr. Tenack stated that he feels there is no buffering between his home and Homewood Suites. He stated that there are dead trees there and that traffic along Clifton Park Center Road can be scary at times in the afternoon. He stated that he would question parallel parking here because of the traffic and feels accidents may increase and is concerned for safety. He stated that he could see people in rooms at the hotel and feels they can see him as well

Denise Colfax – 4 Guardian Drive – Ms. Colfax stated that her rear yard continually floods as well as she backs up to Kings Court. She stated that she can hear people at Homewood Suites so there is not sufficient buffer. Ms. Colfax stated that the traffic is bad along the road here that she cannot take a left out onto Clifton Park Center Road. She stated that she has the same concerns with parallel parking that others have mentioned.

Michael Mash – 16 Kings Court – Mr. Mash stated that he has the same concerns as spoken about. He stated that he has to have 2 sump pumps at his home and he can also hear the patrons at Homewood Suites at their fire pit and he is in the back of the court. He stated that he also has concerns like the other residents about parallel parking and the safety with the traffic.

Jim McDonald – 1 Kings Court – Mr. McDonald stated he echoes all other comments made and stated that he can see into the windows of Homewood Suites.

Sarah Martini – 3 Garden Drive – Ms. Martini stated that there are lots of kids on bikes around this area and it is dangerous and this will add to it. She stated that she appreciates the urban development but this is a single family home area. She stated that she does like the idea but not across from single family homes. Ms. Martini stated she has concerns with the park and it becoming a teen hangout. Mr. Dannible stated that he understands her concerns but a passive park area is what the Town likes to see.

Anthony LaFleche – 21 Wheeler Drive – Mr. LaFleche asked how far the setback would be from Clifton Park Center Road. Mr. Dannible stated from the road it would be about 40'. Mr. LaFleche thanked the applicant for this as he felt that the road is crowded for today. Mr. LaFleche stated that he likes the play area and asked if there could be another access from across from Garden Drive. Mr. LaFleche asked where the front door to the apartments would be. Mr. Dannible stated that they would be on Clifton Park Center Road and the rear would have an attached garage and be 3 stories.

Donald McElroy - DCG - Mr. McElroy stated that the look of the buildings came right out of the Town Center plan and agrees with the concerns of the parallel parking and would rather see a pedestrian path.

Planning Board Review:

Ms. Fariello asked if the garages would be underground or at level. Mr. Dannible stated that the garage would be at level and there would be 3 stories including the garage parking. Ms. Fariello stated that she had stormwater concerns prior to this meeting but the comment made by the public furthers them. Ms. Fariello asked how many bedrooms would be in the apartments. Mr. Dannible stated that would be 1 and 2 bedrooms and there would be 2 parking spaces per unit. Ms. Fariello stated that stormwater needs to meet codes and be reviewed by MJE.

Ms. Bagramian stated that the density count seems to be double-dipping and questioned should vacant parking be used for density. Mr. Dannible stated that they are using commercial and residential areas together and that this proposal is similar to the density of the Tallow Wood Subdivision proposal. Mr. Scavo stated that this can be done as Homewood Suites, if they ever go under, could not be used as residential, it is a commercial site. Ms. Bagramian stated that she would like the applicant to look at other alternatives with porous pavement as she understands that neighbors already have problems. She asked that the applicant look at other methods to ensure stormwater management stays on site.

Mr. Ophardt stated that stormwater management seems to be the biggest challenge for the site and asked if it was ever addressed when the site was first developed. He stated that the flooding on Kings Court is news to him. Mr. Ophardt stated that he liked the overall concept and streetscapes. He stated that the number of stories allowed should be looked at in the Town Center Plan and that maybe 3 stories is too much.

Ms. Fariello stated that she would like to see a lighting plan as well as a noise study. She stated that she would like a photometric plan to make sure the site has a residential feel to help buffer the commercial from the single family homes.

Mr. Neubauer stated that he supports this project, as it looks to conform to what the Town Center form-based code has prescribed for this location, and looks like a most appropriate usage. He stated that this could be compatible with the property owner's redevelopment goals of Clifton Park Center that would keep from seeing a dead mall in the future that borders a residential neighborhood. He also stated that the rowhouse-style units being proposed look like they could support live-work units, which align with both current market demands for housing and what the TC2 zone prescribes. Mr. Neubauer suggested the applicant look at rain gardens as another means to manage stormwater.

Mr. Andarawis stated that he would like to see 2 stories vs. 3 story buildings and that maybe the height would help buffer the hotel better. He stated that the TAC would help keep with the code and assist with the architecture and roof sloping.

Ms. Bagramian stated that there needs to be more guidance for the traffic flow and that this application may help with visual buffers and noise generated from the hotel. She stated that this project is good to help address some of the public's concerns with existing development.

New Business:

2022-012 Maxwell Drive 5 Lot Residential Subdivision (Klapija)

Applicant proposes subdividing 12.74 acres into 5 residential lots for the construction of single family homes. The project also includes parcel # 271.-3-69.2. The project will be serviced by the CPWA and SCSD#1. Stormwater will follow existing natural drainage pathways, Plank Rd, Zoned: R-1, Status: PB Concept Review SBL: 271.-3-70
 To be reviewed by: MJE Consultant: Lansing Eng. Applicant: D. Klapija

Consultant/Applicant Presentation:

Jason Dell – Lansing Engineering – Mr. Dell stated that this application is located on the corner of Maxwell Road and Plank Road. He stated that there are 12.74 acres of land in the R-1 zone that the applicant would like to subdivide. Mr. Dell stated that this land is currently vacant and the application is to subdivide the parcel into 5 single family home lots. He stated that 3 of the lots would be on Maxwell Drive and 2 would be on Plank Road. Mr. Dell stated that the 3 lots on Maxwell Drive would have a shared driveway and that all of the lots would conform to the R-1 code. Mr. Dell stated that a full SWPPP will be needed and that all of the homes would be serviced by public water and sewer. He stated that the lots would vary in size from about 1 acre to 7 acres.

Staff Comments:

Steve Myers, Director of Building and Development issued a memo dated 4/22/22 stating:

- Project will require significant stormwater controls and full SWPPP due to adjacent wetlands and protected streams
- Assuming road proposed lots #3, 4, & 5 is to be considered a driveway, the road will be required to support a 75,000 lb vehicle, have at least one 20' X 50' pull offs and have turnaround at lot #4 & 5 that meet requirements of appendix E of the fire code
- Area is zoned R-1
- A conflict between the driveway for lot #2 and the Maxwell Drive and Plank Road intersection seems apparent
- Slopes at lot #5 appear to be an issue when considering the slope setback requirements of the residential code
- All the parcels appear to have frontage on a public road
- Easements for the common driveway will be required for lots #3, #4, & #5

Wade Schoenborn, Chief of the Bureau of Fire Prevention:

1. Provide complete fire department apparatus access plan that complies with NYS FC section 511 for review
2. Postal verification

Scott Reese, Stormwater Management Technician issued a memo dated 4/25/22 with the following comments:

1. When the plans progress the applicant will be preparing a Basic SWPPP that includes erosion and sediment controls to protect the Bear Brook a trout spawning stream. It is recommended that runoff from impervious surfaces should be treated before releasing into the stream to minimize the temperature spikes that may affect the trout.
2. The plans shall show the Land Conservation Zone on the plans

The Environmental Conservation Commission held a meeting on 4/19/22 and issued a memo recommending:

1. The ECC is concerned with the ecological impact of the construction of lot 5 in regard to the steep soft soil slopes, potential runoff, and the proximity of the Bear Brook, a trout spawning stream
2. The designation of wetlands (the LC Zone and 100 foot buffer zone, DEC Wetlands, Federal Jurisdictional Wetlands) shall be identified on the plot plan.
3. The ECC is concerned with the curb cut locations for Lots 1 and 2 given the heavily travelled intersection of Maxwell and Plank Road.

John Scavo, Director of Planning issued a letter dated 4/22/22 with recommendations he made:

1. The applicant should provide documentation that the Clifton Park Water Authority and Saratoga Co. Sewer District have adequate capacity and are willing to service the parcels.

2. Provide an erosion and sediment control plan to protect the stream and its water quality from construction activities.
3. Add the following notations to the plan:
 - a. STANDARD NOTES FOR KEYHOLE LOT SUBDIVISIONS:

Final location and orientation of each house are subject to the approval of the Director of Building and Development at the time the building permit is issued. Foundation location surveys (plot plans) are to be provided and approved before proceeding with framing, to ensure compliance with the original approval.
 - b. STANDARD NOTE FOR ADDRESS IDENTIFICATION FOR KEYHOLE LOTS:

The street number of a dwelling situated on a keyhole lot shall be permanently and conspicuously displayed on a sign, with lettering no less than 3 inches nor greater than 8 inches in height, and placed no more than 25 feet from the road pavement. The sign shall be displayed for both directions of travel and be reflective. Identification markers must also be placed at any location where a common drive splits.
 - c. STANDARD NOTE FOR LOTS WITH COMMON RIGHTS OF INGRESS/EGRESS:

The proposed perpetual ingress-egress easements shown hereon shall be used in common by the owners of lot(s) numbered *[insert relevant lot numbers per proposed map]*. All such easements shall be in effect and binding upon the owners of said lots, their heirs, successors, and assigns, and all future owners of said lots, their heirs, successors, and assigns, upon filing of this subdivision plat in the Office of the Saratoga County Clerk.
 - d. Prior to work commencing within the public right-of-way, the property owner shall obtain a curb-cut permit from the Town of Clifton Park Highway Department.
 - e. This parcel is located in an area where aviation activity occurs. Such activity may include, but is not limited to periodic noise, vibration, hours or operation, and other associated activities. A study describing this impact in detail is available for inspection in the offices of the Albany International Airport.
 - f. Underground utility connections to a dwelling unit are not allowed to be constructed underneath a private driveway. Such utilities include but are not limited to water laterals, sewer laterals, gas, electric and storm/foundation drains. A Certificate of Occupancy will not be issued without all utilities complying with this requirement.
 - g. The parcels shall be included within the Dwaas Kill Park District.

Professional Comments:

Walter Lippmann, P.E. of MJ Engineering in a letter dated 4/22/22 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: Plan approval
- b. Saratoga County Planning: Plan approval
- c. Army Corps of Engineers: plan approval
- d. Clifton Park Water Authority (CPWA): Connection to municipal water
- e. Saratoga County Sewer District #1: Connection to public wastewater infrastructure
- f. NYS Historic Preservation Office: archeological sensitive area
- g. NYS Dept of Environmental Conservation: Stormwater permit approval

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

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

1. Part 1 12.b. – 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 1 13.a. & b. – The response indicates that wetlands or other waterbodies regulated by federal, state or local agencies adjoin or are contained within the project site (per the EAF Summary Report. The applicant should provide documentation that confirms the presence or absence of federally regulated wetlands adjacent to the project site. Should this change as the project design progresses, additional approvals and permits may be required
3. Part 1 17. A. & b. – The response indicates that the proposed action creates storm water discharge, either from point of non-point sources. The applicant indicates that erosion and sediment control measures will be implemented to limit discharge.
4. No further comments at this time.

SITE PLANS

5. The project is located within the Town’s Residential 1 District (R-1). The proposal for single family homes is a permitted principal use within the R-1 District as noted in Section 208-10(B)(2) of the Town’s Zoning.
6. In reviewing the proposed lot configuration, the created lots appear to be deficient in regards to meeting the minimum standard requirements outlined in Section 208-11 of the Town’s Zoning. The noted deficiencies are as follows:

- a. The minimum width of all lots at the front building line shall be 100 feet. It appears Lot 2 does not meet this requirement. The Town's Zoning Enforcement Officer has indicated the applicant will adjust proposed property line to meet this requirement.
- b. The minimum front yard setback per Section 208.11 and 208-98 shall be 100 feet from the center line of Plank Road only (revise site statistics table accordingly)
- c. The minimum width of all lots at the front building line along Plank Road as listed in § 208-98 shall be 200 feet (revise site statistics table accordingly).

The applicant has indicated a front yard setback variance is required for the existing house parcel. If the above are granted, provide variance number and relief granted on plat.

7. Identify the party who completed the delineation of the wetlands and the date in which the delineation was completed.
8. The subdivision plat should show the parcels in their entirety (271.-3-70).
9. 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.
10. The project narrative table indicates 1.65 acres of disturbance. Since over one acre pursuant to NYSDEC GP-0- 20-001, Appendix B, Table 1, a SWPPP that addresses erosion and sediment control is required.
11. Provide a grading plan along with the limits of soil disturbance on the plans.
12. The site plans indicate wetland disturbance within USACE wetlands. The applicant shall provide the Town with all permitting associated with work within the USACE wetlands.
13. The proposed points of access to Plank and Maxwell Road should be verified to ensure proper site distance is achieved. There should be indication on the plan what the required and provided turning site distances are based upon the posted speed limit of each road.
14. There may be a need to provide a drainage culvert at the new driveway to support existing drainage along Plank and Maxwell Road. The applicant will need to coordinate with the Town Highway Department for any such improvements. If required, show the location, size and materials of construction.
15. The project proposes to service each new lot 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.
16. The project proposes to service each new lot with public sewer from the Saratoga County Sewer District (SCSD). The applicant shall provide the Town documentation from the SCSD ability and willingness to service the project with sanitary sewer.
17. It appears a utility easement will be required to tie into the sanitary sewer to the south on parcel 271.-3-19.311. Provide documentation that property owner is willing to provide such easement.
18. 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.
19. 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.

20. The project proposes a main shared drive. The applicant shall provide a draft maintenance agreement for review by the Planning Board's legal counsel.
21. Any proposed driveway shall conform to the requirements of Section 511.2 of the International Fire Code, New York Supplement. The driveway shall have a minimum width and unobstructed height of 12-feet and 13 feet, 6-inches, respectively. If the driveway is in excess of 500-feet and does not exit to another fire apparatus road or public street a turn around shall be provided suitable for use by fire apparatus. If the drive is in excess of 500- feet and less than 20-feet in width, turn outs shall be provided that are 20-feet wide and 50-feet long and spaces at 500-foot intervals along the drive.
22. Provide notation on the plan as follows: a.No Utilities shall be installed beneath the proposed driveways. b.Any work required within the Town right-of-way shall be subject to any permitting from the Clifton Park Highway Department (driveway, culvert).
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 Town's Chief Zoning Officer may determine one or more lots are keyhole lots. All driveways to keyhole lots shall be constructed and maintained at a minimum of 16 feet wide and to meet the standards contained in Chapter 73 of the Code of the Town of Clifton Park.
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.

Public Comments:

Anthony LaFleche - 21 Wheeler Drive – Mr. LaFleche asked what the setbacks would be and if they could be pushed back further. Mr. Dell stated that the required is 80 and they can look at moving them back. Mr. LaFleche asked what the lot sizes would be. Mr. Dell stated that they are all within code. Mr. LaFleche asked if the applicant would be clear-cutting the lots and if there could be an easement for a possible future trail connection. Mr. Dell stated that the lots will only be cleared where necessary and that he can look into a possible easement. Mr. Scavo stated that they can look at waiving the one-time park fee if a trail easement is given and he will speak to Ms. Viggiani about this.

Planning Board Review:

Mr. Ophardt stated that he likes the idea of an easement for a trail as the road is not pedestrian friendly there. Mr. Dell stated that there is an 8' easement so maybe they can expand to 12'-15' but he will consult with the applicant and Mr. Scavo.

Mr. Wilcox asked if the lots being proposed were considered keyhole lots. Mr. Dell stated that the frontage is 100' so they meet the requirements and if the homes are turned they are in compliance as well.

Mr. Neubauer stated that the best design might be this and not a strait back lot. He stated that he feels the proposal is appropriate considering the constraints and the 100' frontage. Mr. Neubauer stated that ACOE permit will be required and that straitening the drive would bring the homes closer to the roadway.

Mr. Andarawis stated that this could be made to look like a keyhole without being one and he likes this layout better than the applicant proposing a keyhole. Mr. Andarawis asked if there were wetlands on the property. Mr. Dell stated that there are to the south and a brook that the applicant wanted to stay away from. Mr. Andarawis asked if the applicant can bring back another layout so that the Board can put into perspective the alternative. Mr. Dell stated that there could be more homes put into the acreage but the applicant is looking to keep space between them. Mr. Andarawis asked how far the first driveway would be from the stop sign on Plank Road. Mr. Dell stated it is about 80' from the property line but they can see if it can be moved over more.

Ms. Bagramian stated that she likes Mr. Andarawis' suggestion to show the alternative layout and she would also like to see this. Ms. Fariello stated she would like to see the same as well as stormwater impact on the neighbors.

Mr. Ophardt asked about stream access. Mr. Scavo stated that a sewer main is running along it so the Town already has access. Mr. Ophardt stated he would like to see the applicant come back with signs for the no-cut buffer areas. He stated that he like that there is only one access between Mooney Way and Plank Road.

New Business:

2022-013 & 2022-014 36 Boyack Road Verizon Wireless Facility Special Use Permit & Site Plan

Applicant proposes construction of a wireless communications facility, 36 Boyack Rd (Lands of Clifton Park Water Authority), Zoned: R-1, Status: PB Concept Review
 SBL: 288.8-1-56 To be reviewed by: MJE Consultant: Young/Sommer
 Applicant: Verizon

Consultant/Applicant Presentation:

Dave Brennan – Young/Sommer Law Firm – Mr. Brennan stated that this application is for a telecommunication facility on Clifton Park Water Authority land. Mr. Brennan stated that the land has a building/tank on it and an access road. He stated that there are trees on site and they are about 80'-90' tall. Mr. Brennan stated that the proposal is to install a monopole next to the existing tank and have antennas 110' tall with a 4' lightening rod on top. Mr. Brennan stated that the equipment would be in a fenced in pad with no lighting required. Mr. Brennan showed on a

map the area around the site stating that Verizon has spotty coverage and would like to increase the services in that area. He stated that the antenna turns on and off based on usage and does not constantly run at full power. He stated that they did do leaf-off balloon surveys that the Board was provided with these photos for review. Mr. Brennan stated that 60' of elevation change is on the property from the roadway and that they intend to try for low visibility. He stated that variances are needed due to location of surrounding residential properties and the tower being proposed close to the property line.

Staff Comments:

Wade Schoenborn, Chief of the Bureau of Fire Prevention:

1. No comment at this time

Scott Reese, Stormwater Management Technician issued a memo dated 4/25/22 with the following comments:

1. No stormwater comments at this time for this project.

The Environmental Conservation Commission held a meeting on 4/19/22 and issued a memo recommending:

1. The ECC recommends that the antenna and monopole be considered visually intrusive to the character of the neighborhood and appropriate camouflage methods be deployed.

John Scavo, Director of Planning issued a letter dated 4/22/22 with recommendations he made:

1. Planning Staff recommends the Planning Board declare itself Lead Agency for the SEQOR Review Process by passing a resolution stating such. The applicant will then work through the completion of the environmental review process prior to the ZBA considering the granting of a Use Variance for the facility within a local residential zoning district.
2. Copies of the applications have been forwarded to William Johnson, the Town's qualified professional, to review the applicant's request for compliance with all federal, state, and local telecommunication requirements. Once the Town Planning Staff receives comments from William Johnson, we will distribute copies to the applicant and Planning Board Members for their consideration
3. Planning Staff will ensure our recommendations are consistent with the Congressional Telecommunications Act of 1996, which establishes a comprehensive framework for exercising jurisdiction by state and local zoning authorities over the construction, modification and placement of such facilities. The law preserves local zoning authority yet clarifies when the exercise of local zoning authority may be preempted by the FCC. It prohibits any action that would ban altogether the construction, modification or placement of these kinds of facilities in a particular area and specifies procedures to be followed by local zoning officials for acting on a request to place these kinds of facilities.

It also provides for review by the courts or the FCC of any decision by a zoning authority that is inconsistent with the law.

Professional Comments:

Walter Lippmann, P.E. of MJ Engineering in a letter dated 4/22/22 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. In Town Code Section 208.95(F)(9): Subject to and in accordance with the State Environmental Quality Review Act (SEQRA), the Planning Board shall be the lead agency for the purpose of conducting the environmental review of the application for a special use permit. The Planning Board shall conduct an integrated comprehensive environmental review of the proposed project in combination with its review of the application under this article. 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: Plan approval
- b. Town of Clifton Park Zoning Board of Appeals : variance and area variance
- c. Saratoga County Planning: Plan approval
- d. Clifton Park Water Authority: plan approval
- e. NYS Historic Preservation Office: NYS Heritage Area: Mohawk Valley Heritage Corridor f
- f. NYS Dept of Environmental Conservation: Stormwater permit approval

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

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

1. Part 1 E.2. h (ii – iv) – The response indicates that wetlands or other waterbodies regulated by federal, state or local agencies adjoin or are contained within the project site (per the EAF Summary Report. The applicant should provide documentation that confirms the presence or absence of federally regulated wetlands adjacent to the project site. Should this change as the project design progresses, additional approvals and permits may be required.
2. No further comments at this time.

SITE PLANS

3. The parcel of land which the applicant is proposing the telecommunication tower is located in the Town’s R1, Residential District. Telecommunication towers are not a permitted use within the R1 District. The applicant has applied for a use variance from the Town of Clifton Park ZBA for the placement of the telecommunication tower in the

R1 District. For the Planning Board's review of the special use permit and site plan application, the matter of the telecommunication tower being a permitted use within the R1 District will be determined by the ZBA.

4. Telecommunication towers are considered a special use and therefore, the Planning Board shall review the proposal in comparison with the general criteria outlined in Section 208-95 of the Town Zoning.
5. The parcel in which the project is located is within 500-feet of residential property. As such, the applicant has applied for an area variance to reduce this distance. The Planning Board shall not act on the special use permit or site plan application until such time that the variance is granted.
6. Pursuant to Section 208-95.E.1.e of the Town Zoning, provide the height of the existing water tank.
7. Visual simulations have been provided. However, there appears to be no apparent consideration of the Town Park parcel directly adjacent to the site. Additional simulation maybe warranted.
8. Pursuant to Section 208-95.K.1 of the Town Zoning, the applicant shall submit an agreement, in writing, to remove all accessory communications structures, antennas or communications towers if such facilities become technically obsolete or cease to be used for their original intended purpose for more than 12 consecutive months. Upon removal of said facilities, the land shall be restored to its previous condition, including but not limited to the seeding of exposed soil
9. Pursuant to Section 208-95.K.2 of the Town Zoning , the applicant must submit an analysis by a New York State licensed professional engineer of the cost of removal of the accessory communications structure, antenna and/or communications tower and surrounding property restorations.
10. Pursuant to Section 208-95.K.3 of the Town Zoning, prior to obtaining a building permit, the applicant must provide a financial security bond or letter of credit reasonably acceptable to the reviewing Board for the removal of the accessory communications structure, antenna and/or communications tower, with the Town of Clifton Park as the designated assignee, in an amount approved by the Planning Board which is equal to the current projected cost for the removal of the type of facility permitted, plus a reasonable escalation rate based upon the anticipated useful life of the facility.
11. If the site gate is planned to be locked 24-hours a day, the responding fire department shall be contacted to determine if a knox box is necessary should they need to access the site.
12. For any graded slopes that are in excess of 3 horizontal to 1 vertical, provide adequate ground protection to ensure erosion does not occur while permanent ground cover is established. This occurs in a few locations between the 316 and 315 contours.
13. 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 how taller the proposal was than the water tower. Mr. Brennan stated that the tank is about 56' and the tower is 110' and they

would be keeping it close to the trees. Mr. Brennan stated that there are 4 carriers in the area and they are providing coverage for themselves and 2 other carriers. Mr. LaFleche asked about making the tower tree-like. Mr. Brennan stated it costs about \$150,000 more to make this and he feels it is not necessary due to the elevation of the site

Planning Board Review:

Mr. Andarawis asked at what height the tower would need lighting as he feels 110' is tall. Mr. Scavo stated that he believes there is an equation and this falls below the requirements. Mr. Brennan stated that the requirement is for 199' and over. Mr. Ophardt asked if there would be a generator. Mr. Brennan stated that not every site has a generator and that power outages are usually temporary. He stated that if portable generators are need they can be brought into the site. Mr. Andarawis stated he is happy to see there will be no batteries on the site.

Mr. Ophardt stated he would prefer to see the tower on the southeast side of the property further away from the homes. Mr. Brennan stated that the other corner is lower in elevation and would make the tower taller to ensure proper service. Mr. Ophardt stated that he likes the site's location and that it would be screened well.

Ms. Bagramian asked if there are water studies on the tower being close to public water. Mr. Brennan stated that he can ask but there are many antennas on water tanks and have been for a number of years. He stated that the levels are not powerful and has no thermal radiation effect.

Mr. Neubauer moved, second by Ms. Fariello to establish the Clifton Park Planning Board as Lead Agency for this application pursuant to SEQRA.

Discussion Items:

None

Ms. Fariello moved, seconded by Mr. Andarawis, adjournment of the meeting at 11:07 p.m. The motion was unanimously carried.

The next meeting of the Planning Board will be held as scheduled on May 10th, 2022.

Respectfully submitted,

Paula Cooper

Paula Cooper, Secretary