

Town of Clifton Park Planning Board
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PLANNING BOARD

ROCCO FERRARO
Chairman

ROBERT WILCOX
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MEMBERS

Emad Andarawis
Eric Ophardt
Ram Lalukota
Andrew Neubauer
Denise Bagramian
Keith Martin

(alternate) Jennyfer Gleason

Planning Board Minutes
August 10th, 2021

Those present at the August 10th, 2021 Planning Board meeting were:

Planning Board: R. Ferraro, Chairman, E. Andarawis, R. Lalukota, E. Ophardt,

Those absent were: A. Neubauer, D. Bagramian, K Martin, J. Gleason – Alternate Member

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. All in attendance stood for recitation of the Pledge of Allegiance.

Minutes Approval:

Minutes approval from the July 13th, 2021 meeting will be reviewed and considered for adoption at the September 14th, 2021 meeting.

Public Hearings:

None

Old Business:**2021-028 Exit 8 Liquors Storage Addition**

Applicant proposes addition of a 20 X 60 ft storage room off the back of the existing liquor store.

Applicant has obtained necessary setback Area Variance from the ZBA, 1543 Crescent Rd, Zoned:

B-3, Status: PB Prelim Review - Poss. Determination

SBL: 284.-1-25.1

To be reviewed by: MJE

Consultant: Nolan Eng, PPC

Applicant: Exit 8 Liquors

Last Seen on: 5-11-21

Consultant/Applicant Presentation:

Jason Singer – Nolan Engineering – Mr. Singer stated that he was before the Board 3 months ago with a proposal for a 20’x 60’ storage room proposal. Mr. Singer said that the size of the room has now decreased to 12’x 60’ due to a water main running behind the project and they are required to stay 7.5’ away from it. He stated that he has received approval for variances needed by the Zoning Board of Appeals. Mr. Singer stated that even with the change in size the added storage would still be beneficial to the owner of the business. He stated that the sloped roof on the existing storage would be removed and a flat top roof would be replacing it when the extra square footage is added and that it would match the roof of the existing retail building on the property and be the same height. Mr. Singer stated the exterior facade of the extension would match the adjacent building. Mr. Singer stated there would be a retention pond for runoff and the water would drain to the east and be carried underground to the pond.

Staff Comments:

Steve Myers, Director of Building and Development issued a memo dated 7/28/21 stating:

- All variances granted based on addition being reduced to 12’
- Significant precautions will be required due to proximity to utilities
- Dumpster pad across property line to be addressed by planning

Wade Schoenborn, Chief of the Bureau of Fire Prevention:

1. No further comments currently

Scott Reese, Stormwater Management Technician issued a memo dated 8/6/21 with the following comments:

1. No comments at this time.

The Environmental Conservation Commission held a meeting on 8/3/21 and issued a memo recommending:

1. The applicant shall confirm that heavy equipment will not operate over the existing utilities, especially when constructing the pilings.
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.

The Open Space Trails & Riverfront Committee submitted the following comments for the Planning Board to consider in its decision making:

No comments

John Scavo, Director of Planning issued a letter dated 7/29/21 with recommendations he made:

1. The Saratoga Co. Planning Board noted in a recommendation letter dated May 24, 2021 that the project would have “No significant County-wide or Inter-community Impact.”
2. Add the attached CADD Site Plan Approval Stamp Block to the final Plan Set.

Professional Comments:

Walter Lippmann, P.E. of MJ Engineering in a letter dated 8/6/21 had the following comments:

STATE ENVIRONMENTAL QUALITY REVIEW

1. No further comments at this time.

SITE PLAN

2. Provide existing and proposed contours on the site plan especially in the proposed stormwater management area.
3. Provide an erosion and sediment control plan.
4. It appears the greenspace provided (22.6%) is within the variance previously granted of 21.7%.
5. As noted in Comment 5 of our May 6, 2021 review, it appears that there are instances where the bulk lot requirements are not satisfying the minimum requirements set forth in Section 208-38 of the Town’s Zoning. If variances have been previously granted, they should be shown on the plans. The potential lot deficiencies identified are as follows:
 1. Section 208-38(D) requires no building shall be placed closer to a side property line than 20 feet.

2. Section 208-38(E) requires no building shall be placed closer to a rear property line than 30 feet. The plans show proposed parking within the stated rear setback line. 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.
6. As noted in Comment 6 of our May 7, 2021 review, there is an existing sanitary sewer main that is located in the rear of the property. It is recommended the applicant contact SCSD#1 as there needs to be adequate space to access the sewer main for future maintenance. The existing sewer line appears to be one foot from the proposed addition.
7. As noted in Comment 8 of our May 7, 2021 review, the plans note that the project disturbance will be less than 1-acre, as such, the project is not subject to the NYSDEC Phase II Stormwater Regulations and General Permit GP-0-20-001. The plans do show proposed stormwater management facilities. Subsequent submissions shall include a summary of the design of the facilities demonstrating there is no noticeable increase in runoff from the site

Public Comments:

Mr. Scavo stated that there was a letter received by the Planning Department and was distributed to the Board members for consideration. Mr. Ferraro read the letter from Mr. Ralph Reale. Mr. Reale stated in his letter that he has concerns about the visual impacts of the project to the area and if the project conforms to the Town's comprehensive plan objectives.

Planning Board Review:

Mr. Lalukota asked the applicant if there would be any landscaping changes to the property. Mr. Singer stated that the landscaping would not change however there would be removal of a grassy area for the addition. Mr. Singer stated that no trees would be removed and the plantings around the retention pond would remain as well. Mr. Singer stated that some trimming of trees and bushes have been done but this was prior to the application and he is planning on preserving what is there now. Mr. Ferraro stated that he would like a note that no existing landscaping can be removed.

Mr. Lippmann asked if the runoff would daylight to the retention pond. Mr. Singer stated that it would. He stated that the pipe would be buried about 1 foot deep and would daylight to the pond.

Mr. Andarawis stated that the decrease to 12' for the addition is easier for him to see with lesser visual impacts. Mr. Singer stated that all of the work proposed is to the rear of the existing building, but the applicant would be willing to improve landscaping in the front of the building.

Mr. Ferraro stated he would like to see landscaping such as small trees or shrubs in the existing grass area in front of the parking lot on Crescent Road and that this design can be determined administratively.

Mr. Ophardt asked if there is a sewer line about a foot off of the rear of the existing building that needs to be considered. Mr. Singer stated he does not know where the line is exactly but before

work is to be done it will be identified. Mr. Ophardt asked how far down the footers would be for the addition and if the addition would be an exterior building or an extension of the current. Mr. Singer stated that the footers would go about 4' down. Mr. Singer stated that the rear wall would be removed from the existing store as well an exterior shed and then the addition will be constructed to attach to existing building with a full roof to match.

Mr. Lalukota asked if the façade would match the existing building. Mr. Singer stated the addition would match the exterior of the building to the west of this property to fit in to the area.

Mr. Ferraro asked about the location of the dumpster as it is not on the property. Mr. Scavo stated that the Sunoco has previously had no problems with the dumpster on their property so he does not feel it would be an issue moving forward keeping it in the same location.

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

Mr. Andarawis moved, second by Mr. Ophardt, to waive the final hearing for this application for the site plan approval of Exit 8 Liquor Storage Addition, and to grant preliminary and final site plan approval conditioned upon satisfaction of all comments provided by the Planning Department, Town Designated Engineer, and all items listened in the final comment letter issued by the Planning Department.

Conditions:

1. Administrative approval by the Planning Department of a landscaping plan and return to Board if needed.
2. Sewer location is determined and reviewed administratively by Town Staff and possible return to Board if changes to site plan cannot be reconciled administratively.

Ayes: 4

Noes: 0

The motion is carried.

New Business:

2021-043 North Country Commons Redevelopment

Applicant proposes construction of a 4,900 sf restaurant/retail building and a 2,600 sf bank with drive thru, drive aisles, parking, landscaping, utilities and stormwater management practices., 1208 Rt 146, Zoned: PUD (comm), Status: PB Concept Review

SBL: 270.-2-55.1

To be reviewed by: MJE Consultant: Bohler Engineering

Applicant: Whitney Lane Holdings, LLC

Consultant/Applicant Presentation:

John Lapper – Land Use Attorney – Mr. Lapper stated that Robert Osterhout from Bohler Engineering is also in attendance. Mr. Lapper stated that the applicant is looking to make upgrades to the property mentioned in the application. Mr. Lapper stated that they would like to do new landscaping, move in new tenants as well as add 2 more buildings to the site fronting Route 146.

Mr. Osterhout stated that the property contains older buildings and a shopping center from the mid 1990's and the owner would like to reinvent the property. He stated that there are currently 2 accesses onto Route 146 and 2 accesses from Vischer Ferry Road and the buildings have public water and sewer. Mr. Osterhout stated that there are 3 pad areas fronting Route 146 that was used by the previous RV Center for display vehicles. He stated that there is a bank adjacent to Route 146 as well as a lot of parking available for the facility. He stated that the topography drops from the 146 frontage down about 16'-17' and he showed a map of the proposed reconfiguration. Mr. Osterhout stated that the dark green areas would be new green space and the light green areas are existing green space to show the Board that there is enough green space on the property for future development. Mr. Osterhout stated that the curb cut on the west side of the property on Route 146 would be remaining and that the curb cut on the east side would be relocated 100' further away from the roundabout, and the 2 curb cuts on Vischer Ferry Road would remain. Mr. Osterhout stated that the applicant would like to put in a new building with 4,900 square feet of more retail and restaurant space with a drive through for the restaurant. He also stated that a new building would be added to the west, adjacent to the current bank building. The existing bank building would remain but the existing bank would move to the new building with a drive through, and the restaurant would be closer to the roundabout with access from the eastern curb cut. He stated that parking improvements and trash enclosures would be included for the buildings and the main parking area behind the new buildings would have improvements as well as the large existing shopping center to the rear of the property. Mr. Osterhout stated that public water and sewer would be brought in for the new building and landscaping improvements will be done with enhancements along the frontage on 146 and some on the lower side as well but with nothing tall so that the view of the larger building would not be obstructed.

Mr. Scavo stated that there is no amendment for the PD since the legislation does allow for these proposed changes and the project would not have to go through the Town Board. This application is being reviewed for site plan approval only.

Staff Comments:

Steve Myers, Director of Building and Development issued a memo dated 7/28/21 stating:

- Parcel is a PUD all setbacks and lot coverage, green space etc. is under the purview of the planning based on the legislation which references a map developed in 1995

Wade Schoenborn, Chief of the Bureau of Fire Prevention:

1. Postal verification
2. Submit a complete Fire Dept. access plan
3. Will new buildings be sprinklered?
4. Specify FDC location if applicable
5. Specify fire hydrant locations

Scott Reese, Stormwater Management Technician issued a memo dated 8/6/21 with the following comments:

1. It appears that this project will require a FULL SWPPP for the amount of disturbance that is planned.
2. The existing stormwater management area located in the southwestern portion of the project site shall be maintained prior to review of the SWPPP.
3. All down stream stormwater structures and piping from the proposed work shall be evaluated for structural and performance integrity.
4. The outfall of the existing basin drains into the Dwaas Kill. The Dwaas Kill is a 303d segments impaired by pollutants related to construction activity, so additional protection measure will be necessary.

The Environmental Conservation Commission held a meeting on 8/3/21 and issued a memo recommending:

1. The ECC supports the Town of Clifton Park Director of Planning's comment on encouraging the applicant to consider incorporating columnar deciduous trees where existing trees are proposed to be replaced.
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.
3. ECC suggests applicant relocate the proposed dumpster locations for existing structure to remain to avoid disrupting main access to the site.

The Open Space Trails & Riverfront Committee submitted the following comments for the Planning Board to consider in its decision making:

1. The OSTRC would like to commend the applicant on a site plan application that provides an overall concept with improved parking lot accessibility, reduction of pavement coverage, and increased tree coverage. Likewise, the application demonstrates adequate general pedestrian and cycling friendly accessibility.
2. Please consider the addition of a bike rack(s) to encourage client and employee bike-commuting.

John Scavo, Director of Planning issued a letter dated 7/29/21 with recommendations he made:

1. The project appears to be an unlisted action pursuant to SEQR. While coordinated review is optional, it is recommended the Planning Board declare itself lead agency for the SEQR Review Process. Involved Agencies as noted in Part I of the SEAF completed by the applicant are listed to include:
 - a. NYS DOT
 - b. NYS DEC

The applicant should amend Part I of the SEAF, Question 2., to include the Clifton Park Water Authority (CPWA) – Water Connection Permit and Saratoga Co. Sewer District (SCSD #1) – Sewer Connection Permit as involved agencies. The Saratoga Co. Planning Board will be included as an interested agency since a referral to the Saratoga Co. Planning Board for a recommendation on the site plan application is required pursuant to GML §239(m).

2. Pursuant to §A217-293 of the Clifton Park Town Code, the proposed uses are allowed within the North Country Commons Planned Development District.
3. The applicant should conduct a traffic analysis that includes parameters required by NYS DOT for site development projects adjacent to a State Highway. Such parameters include but may not be limited to:
 - a. Existing Conditions
 - b. Future Conditions without the Project
 - c. Future Conditions with the Project
 - d. Future Conditions with Project and with Mitigation Measures (if needed)
4. A SWPPP is required to be submitted for review at the time of preliminary site plan consideration.
5. The landscaping is an important aspect for visual curb appeal in the Route 146 Corridor. I would encourage the applicant to consider incorporation of columnar, deciduous trees be considered where existing trees are proposed to be replaced.

Example of Columnar Acer Rubrum (Red Maple) shown below



6. The adequacy of the existing hydrants to serve the proposed parcel should be verified by the Chief of the Fire Bureau as plans advance.
7. Based on a visual site visit, it appears the existing light poles within the parking lots have been upgraded to down directional LED fixtures. As plans progress the applicant should provide information regarding the adequacy of existing lighting and show if any additional exterior lighting is proposed.
8. The applicant should consider as an aspect of the new construction, accommodations to install the conduit under the pavement to designated parking stalls for preparation of future EV Charging Stations. Such infrastructure accommodations at the time of new construction will further the goals of the 2016, “Capital District Electric Vehicle Charging Station Plan.” The costs to run conduit at the time of new construction greatly decreases costs to install EV Charging Stations in the future since pavement within the parking area will not need to be torn-up to run electrical connections.
9. The attached plan approved in 2017 for 1206 NYS Route 146 shows a 40’ cross access easement for a possible interconnection into this project site. The applicant and Planning Board should review and discuss the potential to execute this interconnection. Based on a field observation, an elevation change between the two properties exists. The applicant should show on the site plan where the approximate location for the 40’ cross access easement lines up with their project’s property boundary.

All members of the Board present at the meeting voted in favor of establishing the Planning Board of the Town of Clifton Park Lead Agency for SEQR

Professional Comments:

Walter Lippmann, P.E. of MJ Engineering in a letter dated 8/6/21 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:

1. Town of Clifton Park Planning Board: Plan approval
2. Saratoga County Planning Board: 239m referral
3. NYSDOT: Highway Work Permit
4. NYSDEC: SPDES Stormwater Permit
5. Saratoga County Sewer District: sewer connection
6. Clifton Park Water Authority: water connection

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 get a no affect letter from SHPO.
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.
3. Part I.17 – The response indicates that the proposed action will create stormwater discharge. A Stormwater Pollution Prevention Plan should be conducted by applicant.
4. No further comments at this time.

SITE PLANS

7. The project is a planned development district (PDD) with site specific zoning that defines among other topics, uses, density and bulk lot requirements. This was approved by the Clifton Park Town Board by way of Local Law No. 9 of 1995. Our review of the site plans submitted is primarily for conformance with the approved PDD and other applicable design standards.
8. The bank and restaurant uses proposed are allowed in the North Country Commons PDD.
9. Provide anticipated water and sewer usage information.
10. Show utility connections to proposed buildings.
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-0-20-001. 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.
12. 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 the additional potable water.

13. 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.
14. It is recommended that at a minimum the number of peak hour vehicle trips, including truck trips and sight distance at the project entrance be provided.
15. Elevations and materials of construction for the proposed building should be submitted to the Planning Board for review.
16. It appears the existing curb cut along Route 146 is being relocated. Any new access proposed onto Route 146 is subject to the review and approval of the NYSDOT.
17. If the project proposes any utility improvement work within the State right-of-way, the work will be subject to the review and approval to the NYSDOT. The applicant shall coordinate with the regional office of the NYSDOT and obtain permitting in advance of construction.
18. The following comments are relative to the site plan and its conformance to the International Fire Code (IFC). The Town Fire Official shall have final authority on the applicability of these comments to the proposed site layout:
 - a. 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.
 - b. 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 closest hydrant to the site is or where the fire department connection may be. Additional hydrants may be necessary.
 - c. 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.
 - d. Provide a turning template analysis for the largest emergency vehicle that may respond to an event at the site.
19. Considering the plan submitted is conceptual in nature, we will reserve further comments until more detailed plans are submitted. Subsequent submissions shall include information specific to lighting, landscaping, erosion control and stormwater management to fully assess the design and its compliance to the applicable standards.

Public Comments:

Christian Sylvia – Mr. Sylvia stated that the work that updated the Price Chopper site made the area look good with the roundabout. He asked that the maps of the area include the roundabout as well as the Price Chopper so it is clearer moving forward what the project would look like. Mr. Sylvia asked if there would be any changes made to the rear larger building on the property. Mr. Osterhout stated that there would be updates to the facade and landscaping of the rear building.

Anthony LaFleche – 21 Wheeler Drive - Mr. LaFleche asked if there would be any changes to the exit of the property onto Route 146 as right and left turns in 2 places may complicate traffic as the curb cut is being moved closer together. Mr. Osterhout stated that both curb cuts support

right and left hand turns now. Mr. LaFleche asked if there would be any potential for outdoor dining for the new restaurant that is being proposed. Mr. Osterhout stated this is pending as there is a plan to put a sidewalk in on the south side of the building and there is a large building already to the north. Mr. LaFleche asked why the drive through is not lined up parallel with the property boundary. Mr. Osterhout stated that topography of the land does not run in that direction for this but anything can change as this is conceptual in nature at this time. Mr. LaFleche asked if the exit from the restaurant would be exit only making the lot a one way. Mr. Ferraro stated he feels the turn into the parking for the restaurant is wide and wouldn't restrict flow but rather cause driving confusion. Mr. Osterhout stated that there could be signage and narrowing of the road to help direct traffic flow. Mr. Lalukota stated he feels that signage would help. Mr. LaFleche asked if a bike trail would connect the front and rear of the property. Mr. Osterhout stated there is green space and a connection will be made according to ADA laws. Mr. LaFleche asked the applicant to consider a drive through merge closer to the auto body and for the applicant to consider making a driveway between the buildings on Route 146 to go straight instead of the curve that it has in it. Mr. Osterhout stated that they wanted to keep the roadway away from the building so that is why there is a curve and some of the existing curve is being eliminated just not altogether.

Doug Simmons – Mr. Simmons asked how trucks for food delivery would access the rear of the restaurant if there is only a one lane drive through. Mr. Osterhout stated that it would be worked out when a tenant is established but most deliveries would be made after hours in the parking lot.

Planning Board Review:

Mr. Lalukota asked what the parking was now. Mr. Osterhout stated that the parking now is 372 spaces and the proposed is 445. He stated that the site is required to maintain 22% greenspace and it now has 35% and will go down to 33% with the proposal. Mr. Ferraro stated that he feels it is less than that as there is a fenced in area to the west of the large building in the rear and it is being used for storage so they shouldn't be counting that in the green space area calculations and if the applicant were to continue to identify it as greenspace he would like to see it unused. . Mr. Lapper stated that the area Mr. Ferraro is talking about is being used temporarily for the National Grid project that is on Route 146.

Mr. Andarawis stated he liked that the curb cut being moved more to the west and low landscaping is an improvement but he would like to see more pedestrian access connecting down to the existing larger building on site from Route 146 and stated that the applicant can look at the low landscaping done by the Olive Garden for an example for pedestrian connections as well. Mr. Andarawis stated that he would like to see the renderings and façade of the proposed restaurant as it will be fronting Route 146 and he thanked the applicant for not putting parking fronting Route 146 as well. He asked about the need for the existing entrance on the west area of Route 146 and should focus more on the eastern one. Mr. Osterhout stated that they do not want

to restrict and impede future tenant business and its elimination may become a drawback. Mr. Osterhout stated that he believes more pedestrian connections would come from Vischer Ferry Road and not necessarily Route 146, but they will work through what the decisions may be.

Mr. Ophardt asked if the existing building that holds the bank now would be demolished. Mr. Osterhout stated that the building would remain and be updated as needed for a tenant. Mr. Ophardt stated he does not like 2 banks or drive throughs side by side. Mr. Ophardt stated his concern is mainly on the two entrances on Route 146 and suggested that if the western entrance were to be eliminated more with the property could be done and asked the applicant to look at that layout; he also stated that maybe either could be eliminated if the applicant would like to keep the western entrance. Mr. Ophardt asked if the applicant would be willing to land bank some parking as they are over the minimum required. Mr. Osterhout stated that the parking would be tenant dependent. Mr. Ophardt stated that he did not like the placement of the dumpsters a well and asked the applicant to look further into a different layout.

Mr. Ferraro stated that the PDD in place requires 376 spaces and by adding more buildings there may be more parking required. Mr. Ferraro stated that he agrees with Mr. Ophardt and 2 drive through from the old bank and the new one may cause conflict and that he felt there was a lot of green space lost along Route 146 frontage. He stated that he is okay with losing green space as long as the quality of the green space increases to benefit the area. Mr. Ferraro stated he would like to see additional trees as noted in John Scavo's comments and evergreens in the landscaping plan and possible iron fencing to spruce up the look of the property. Mr. Ferraro asked for the next submission for renderings to be included in the plan. Mr. Ferraro stated that EV parking is important to include with this site plan as well.

Mr. Scavo stated that if handicapped parking or ADA upgrades become necessary depending on the tenant, the Planning Department can handle this administratively.

New Business:

2021-044 254 Sugar Hill Road 2 Lot Subdivision

Applicant proposes subdividing a 7.16 acre parcel into 2 lots. Lot 1 has an existing home and Lot 2 is for a single family home, 254 Sugar Hill Rd, Zoned: CR, Status: PB Concept Review
SBL: 282.-1-12 To be reviewed by: MJE Consultant: EDP Applicant: L. Hockford

Consultant/Applicant Presentation:

Gavin Vuillaume – EDP – Mr. Vuillaume stated that the property is on the west side of Sugarhill Road and has a single family home on it with a detached garage on the northern portion. Mr. Vuillaume stated that applicant would like to build a home on the subdivided land on the

southern side for her daughter. He stated that the wetlands on the property are about 1.94 acres and that the applicant is shy of the required 6 acres for 2 lots but would like to use a one-time exemption for family members. Mr. Vuillaume stated that the applicant will be seeking a variance for the 10 required acres and should be seen by the Zoning Board of Appeals in September for the total lot area. Mr. Vuillaume stated that a septic and well would service the property and that setbacks of 50' would be on all sides per the exemption protocol. He stated the new home would be on the front portion of the home and the subdivision would split the frontage on Sugarhill Road in half.

Mr. Ferraro asked if the existing home is a 1 or 2 family. Mr. Vuillaume stated that it may have been a two family before. Mr. Scavo stated that this was allowed only if it was a family member but he is not sure if it is still a family member living there.

Mr. Doug Simmons - resident - stated that it was initially used as a two family home for a family member in order to be able to be built but for a time there was no longer a family member living in the home and it became a dual rental as well. He stated since then, the applicant's son has moved back in.

Mr. Ferraro asked Mr. Scavo how this works. Mr. Scavo stated it was approved as a 2 family with a family member living in one of the units but he will have to confirm with Mr. Myers. Mr. Ferraro stated that there are many other factors including activity on the site for the Board to look at and that a duplex without family changes density requirements. Mr. Andarawis stated that 9 acres are required and Mr. Ferraro stated that they only have less than 6 but it is up to the ZBA to look at this and see if the project meets requirements of the variances and what is allowable.

Staff Comments:

Steve Myers, Director of Building and Development issued a memo dated 7/28/21 stating:

- Parcel is less than 10 acres in a CR zone so it requires a variance and/or approval by planning per Section 208-16E(2)(c)
- Well location needs to be on site plan

Wade Schoenborn, Chief of the Bureau of Fire Prevention:

1. Postal verification

Scott Reese, Stormwater Management Technician issued a memo dated 8/6/21 with the following comments:

1. No comments at this time.

The Environmental Conservation Commission held a meeting on 8/3/21 and issued a memo recommending:

1. The ECC supports the Town of Clifton Park Director of Planning's comment on adding a notation to the final subdivision map that states, "No Further Subdivision is allowed for Lots 1 & 2."

The Open Space Trails & Riverfront Committee submitted the following comments for the Planning Board to consider in its decision making:

1. Consider providing the Town with a future Right-of-Way easement for the possibility of a multi-use path or pedestrian sidewalk along the frontage of Sugar Hill Road. Sugar Hill Road is a desirable bike route connection and/or access corridor to the Mohawk Towpath Byway and the Vischer's Ferry Preserve Trail systems. If the landowner is willing, a public access easement would be an ideal method of creating and preserving a bike route/pedestrian connection possibility between Grooms Road and River Road.

John Scavo, Director of Planning issued a letter dated 7/29/21 with recommendations he made:

1. Pursuant to §208-16E(2)(a) of the Clifton Park Town Code:

Development on less than 10 acres. A parcel consisting of less than 10 acres may be developed at a maximum density of one dwelling unit per three acres of unconstrained land. A parcel which is less than three acres but larger than 20,000 feet may be developed with one dwelling unit.

Based on the above, the applicant appears to have 5.217 of unconstrained lands which is 0.783 acres deficient from the required 6 acres of unconstrained lands for a 2-Lot subdivision. Therefore, the applicant is required to obtain an area variance before proceeding forward with the subdivision application.

2. Since the project is within Saratoga Co. Consolidated Agricultural District #2, a referral to the Saratoga Co. Planning Board is required for consideration of a recommendation to the Town's Planning Board.
3. The Plan displays 50' setbacks within Lot #2. I believe the setback within the CR Zone are as follows and the plan should be updated to reflect these dimensions:
 - a. 30' front setback from ROW Line of Sugar Hill Road.
 - b. 25' rear yards
 - c. 10' side yards, each
4. If an area variance is to be considered by the ZBA, I recommend consideration of the following as a condition for approval:

- a. A notation is to be added to the final subdivision map that states, “No Further Subdivision is allowed for Lots 1 & 2.” This condition shall also be required to be recorded within the property deed for each parcel.
5. From a Town Staff position, I am inclined to support the area variance requested with the above condition noted since it would provide permanent protection from further residential development on both parcels going forward, absent of what the code and CR Zone may evolve to in the future.

Professional Comments:

Walter Lippmann, P.E. of MJ Engineering in a letter dated 8/6/21 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: Subdivision approval 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.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.
3. No further comments at this time. Additional comments may be forthcoming as the project advances.

SITE PLANS

4. The project is located within the Town’s Conservation Residential District (CR). The proposal for single family homes is a permitted principal use within the CR District as noted in Section 208-16(D)(1)(b) of the Town’s Zoning.
5. In reviewing the proposed lot configuration, the created lots appear to be deficient in regards to meeting the minimum standard requirements outlined in Section 208-16 of the Town’s Zoning. The noted deficiencies are as follows:
 - a. Include a site statistics table indicating the following per Section 208.16(E) Standards:
 - i. Bulk
 - ii. Density Calculation
 - iii. Permanent Open Space

- iv. Variances
6. Indicate whether any permanent or protected open space is proposed with the project. If proposed, the method of protection in perpetuity needs to be provided.
 7. A private well is proposed. Subsequent submissions shall show suggested location. In locating the proposed wells, they shall account for the location of the neighboring septic system and wetland setbacks per NYSDOH Appendix 75A.
 8. Verify location of proposed septic system including the 50% expansion area. Confirm it meets the setbacks required of Appendix 75-A of the State Sanitary Code.
 9. An on-site septic system is proposed. Subsequent submissions shall include the percolation and test pit results.
 10. 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.
 11. 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.
 12. Provide the building setback lines for each lot shown.
 13. Provide the location of the proposed well on Lot 2.
 14. 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).
 15. 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.
 16. 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.
 17. Considering this plan is conceptual in nature, subsequent comments will be provided with a preliminary plan submission.

Public Comments:

Deborah Simmons – Ms. Simmons stated that she lives across the street and stated that the applicant installed a second driveway without town permission and then asked the Town to approve it.

Doug Simmons – Mr. Simmons stated that he feels a 2 family on 2 acres of land is constrained since the applicant wants to put a single family on 5 acres. Mr. Simmons stated that the single family was updated to a 2 family and believes that the septic and well were never updated to reflect the increase and stated that he feels they will fail due to this. Mr. Simmons stated with all of the development going on in the area, wildlife is being constrained and this would add to it. He stated that the septic would be close to the runoff to the wetlands which he feels is a concern.

Mr. Simmons stated that digging a foundation would also lead to ponding and wetlands would be pond again as it once was. Mr. Vuillaume stated that the wetlands were walked and they are clearly identified on mapping.

Anthony LaFleche – 21 Wheeler Drive – Mr. LaFleche asked if an easement would be warranted on the west side for a road trail. Mr. Scavo stated that there is an open ditch there as well as wetlands and to do this would be dependent on federal grants but easements would make trails easier but there is no design in place for that area. Mr. LaFleche asked for a possible easement in case there becomes a plan for a path. Mr. Ferraro agrees there should be an easement.

Planning Board Review:

Mr. Ferraro stated that the applicant is going for the (c) option for a one time exemption but this does not include a 2 family home and is only permitted for parcels greater than 10 acres or over. He stated that this also states that this option is at the discretion of the Planning Board and the newly created lot could only be owned by family members. Since it is at the discretion of the Planning Board, he wondered if the ZBA could give an exemption or it is only under the purview of the Planning Board.

Mr. Wilcox stated that he would like to look into this application and Code more to be able to establish a position and clarify the code.

Mr. Ferraro stated that clarification on the existing status of the 2 family needs to be found out first before the application can move forward. Mr. Lalukota agreed with Mr. Ferraro. Mr. Ferraro stated he would like the attorneys come to a conclusion and notify the Board and applicant before going to the ZBA.

Mr. Andarawis stated that part of the Code 208-16E which talks about the rounding of the property and why this would fit into exemption (a) and not exemption (c). The discussion with Mr. Scavo about how this is rounded. Mr. Andarawis stated that if a variance is needed then he would pick (a) over (c). Mr. Ferraro explained to everyone in the meeting the differences in options (a), (b), and (c). Mr. Vuillaume stated that they have no problem going with exemption (a) dependent on the 1 or 2 family is determined.

Mr. Lalukota stated that if a one-time exemption was already granted for the two family, he is not in favor of granting another.

Mr. Ferraro stated that more information needs to be provided to the Board and Town staff with attorney input before the application can move forward with the Planning Board or the ZBA.

Discussion Items:

Mr. Scavo let everyone in attendance know that the County website for the GEIS information has been lost. He stated the County is aware of the condition and that it is working on rectifying the problem.

Mr. Ferraro moved, seconded by Mr. Ophardt, adjournment of the meeting at 9:40 p.m. The motion was unanimously carried.

The next meeting of the Planning Board will be held as scheduled on September 14th 2021.

Respectfully submitted,

Paula Cooper

Paula Cooper, Secretary