

Town of Clifton Park Planning Board
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PLANNING BOARD

ROCCO FERRARO
Chairman

ROBERT WILCOX
Attorney

PAULA COOPER
Secretary



MEMBERS

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

(alternate) Jennyfer Gleason

Planning Board Minutes
October 13th, 2021

Those present at the October 13th, 2021 Planning Board meeting were:

Planning Board: R. Ferraro, Chairman, D. Bagramian, R. Lalukota, A. Neubauer, K Martin,
J. Gleason – Alternate Member

Those absent were: E. Andarawis, E. Ophardt

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.

Mr. Ferraro stated that in the absence of Mr. Andarawis, Ms. Gleason would be a voting member for tonight's meeting.

Minutes Approval:

Mr. Lalukota moved, seconded by Ms. Bagramian, approval of the minutes of the September 28th, 2021 Planning Board meeting as written. The motion was unanimously carried.

Public Hearings:

2021-036 701 Carlton Road 2 Lot Subdivision (Freemire)

Applicant proposes subdividing 1.76 acres into 2 lots. The new lot will be for a single family home and will share the existing driveway, 701 Carlton Rd, Zoned: R-1, Status: PB Prelim Review w/possible determination

SBL: 265.-1-38.22 To be

reviewed by: MJE Consultant: F. Metzger Applicant: D. Freemire

Last Seen on: 6/22/21

Mr. Ferraro explained the review and approval process to those present, stating that the Board was required to render a determination pursuant to SEQRA (State Environmental Quality Review Act) prior to conducting a public hearing on this application. He explained that the Planning Board would assume Lead Agency status for the project and issue a negative declaration as a “formality” which neither granted nor implied approval of the subdivision application. Should it be determined that additional environmental review is required, SEQRA discussions will be reopened and a decision rendered when deemed appropriate.

Ms. Bagramian moved, seconded by Mr. Neubauer, to establish the Planning Board as Lead Agency for this application, an Unlisted Action, and to issue a negative declaration pursuant to SEQRA.

Mr. Ferraro, Chairman, called the public hearing to order at 7:10p.m. The Secretary read the public notice as published in the Daily Gazette on October 2nd, 2021.

Consultant/Applicant Presentation:

Fred Metzger – Land surveyor – Mr. Metzger stated that this application is for a 2 lot subdivision of an existing parcel. Mr. Metzger stated that lot 1 would have the existing home on it and be 1.1 acres. Lot 2 would be 0.66 acres and would have a home built on it for the owner’s daughter and deeded to her as well. He stated that the new home would be tied into the existing sewer and water on Carlton Road. Mr. Metzger stated that the new home would be set back more than the existing one and all but 2 comments have been received and addressed in a letter to the Town..

Staff Comments:

Steve Myers, Director of Building and Development issued a memo dated 9/29/21 stating:

- Permanently deeded access should be required, not an easement
- Contours must be labeled. Obviously a very steep area that will obviously have issues with erosion sediment control directly adjacent to a flood plain and DEC buffer. Silt fence alone will not control runoff. Unknown where finished floor elevation of 88.0 is in relation to the rest of property and road.

Wade Schoenborn, Chief of the Bureau of Fire Prevention:

1. No further comments

Scott Reese, Stormwater Management Technician issued a memo dated 10/12/21 with the following comments:

1. No stormwater management comments.

The Environmental Conservation Commission held a meeting on 10/5/21 and issued a memo recommending:

1. ECC recommends that the Planning Board pay particular attention to the difficulty of developing this site due to steep slopes and unstable soils. Any disturbance of this site will be drained into the Cooley Kill and Dwaas Kill Nature Preserve.
2. ECC recommends that the Planning Board require the Deed to specifically prohibit the filling in the 100' NYSDEC Buffer Zone in order to protect the Cooley Kill and downstream Dwaas Kill Nature Preserve as previously mentioned.
3. The Planning Board shall require a split rail fence along the 100' NYSDEC Buffer.

John Scavo, Director of Planning issued a letter dated 10/7/21 with recommendations he made:

1. The Saratoga Co. Planning Board noted in a recommendation letter dated June 22, 2021, the proposed subdivision would have no significant county-wide or inter-community impact.
2. Adequate information regarding the location of wetlands and the Cooley Kill Stream shown, provides evidence that the proposed new home and construction activities will not have a negative impact on natural aquatic resources.
3. Add the final 911 addresses to the final plan prior to stamping:
 - a. Lot 1 (Proposed Dwelling Lot) = 701A Carlton Road
 - b. Lot 2 (Lot w/Existing Dwelling) = 701 Carlton Road
4. Add the attached Town of Clifton Park Subdivision Approval & Stamp Block to the final plan.

Professional Comments:

Walter Lippmann, P.E. of MJ Engineering in a letter dated 10/8/21 had the following comments:

STATE ENVIRONMENTAL QUALITY REVIEW

1. No further comments.

SHORT ENVIRONMENTAL ASSESSMENT FORM

2. No further comments.

SITE PLANS

3. It is recommended to install erosion control matting on all slopes 1:3 and greater. This along with the proposed silt fence will help to prevent runoff from entering the downstream LC Zone/100 NYSDEC buffer during construction.

Public Comments:

Anthony LaFleche – 21 Wheeler Drive – Mr. LaFleche asked if the applicant would consider a 15' easement for a potential future bike trail. Mr. Metzger stated that in 2012 the town had obtained that easement from the applicant. Mr. Ferraro stated that the easement looks close to the roadway. Mr. Metzger stated that it may not be 15', but 10'. Mr. Scavo stated that the easement is ok for both lots as it is away from the edge of pavement.

There being no additional public comment, Mr. Ferraro moved, seconded by Mr. Martin, to close the public hearing at 7:17 p.m. The motion was unanimously carried.

Planning Board Review:

Mr. Neubauer asked about an easement for the shared driveway access and stated he appreciated them not making a second curb cut. Mr. Wilcox stated that if the shared driveway is noted in the deed then the easement is not needed.

Mr. Martin asked if there would be a maintenance agreement for the shared access. Mr. Neubauer agreed that this is needed. Mr. Ferraro stated that the maintenance agreement should be included in the deed as well. Mr. Metzger stated he would put verbiage in the deed to reflect this. Mr. Ferraro stated that he does prefer the one curb cut with the shared driveway.

Mr. Ferraro stated that the grades on the mapping are missing. Mr. Metzger stated that this was accidental and he can send the maps back out with the grades. Mr. Scavo stated that this should not be a problem as he has seen the grading and it is on the other plan. Mr. Ferraro asked Mr. Scavo if he is ok with the grades he saw. Mr. Scavo stated that he is comfortable as they are well

defined and seem satisfactory to him. The grading would fall under state building code anyway, but he has not seen anything that would concern him.

Mr. Ferraro asked if the trees in the front would remain. Mr. Metzger stated that the plan is to keep them except where the water lines need to be run. Mr. Ferraro stated that he would like to have signage and/or split rail fencing for the 100' buffer area for the wetlands, and to see the no disturbance language indicated on the deed as well.

Ms. Bagramian offered Resolution No.13 of 2021, seconded by Mr. Lalukota to waive the final hearing for this application for the 701 Carlton Road 2 Lot Subdivision (Freemire) approval, and to grant preliminary and final subdivision approval condition upon satisfaction of all comments, provided by the Planning Department, Town Designated Engineer, and all items listed in the final comment letter issued by the Planning Department.

Conditions:

1. A maintenance agreement for the shared driveway to be noted on the final stamped plan as well as in the deed for both lots.
2. Staggered split rail fencing and/or signage to indicate protected wetlands and buffers and noted in the deeds for both lots as well as on the stamped plans.

Roll Call:

D. Bagramian - Yes

E. Andarawis - Absent

E. Ophardt - Absent

R. Lalukota - Yes

A. Neubauer - Yes

R Ferraro - Yes

K. Martin – Yes

J. Gleason – Alternate Member - Yes

Ayes 6

Noes: 0

The resolution is carried.

Public Hearings:

2020-018 Woodin Road 6 Lot Subdivision

Applicant proposes to subdivide the 8.97 acre parcel into 6 single family building lots.

There are 2.35 acres of Federal wetlands on-site which the applicant proposes to disturb

less than 1/10th of an acre for construction of driveways. Water & septic will be private on site systems. This is a new version of project 2017-059 Woodin Manor, Woodin Rd, Zoned: R-1, Status: PB Preliminary Review w/possible determination

SBL: 278.-1-7 To be reviewed by: MJE Consultant: ABD Applicant: E. Kim

Last Seen on: 3/24/20

Mr. Ferraro explained the review and approval process to those present, stating that the Board was required to render a determination pursuant to SEQRA (State Environmental Quality Review Act) prior to conducting a public hearing on this application. He explained that the Planning Board would assume Lead Agency status for the project and issue a negative declaration as a “formality” which neither granted nor implied approval of the subdivision application. Should it be determined that additional environmental review is required, SEQRA discussions will be reopened and a decision rendered when deemed appropriate.

Mr. Ferraro stated that there have been issues and concerns raised with environmental features as well as traffic. Other concerns were brought up at the prior meeting. He stated that his recommendation is to issue a negative declaration with the understanding that there are concerns and mitigation measures that will be needed to be undertaken that will be discussed as part of the review process during and following the public hearing.

Mr. Neubauer moved, seconded by Ms. Bagramian, to establish the Planning Board as Lead Agency for this application, a Type I action, and to issue a negative declaration pursuant to SEQRA.

Mr. Ferraro, Chairman, called the public hearing to order at 7:34 p.m. The Secretary read the public notice as published in the Daily Gazette on October 2nd, 2021.

Consultant/Applicant Presentation:

John Hitchcock – ABD – Mr. Hitchcock stated that this application is to subdivide 8.97 acres into 6 lots. Mr. Hitchcock stated that lot 2 would be 0.98 acres and all of the other lots would be bigger. He stated that there are about 2.35 acres of wetlands on the property and 0.98 of them would be disturbed for driveways. Mr. Hitchcock stated that Saratoga County Sewer, as well as Halfmoon Sewer District; which serves the other side of Woodin Road; would not accept the lots into their district and this is why there are septic systems proposed. Mr. Hitchcock stated that the proposed lots would also have wells as the Town of Halfmoon stated they would not be able to provide water. He stated a trip generation for the area showed it would generate 5 cars per peak hours and 1 exiting and 1 entering the west side. He stated that most of the traffic would be heading to I-87 South so the cars would not be crossing the roadway but taking a right to enter

onto the road and not crossing traffic. Mr. Hitchcock addressed concerns about noise and stated that there is 100' no cut buffer as well as a buffer from I-87, so he does not see noise as a problem.

Staff Comments:

Steve Myers, Director of Building and Development issued a memo dated 9/29/21 stating:

- Sewer is required for all lots since it is available with 100' of property line. The applicant claims they cannot get permission to tie in sewer. It should be determined why and if sewer connection at another location is possible. In one part of response it states Halfmoon would not allow sewer connection and in another it states SCSD #1 would not accept
- All septic systems proposed appears to be uphill from the wetlands
- Septic systems on lots 1 & 2 & 4 are less than the required 100' from the wetland. Federal wetlands do not require a setback for construction but I am not aware if that applies to septic systems. All septic systems are uphill from the wetlands and less than 200' from the wetlands.
- It seems highly unlikely the Town of Halfmoon will not allow connection to their water system (same for sewer) but as a result the wells are required to be 200' from the septic systems since they are downhill from the septic and in most cases are not
- Due to the high groundwater expected on the entire property (appears verified by the tests pits in some areas), septic systems may be required to be raised systems and foundations may be raised to ensure separation from ground water
- The driveways for lots 5 & 6 shall be required to be support 75,000 lbs.
- Too many unknowns to continue

Wade Schoenborn, Chief of the Bureau of Fire Prevention:

1. Driveways #5 and #6 must meet the requirements of the 2020 NYS Fire Code section 511 and be clearly shown and specified on plans

Scott Reese, Stormwater Management Technician issued a memo dated 10/12/21 with the following comments:

1. The rear yard of Lot 5 will need to finish the fill grading, this may expand the total disturbance area for the project.
2. The fill along the northern property line by the proposed house on Lot 6 may need a grading easement on the adjacent neighbor property, otherwise move back the fill along the property line.
3. The proposed ACOE wetland impacts may need mitigation that can include creating additional wetlands. This creation of wetlands will increase the amount of total disturbance area for the project. The proposed limit of clearing and grading on the Layout, Grading, Utilities and Erosion and Control Plan shall be updated.

4. The amount of disturbance the borders an extensive amount of ACOE wetlands on Lots 1, 4, 5, & 6, exemplifies the need of a detailed maintenance inspection schedule for the contractor(s) of the SPDES General Permit, to ensure continuous and effective operation of the erosion and sediment control practices. The maintenance inspection schedule shall be in accordance with the requirements in the technical standard, New York State Standards and Specifications for Erosion and Sediment Control, dated November 2016. This schedule shall be in the SWPPP and on the Layout, Grading, Utilities and Erosion Control Plan

The Environmental Conservation Commission held a meeting on 10/5/21 and issued a memo recommending:

1. In general, the project consists of too many subdivided lots on very difficult conditions. These conditions include, Northway noise, long narrow lots, numerous scattered wetlands with mosquito breeding potential, and high-water table.
2. Lot 2 is shown as .98 acres, per 208-11 the standard for the R1 Zone is 1 unit per 1.11 to 2.17 acres.
3. Lot 3 is non-conforming. Per 208-11 the minimum width of the lot at the building lot line is 100 feet, Lot 3 is shown as 96.75 feet.
4. Although there is no distance standard for the septic field to a federal wetland it appears that the septic field on lot 4 is approximately 50 feet to the wetland on Lot 5 the well on lot 5 is within 20 feet of that wetland. There appears to be the potential for the contamination of the groundwater due to these proximities.
5. The ECC Recommends that the New York State Scenic Enhancement Preserve No Cut / Clearing Zone and the limits of ACOE wetlands be delineated by split rail fencing.
6. The ECC notes that the project may result in intrusion into Federal Jurisdictional Wetlands. The Applicant must avoid intrusion into ACOE Wetlands or apply for a Federal Wetlands Permit for any disturbances for the project. The Town of Clifton Park should be provided with copies of all related correspondence.
7. The ECC notes that there are six curb cuts within approximately 520 feet on a busy road with two secondary road directly across the project entering the east side of Woodin Road. This is potentially a traffic safety issue.
8. Applicant shall provide the rejection letters from the Town of Halfmoon public sewer and water departments.

John Scavo, Director of Planning issued a letter dated 10/7/21with recommendations he made:

1. The Saratoga Co. Planning Board (SCPB) noted in a recommendation letter dated March 19, 2020, the proposed subdivision:
 Would have no significant county-wide or inter-community impact. However, the Board commented that given the site constraints and possible wetland impacts a density reduction in the project would seem reasonable.

2. Sight distances for each proposed driveway location should be shown on the subdivision map. Adequacy of sight distances shall be based on AASHTO Guidelines for the posted speed limit.
3. Federal Wetland Disturbances are shown to be .098 acres, any disturbance will require a permit from the Army Corps of Engineers. Permit coverage is likely obtainable by the applicant from the Army Corps of Engineers since the disturbance is less than .10 acres. Any approval issued by the Planning Board should be conditioned upon noting that the construction of the stormwater management system, installation of stormwater absorption trenches, utilities and grading as shown on the Final Approved Plan shall be authorized. No other site work beyond the limits shown on the subdivision plan is approved without further Town review and approvals. The property owner shall provide documentation prepared by a licensed professional that the soil disturbances, clearing limits, and wetland impacts are within the limits of those reflected on the approved subdivision plan for each building lot.
4. The LEAF Part I notes 3.77 acres are to be physically disturbed throughout the project site. The soil disturbance areas are cumulative for all parcels included in this subdivision plan and shall be calculated cumulatively. Except for the EPA states that any further construction on a lot (e.g., reconstruction after a fire, adding a pool, or expanding parking area), would stand alone as a new common plan for purposes of calculating acreage disturbed to determine if a stormwater permit is required.
5. A SHPO Letter of No Effect dated September 10, 2021 has been received and included within the project file.
6. Due to the presence of significant wetland surface waterbodies on site, it is a reasonable assumption that the area has a high ground water table. I appreciate the applicant providing test pit information on Sheet 1 of 4. However, I still have concerns that these future homeowners will frequently experience wet basements and yards. This issue is reinforced by the property owner at 234 Wood Road who has raised concerns of constant sump pump running.

Professional Comments:

Walter Lippmann, P.E. of MJ Engineering in a letter dated 10/8/21 had the following comments:

STATE ENVIRONMENTAL QUALITY REVIEW

1. Part E.2.1 – The response indicates that the site is located over a primary, principle or sole source aquifer, however applicant has indicated incorrect. Based on the USEPA website, the proposed project is located within the Schenectady-Niskayuna SSA.

SITE PLANS

2. The subdivision as proposed meets the criteria of being classified as a realty subdivision (5 or more lots, lot size 5 or less acres). Therefore, the project will require NYSDOH Realty Subdivision approval. Any approvals offered by the Planning Board should be conditioned on receipt of NYSDOH's review and approval of the subdivision.

3. At a minimum the SWPPP shall provide information to ensure that the development will not result in adverse impacts to adjacent properties or the existing drainage system along Woodin Road as drainage issues currently exist.
4. The applicant should provide documentation from the Town of Halfmoon and Saratoga County Sewer District that they are both not willing to allow water and sewer connections from the proposed subdivision.
5. NYDOH Part 5, Appendix 5B indicates the horizontal separation from a well to a wetland is 25 feet. It appears the wells on lots 5 and 6 are within this distance, please verify.
6. It appears some septic systems locations have been revised, specifically lots 3 and 6. This may warrant additional percolation tests to be conducted in the new locations.
7. Should the application proceed with on-site individual wells, these components are subject to the review and approval by the NYSDOH. Any approval offered by the Town of Clifton Park shall be conditioned upon receipt of NYSDOH approval.
8. The project proposes impacts to regulated wetlands. As the project proceeds through the regulatory review, appropriate permitting from the authorities having jurisdiction shall be provided to the Town.
9. The proposed points of access to Woodin 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 Woodin Road.
10. The comment response letter indicates 12" HDPE will be utilized for the drainage culverts. This information should be shown on the plans.
11. The applicant should provide additional erosion and sediment control measures such as silt fencing, wetland protection fencing, etc. especially on lot 1.

STORMWATER POLLUTION PREVENTION PLAN

12. The SWPPP shall include documentation that the project is eligible for permit coverage pursuant to Part I.F.4 of GP 0-20-001 with respect to threatened and endangered species. This includes both listed state and federal species.
13. The SWPPP shall include documentation that the project is eligible for permit coverage pursuant to Part I.F.8 of GP 0-20-001 with respect to historic properties. This includes archeological and cultural resources.
14. Provide a section in the report regarding site description, including but not limited to topography, wetlands and soils.
15. Provide the proposed area of disturbance on the plans
16. Identify the receiving waterbody of site runoff. If runoff enters site wetlands with no outlet, identify as such.

Public Comments:

Anthony LaFleche – 21 Wheeler Drive – Mr. LaFleche asked if Wooden Road is all in Halfmoon, and if the applicant needs to go through Halfmoon for any approvals. Mr. Hitchcock stated that the east side of the road is in Halfmoon and the west side is in Clifton Park, and no approvals from Halfmoon are needed. Mr. LaFleche asked if the applicant would give an

easement for a possible future road widening and/or bike trail. Mr. Hitchcock stated that he will check with the applicant but he believes he would be fine with this. Mr. LaFleche asked about lots 5 and 6 cutting through standing water. Mr. Hitchcock indicated on the map the areas that would disturb the wetlands. Mr. LaFleche asked if there was consideration of a development road. Mr. Hitchcock stated that a cul-de-sac was previously before the board and was determined to not be feasible. Mr. Ferraro stated that this would be a part of the Board discussion.

There being no additional public comment, Mr. Ferraro moved, seconded by Mr. Martin, to close the public hearing at 7:58 p.m. The motion was unanimously carried.

Planning Board Review:

Mr. Ferraro asked about the ECC comment and lot 3 being non-conforming but the maps showing 100.63 feet at building line. Mr. Hitchcock stated that there is a bend in the property line that they may not have added, and both widths are conforming.

Mr. Neubauer stated that he feels the project can be problematic with the wetlands. He stated that there are 7 wetland disturbances as well as standing water on the application. Mr. Neubauer stated that Mr. Myers' concerns make him feel that this project would be a difficult one. He stated the boundary with Halfmoon and the water and septic being problematic as well. Mr. Neubauer stated that he recommends that the applicant look at eliminating 1 of the lots and eliminate 1-3 of the wetland crossings. He also suggested moving the home on lot 5 to the east to provide more buffer from the highway.

Mr. Ferraro stated that the location of the septic and wells to each other as well as to the wetlands are a concern for him. He stated that the design is also a concern due to the amount of curb cuts in a short distance. He stated that a cul-de-sac is an alternative design that was deemed not feasible but he would like to see alternative designs such as this.

Mr. Martin stated that with the multiple curb cuts there is a strong possibility that there will be families in the homes and a bus would make multiple stops and holding up the traffic. Mr. Neubauer stated that to eliminate curb cuts, a cul-de-sac or other designs may be warranted. Mr. Hitchcock stated that he was not before the Board for this to be a cul-de-sac. Ms. Bagramian stated that for school bus traffic, a cul-de-sac would be beneficial.

Ms. Bagramian asked what the topography was on the highway side of the boundaries. Mr. Hitchcock indicated on the map the different grading patterns. Ms. Bagramian stated she would like to see signage or split rail fencing to indicate the Interstate highway is behind the properties as there is likelihood that there will be children in the homes. Mr. Hitchcock stated that there is a chain link fence at the edge of the buffer to the Northway on the State's land.

Mr. Martin stated that this project does not follow the character of the area as the homes to the north are close to the road and the proposal for the subdivision shows the homes set back more. Mr. Ferraro stated that if the homes are further set back there would be an increase in noise from the highway as well.

Mr. Lalukota stated that he agrees with the other Board members concerns as well as the staff comments. He stated that egress, curb cuts, septic, water and wetland disturbances are major concerns he has. Mr. Hitchcock stated that perk tests and test pits will be done before building starts and DOH is reviewing this project. Mr. Lalukota stated that lots 1-4 could be a cul-de-sac. Mr. Hitchcock stated that he can talk to the applicant about this.

Mr. Ferraro stated that he has concerns with the septic and its distance from the wetlands and slopes. Mr. Hitchcock stated that DOH has not raised this as a concern but the review is not yet complete. Mr. Ferraro asked if there could be shared driveways, such as for lots 3 and 4; Mr. Hitchcock stated that homeowners may not want shared driveways. Mr. Ferraro stated that given the environmental constraints, he questions the number of the lots being proposed. Mr. Hitchcock stated that when DOH sends the full review letter it will be forwarded to the Board.

Mr. Martin stated that a decrease in density would be appropriate and stated that he feels that there are 3 wells that are in close proximity to the road and how the salt runoff from the winter months would affect them. Mr. Hitchcock stated that testing will be done and the location of the wells can be changed or filtration can be added.

Mr. Neubauer stated that he thinks that the County Planning Board and the ECC's recommendation for density reduction should be taken into consideration as well as the buildable acreage, which is restricted in most of the proposed lots.

Ms. Bagramian and Ms. Gleason stated that they share the concerns of the other Board members tonight. Ms. Bagramian stated that a raised septic may be cost prohibitive for the project.

Mr. Ferraro stated that the DOH review will be looked at by the Board but the Planning Board can put more limitations on the lands than the DOH. Mr. Ferraro stated he would like the applicant to look at other options that include lower densities. Mr. Scavo stated that the Board can put more restrictions as the Board regulates this. Mr. Scavo stated that the Board has 60 days to review and make a final decision on the application unless an extension is agreed upon.

Old Business:

None

New Business:**2021-056 427 Schauber Rd Hay/Equipment Barn**

Applicant proposes construction of a 3,600 sf farm related building to be used for hay and equipment storage on the north end of the 6.55 acre parcel. Stormwater run-off from the proposed hay barn will be handled with a gravel drip-edge on both the north and south sides of the building. Stormwater will then be conveyed to infiltrators located at the east end of the proposed barn as shown. No sewer or water hook-up needed, 427

Schauber Rd, Zoned: A, Status: PB Concept Review SBL: 258.-1-75

To be reviewed by: MJE Consultant: ABD Applicant: L. New

Consultant/Applicant Presentation:

John Hitchcock – ABD – Mr. Hitchcock stated that this application is for a 3,600 sf storage barn for hay and equipment. He stated that this would be on the north side of the property and be on the corner of Hubbs Road and Schauber Road. Mr. Hitchcock stated that all variances needed for this application have been granted. He stated that stormwater will be infiltrated and runoffs would be on the side of the barn. Mr. Hitchcock stated that the setback from the road front is enough that it should not obstruct the view from the intersection.

Staff Comments:

Steve Myers, Director of Building and Development issued a memo dated 9/29/21 stating:

- Variances granted for structure
- 10' minimum separation required. Eaves/overhangs that extend into this setback will be required to be fire rated
- More comments to follow with further detail.

Wade Schoenborn, Chief of the Bureau of Fire Prevention:

1. 10' separation is required between buildings
2. If any construction extends to within the required 10' separation, fire rated construction will be required

Scott Reese, Stormwater Management Technician issued a memo dated 10/12/21 with the following comments:

1. No stormwater management comments.

The Environmental Conservation Commission held a meeting on 10/5/21 and issued a memo recommending:

1. The proposed sign should be reviewed by the Building Department (eg size, sight distance, etc.)
2. The applicant shall verify if the turning sight distances at an intersection will be impeded by the construction of the proposed structure.

John Scavo, Director of Planning issued a letter dated 10/7/21 with recommendations he made:

1. Town Planning Staff has worked with the applicant and NYS Department of Ag. & Markets over the past two years to site this farm building in a manner that is reasonable to accommodate active farm operations. Attached is a letter from Ag. & Markets dated November 6, 2020 noting the current layout is based on addressing previously outlined concerns by the ZBA. The applicant subsequently obtained an area variance for the structure from the ZBA based on the current design layout.
2. A referral to the Saratoga Co. Planning Board has been made in accordance with GML §239(m), for a recommendation on the proposed site plan.

Mr. Scavo stated that the original site plan has been changed due to variances granted and Ag. And Markets restrictions looked at. Mr. Scavo stated that Ag. And Markets were also consulted and they are comfortable with the layout.

Professional Comments:

Walter Lippmann, P.E. of MJ Engineering in a letter dated 10/8/21 had the following comments:

STATE ENVIRONMENTAL QUALITY REVIEW

1. Based upon our review of Part 617 of NYS Environmental Conservation Law, the project appears to be an “Unlisted” action. If the Planning Board is to request Lead Agency status under SEQRA, the need to undergo a coordinated review is optional. Under a coordinated review, involved / interested agencies to be engaged may include, but is not necessarily limited to the following:
 - a. Town of Clifton Park Planning Board: Site plan approval
 - b. Saratoga County Planning: 239m referral is required due to the parcel’s proximity to County Route 80 - Schauber Road
 - c. NYS Dept of Environmental Conservation: permit coverage under stormwater SPDES

SHORT ENVIRONMENTAL ASSESSMENT FORM

2. Part I.2 – The response indicates no but, the project requires an area variance for front setback from the ZBA.
3. Part I.13a – The response indicates that a portion of the site or lands adjoining the site of the proposed action, contains wetlands or other waterbodies regulated by a federal, state

or local agency. The applicant should provide documentation that confirms the presence or absence of federally regulated wetlands adjacent to the project site. Additionally, a 100' wetland buffer should be shown on the Site Plan to confirm.

4. Part I.17 – The response indicates that the proposed action will create stormwater discharge. The applicant stated infiltrators at west-end of new building will be used.
5. No further comments at this time.

SITE PLANS

6. The project is located within the Town's Conservation Residential (CR) zoning district. The proposal for a barn is a permitted use within the CR District as noted in Section 208-16(D)(1)(b) of the Town's Zoning.
7. In reviewing the proposed lot layout in comparison to Section 208-16(E)(5)-(12) of the Town's Zoning, it would appear all minimum bulk lot requirements are satisfied.
8. The applicant has indicated that the proposed facility will not have hook ups to the water and sewer.
9. Provide contour lines at a minimum of five-foot intervals to United State Geological Survey datum within the parcel.
10. The plan shows a catch basin within the proposed gravel driveway. It is recommended not to utilize a catch basin as this will be difficult to maintain.
11. Provide in-situ percolation tests in the proposed stormwater location to demonstrate the location indicated is feasible.
12. Considering the plan submitted is conceptual in nature, we will reserve further comments until more detailed plans and reports are submitted. Subsequent submissions shall include information as outlined in Section 208- 115 of the Town zoning specific to site grading and erosion control to fully assess the design and its compliance to the applicable standards.

Public Comments:

Mr. Scavo stated that a letter from resident Ralph Savage was received and distributed to Board members.

Anthony La Fleche – 21 Wheeler Drive – Mr. La Fleche asked what the setback of the proposed building would be. Mr. Hitchcock stated it would be 30' from Hubbs Road and 91' from Schaubert Road. Mr. LaFleche asked if there could be an easement for a pedestrian path. Mr. Hitchcock stated that the fence line is along the property line currently but there is an unpaved right of way in place.

Planning Board Review:

Mr. Ferraro asked about the number of horses per acreage and if it is allowed. Mr. Scavo stated that this is an active farm and if the Department of Agriculture and Markets found a problem they could step in or find it justified. Mr. Ferraro stated that this is a zoning issue as well as Ag.

And Markets, and he would like to see documentation on the issue from Steve Myers, Chief Zoning Officer.

Mr. Neubauer stated that MJ Engineering's catch basin question and Mr. Myers' overhang questions are valid and would like to know if they have been satisfied. Mr. Hitchcock stated that Mr. Myers' comments were satisfied. Mr. Neubauer stated that he is unsure if renderings are required but he would like to see them. Mr. Hitchcock stated that it would be a red barn with clear panels along the top of the walls for light to enter and a visual can be provided.

Mr. Ferraro and Mr. Martin stated they would like a visual of the barn as well.

Ms. Bagramian asked what kind of equipment would be used and asked if an oil separator would be needed. Ms. Lois New (applicant) stated that it would be used for hay storage as well as storage for a gator, tractor truck, and trailers, but no work will be done on the equipment in the barn.

Mr. Ferraro asked if there would be horses in the barn. Ms. New stated there would not.

Discussion Items:

None

Mr. Martin moved, seconded by Mr. Lalukota, adjournment of the meeting at 8:45 p.m. The motion was unanimously carried.

The next meeting of the Planning Board will be held as scheduled on October 26th, 2021.

Respectfully submitted,

Paula Cooper

Paula Cooper, Secretary