

**Town of Clifton Park Planning Board**  
**One Town Hall Plaza**  
**Clifton Park, New York 12065**  
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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 26<sup>th</sup>, 2021**

Those present at the October 26<sup>th</sup>, 2021 Planning Board meeting were:

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

Those absent were:

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:**

Mr. Martin moved, seconded by Mr. Lalukota, approval of the minutes of the October 13<sup>th</sup>, 2021 Planning Board meeting as written. The motion was unanimously carried. Mr. Ophardt and Mr. Andarawis abstain.

## **Public Hearings:**

### **2021-050 1640 Crescent Road 2 Lot Subdivision (Ballard)**

*Applicant is proposing to subdivide a 5 acre parcel into 2 single family residential lots, 1640 Crescent Rd, Zoned: R-1, Status: PB Concept Review*

SBL: 288.-2-9 To be reviewed by: MJE Consultant: EDP Applicant: P. Ballard

Last Seen on: 9-14-21

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

Mr. Ophardt moved, second 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 7:05p.m. The Secretary read the public notice as published in the Daily Gazette on October 16<sup>th</sup>, 2021.

## **Consultant/Applicant Presentation:**

Joe Dannible – EDP – Mr. Dannible stated that Mr. and Mrs. Ballard are looking to subdivide their lot into 2 lots and to dedicate a 3<sup>rd</sup> lot to Clifton Park. Mr. Dannible showed a map to all in attendance that had the parcel highlighted and indicated the location and sections they would be in. Mr. Dannible stated that lot 1 would be about 20,000 square feet and have the existing home on it. He stated lot 2 would be a flag lot and be about 65,000 square feet, and the remaining land would be dedicated to the Town of Clifton Park and that this would abut existing Open Space that is Town owned. Mr. Dannible stated that variances that were needed have been granted and letters from Town Staff have been received.

## **Staff Comments:**

**Steve Myers, Director of Building and Development issued a memo dated 10/14/21 stating:**

- No further comments

**Wade Schoenborn, Chief of the Bureau of Fire Prevention:**

1. No further comments

**Scott Reese, Stormwater Management Technician issued a memo dated 10/22/21 with the following comments:**

1. No further stormwater related comments

**The Environmental Conservation Commission held a meeting on 10/19/21 and issued a memo recommending:**

1. In keeping with the recommendations and goals of the Town Comprehensive Plan, the Applicant should retain existing vegetation to the maximum extent practical and/or the use landscaping and grading to provide visual and auditory buffering between the project and adjacent roadways or other properties.

**John Scavo, Director of Planning issued a letter dated 10/22/21 with recommendations he made:**

1. The applicant's response letter provided with this submittal has adequately addressed my prior comments. I agree the planting of a landscaped buffer may be waived based on preservation of the existing mature vegetation.
2. The Saratoga Co. Planning Board noted the project would have no significant county-wide or inter-community impact.
3. Town Planning Staff and Assessor's Office Staff have noted that this subdivision in its current configuration with the donation of the rear portion of land to the Town of Clifton Park, eliminates an irregular shaped parcel that has existed for many years.
4. Add final 911 address to the map once received from the Town's Fire Marshall.

**Mr. Scavo read from a letter he received from Mr. Mike O'Brian from the Clifton Park Sewer District saying that sewer can be provided but laterals would be under private ownership and must be approved by the Town Board.**

**Professional Comments:**

**Walter Lippmann, P.E. of MJ Engineering in a letter dated 10/22/21 had the following comments:**

STATE ENVIRONMENTAL QUALITY REVIEW

1. No further comments.

SHORT ENVIRONMENTAL ASSESSMENT FORM

2. No further comments.  
SITE PLANS

3. All prior technical comments offered have been addressed

**Public Comments:**

Anthony LaFleche – 21 Wheeler Drive – Mr. LaFleche thanked the applicant for the property being donated and asked the applicant if they would be willing to give an easement to the south side of Clifton Park Center Road for a possible future trail. Mr. Dannible stated that the right of way is 18-19 feet from the property line so there is already adequate room without an easement.

There being no additional public comment, Mr. Ferraro moved, second by Mr. Neubauer, to close the public hearing at 7:14p.m. The motion was unanimously carried.

**Planning Board Review:**

Mr. Andarawis asked if there is any chance sewer would not be approved. Mr. Scavo stated that he does not see the Town Board objecting as there are benefits to the reservoir and the Town. Mr. Ferraro asked if it would be a cost burden to the applicant to tie into sewer. Mr. Dannible stated that it shouldn't as the tie in would be across the road.

Mr. Neubauer asked if there were any formal comments from Ms. Viggiani or Open Space on the land being donated. Mr. Scavo stated that an email was sent out with some comments from Ms. Viggiani. Mr. Scavo paraphrased and stated that Ms. Viggiani stated that it was generous of the applicant and would create a future potential loop. Mr. Ferraro asked if the Town would have access to the land, especially from the apartments around it. Mr. Scavo stated that they would have access from the north.

Mr. Neubauer stated that this is unique and that it has the potential to connect Crescent Road with the Vischer Ferry Preserve and it is important to look at. He stated that he feels that the land donation does not hold a lot of value but cannot hurt the future plans for trails. Mr. Neubauer stated that he would like to see more of what the potential of this proposed donated land.

Mr. Ferraro stated that he does think that donating 3 acres is significant and appreciates the offer. He stated that he feels if this is connected to the Crescent Road trails it would be more beneficial but is unsure if this land could be used as a future connection. Mr. Ferraro stated that the Board has the authority to approve a keyhole lot but approving it would be setting a precedent. Mr. Ferraro stated that he does not see anything in the application that would meet the criteria for approving this. Mr. Wilcox stated that the statute for keyhole lots call for unusual conditions and if the Board chooses to approve this the next applicant for a keyhole lot can use the condition. He advised the Board to review the application cautiously.

Mr. Ophardt stated that the uniqueness of this application is that the applicant is donating 3 acres of land to the Town and that this won't be seen often. He stated that he feels that this is a value to the Town and that this may be a condition to the keyhole lot and sees this as a connection. He stated that if a precedent that is required for a keyhole lot this is a benefit. He stated that he agrees with Mr. Neubauer's comments but also sees this buffer from a high density part of the Town.

Mr. Martin stated that he had voted against the previous keyhole lot that was before the Board based on the longer driveway and the impact of drainage. He stated that he sees some similarities in this application and has reservations on this. Mr. Martin asked what the 3 acres are in terms of natural characteristics. Mr. Dannible stated it is successional closer to the home and forested to the rear. Mr. Martin asked if there is known trespassing on the property. Mr. Ballard stated to his knowledge there has not been.

Mr. Lalukota stated that he agrees with Mr. Neubauer comments as well as Mr. Ophardt. He suggested that drainage conditions to be added to the approval if it is approved. Mr. Dannible stated that the rear 3 acres are separate and connects this lot to another rear lot. Mr. Dannible stated that the County commented this clears a unique parcel off the map. Mr. Dannible stated that this is helping with a connection from Fox Run Apartments as well and can open new potentials to the trails. Mr. Dannible stated that notifications were sent to the neighbors and there are none of them here tonight objecting, but rather some of them would be acquiring permanent open space in their back yard.

Mr. Ferraro asked where the proposed driveway would be in relation to the existing tree line and how much buffering would be between the two residential lots. He also asked about how the residents of Kendra Drive feel about trails going behind their homes. Mr. Dannible stated that the property line between the existing home and the new parcel line has vinyl fencing up and that the fencing can be extended if needed and the driveway could be moved over further from the property line. Mr. Ferraro asked how much of the tree line would have to be removed to accommodate the driveway. Mr. Ballard stated that no vegetation on his property would be removed for a driveway if it had to be relocated a couple of feet from the property line but as currently shown on the plans, about 2 feet would be cut.

Mr. Martin stated that he would like to see the application tabled and then get Open Space comments for the proposed donated land. Mr. Andarawis and Ms. Bagramian stated they agree with this, and Mr. Andarawis stated that he would like to see the usefulness of the land.

Ms. Bagramian asked how wet the donated area is as there is a stream in there. Mr. Dannible stated it is not wet and can be easily crossed with a foot bridge.

Mr. Ferraro asked where the trail would run to as it is near the Fox Run Apartments and the owner of the Apartment complex may not like a trail head leading onto their property. Mr.

Ophardt stated that it is in the rear of the complex and he sees it as a benefit as a trail and a buffer as he previously stated. He stated that this land could be developed but the applicant is donating it instead.

Mr. Dannible stated if the Board would like a letter from Trails and Open Space if the Board would move forward. He stated that many times the public or the Board ask for easements for trails and now they are being provided by this donation of land. Mr. Dannible stated he would like an approval based on a positive letter from the Open Space Committee. Ms. Bagramian stated that she would like to see it first and in detail. Mr. Ferraro stated he would also like to see specific opportunities for this proposed land before setting precedent with the keyhole lot. Mr. Ferraro stated that if this is approved by the Planning Board it still needs to go to the Town Board for approval of the Open Space donation as well.

Mr. Dannible showed a picture of the property looking onto Crescent Road from the property showing that where the driveway is proposed is not planned to remove vegetation.

Mr. Martin stated that he would like to have the applicant put together a paragraph or 2 to describe the donated land in their perspective to capture the features. Mr. Ferraro stated that the submission should show environmental features as well since it is not currently shown.

Mr. Ferraro stated that the Planning Board has 60 days to make a decision on this application since the Public Hearing has been closed.

Mr. Martin moved, second by Mr. Neubauer, to table the application until the next meeting to give the Open Space Committee the opportunity to provide more information to the Board and for the applicant to detail the features of the land.

### **Old Business:**

#### **2021-029 Bogdan's Wood Rd Light Industrial Site Plan**

*Applicant proposes to construct a 20,000 light industrial building with parking for 40 cars. The property will be accessed from Wood Road, Wood Rd, Zoned: L 2, Status: PB Final Review*

SBL: 259.-2-115      To be reviewed by: MJE    Consultant: EDP    Applicant: DCG

Development    **Last Seen on: 9-14-21**

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

Joe Dannible – EDP – Mr. Dannible stated that the application is for a 20,000 square foot light industrial building which is next to the recently approved Solar Foundations application to the west. Mr. Dannible stated that there is a 10 foot trail easement on the south side of the property

and will be filed with the County plans as well. Mr. Dannible stated that there are no significant changes to the project, but concerns have been addressed. He stated that there are minor comments that have been made for this meeting and he feels they can be addressed. Mr. Dannible stated that the building elevations are to include a brick façade 10' up the front of the building and then light industrial siding to fit in the code. He stated that detailed materials have been provided in the plan and windows have been provided on the north east side of the building where the office is located and there are a total of 3 windows on the building as previously suggested by the Board. Mr. Dannible stated that fire apparatus has been addressed and if a turnaround is required it can be accommodated within the land banked parking area. Mr. Dannible stated the landscaping plan has been updated in the plan but the National Grid easement will not accommodate any additional trees.

### **Staff Comments:**

**Steve Myers, Director of Building and Development issued a memo dated 10/14/21 stating:**

- Plans state hydrant and valve assembly and nothing is shown
- Drainage areas in National Grid easement
- Rear exits from building must have sidewalks to a public way
- Plan set states 12 sheets, only 11 provided
- No provided figure as noted in #4b. same not states previously approved be fire chief- who is that.

**Wade Schoenborn, Chief of the Bureau of Fire Prevention:**

1. Hydrant specified but not shown on the plan
2. If you wish to use the sprinkler exception in leu of providing access to 150' of all portions of the building you must provide a fire apparatus access plan specifically showing a turnaround per NYS Fire Code Section 503.2.5 (dead ends)
3. Rear exits from building must have sidewalks to a public way

**Scott Reese, Stormwater Management Technician issued a memo dated 10/22/21 with the following comments:**

1. No further stormwater related comments

**The Environmental Conservation Commission held a meeting on 10/19/21 and issued a memo recommending:**

1. The applicant has not addressed the ECC comments made on May 4th, 2021 & September 7th, 2021. Please respond in writing.
2. The ECC would like clarification of materials being stored and used at this site for the purpose of proper permitting, if necessary, safe handling of the materials (chemical, acid, solvents, and other wood treatments). Note: In a light industrial district (LI), there are several prohibited uses including (208-64 C (5)) Manufacture, Processing, Storage, Production, or Refining of Petroleum or other flammable liquids or gases. The applicant

should validate to the Planning Board that none of these prohibited substances shall be used in their business.

3. The Applicant shall comply with the Town's Hazardous Materials Policy, which can be obtained from the Town Environmental Specialist.
4. The Applicant should indicate all other environmental permits that may be required for the activities that are proposed under the planned use of the site.
5. The ECC recommends that the Town Planning Board request an easement along Wood Road for a Multi-Use Trail in anticipation of present and future development in this corridor.

Mr. Dannible stated that there will not be a lot of chemicals on the property, just a few gallons of pain and/or stain/poly. He stated that this can be a part of the final plan.

**John Scavo, Director of Planning issued a letter dated 10/22/21 with recommendations he made:**

1. The current submittal Pursuant to Town Code, §208-66-C Development Standards, contains the architectural building elevations for consideration by the Planning Board under their purview for site plan review. The elevations look similar and compatible with existing construction on the opposite side of Wood Road within the Tech Valley Flex Park.

**Professional Comments:**

**Walter Lippmann, P.E. of MJ Engineering in a letter dated 10/22/21 had the following comments:**

STATE ENVIRONMENTAL QUALITY REVIEW

1. No further comments at this time.

SITE PLAN

2. Since no curbing is proposed, just striping along the building, it is recommended to place the required ADA parking signage with bollards at the end of the parking space where it meets the walkway to prevent the car overhang thus reducing the walkway width.
3. Providing a site-specific illumination plan that shows foot-candle values at pavement level for review.
4. Indicate whether there will be any roof top mechanical units that may be visible from the public roads. If there are any, screening of these units may be required.
5. 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.

STORMWATER POLLUTION PREVENTION PLAN/STORMWATER MANAGEMENT NARRATIVE

6. It has been discussed with the applicant to revise the proposed stormwater planter area into a bioretention practice.

**Public Comments:**

No public comment,

**Planning Board Review:**

Mr. Ophardt asked if sidewalks have been added to the plan. Mr. Dannible stated that they have not but they are able to so and would run around the building where it is needed. Mr. Ferraro asked if the walkway would be blacktop to the building. Mr. Dannible stated that it would be blacktop but a 10 foot strip would be stripped to indicate the walkway as well as bollards installed where the handicapped parking is. Mr. Ferraro asked if there would be bumpers where general parking is. Mr. Dannible stated there would be no bumper stops jut the line with the striping as bumpers get destroyed in the winter months. Mr. Neubauer asked about a vehicle pulling up to the door and interfering with egress. Mr. Dannible stated that there is only one tenant and he is not expecting customers in the building as well as this method being used throughout the state. Ms. Bagramian stated that she agrees with bollards just at the handicapped parking. Mr. Lalukota stated he would leave this up to the building department; Ms. Bagramian and Mr. Ferraro agreed with this.

Mr. Neubauer stated that he appreciates the effort put forward by the applicant for the drawings. He stated that this does meet the requirements of the LI zoning, but it is not a brick façade but a look alike. Mr. Neubauer stated that he would like to see that frontage wrapped around the building to make it look better to the second window. Mr. Dannible stated that an industrial building could be spruced up but it is an industrial building in an industrial area and he feels that this meets the code. Mr. Dannible stated that he can bring the front façade around to a part of the side as long as it does not impede the structural layout of the building.

Mr. Martin stated that the building is striking without the landscaping in front of it. He stated that he feels if the front façade is brought to the side door it would look better as well.

Ms. Bagramian stated that the cost to wrap the front façade around the building should be taken into account, and should be a part of a condition if this is going to be one. Mr. Neubauer stated that he agrees but this is an applied material and should not impact the structure.

Mr. Ferraro stated that the project is a part of the GEIS on Wood Road and that no SEQR action is needed tonight. Mr. Scavo stated that this should be noted on the site plan approval.

Mr. Ophardt moved, second by Mr. Andarawis, to waive the final hearing for this application for the site plan review of Bogdan's Wood Rd Light Industrial Site Plan, and to grant preliminary and final sit 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. Unless applicant can demonstrate is a cost impact: Wrap Nichiha brick treatment around north-west corner to the first door on west façade. A reduction of brick treatment on the north façade is allowed starting at the east corner, equal to the area provided on the west façade. The Planning Department will approve administratively or be remanded back to the Planning Board if determined by the Planning Department.

2. The project appears to conform with the findings and requirements of the Wood Road GEIS therefore no additional SEQR Action is required.

Ayes:   7                        Noes:   0                        The motion is carried.

**New Business:**

None

**Discussion Items:**

Mr. Scavo stated that there is a meeting tomorrow night about the Park Center Town Plan.

Mr. Ophardt moved, seconded by Ms. Bagramian, the 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 November 9<sup>th</sup>, 2021.

Respectfully submitted,

*Paula Cooper*

Paula Cooper, Secretary