

**Town of Clifton Park Planning Board**  
One Town Hall Plaza  
Clifton Park, New York 12065  
(518) 371-6054 FAX (518)371-1136

PLANNING BOARD

DENISE BAGRAMIAN  
Chairwoman

ROBERT WILCOX  
Attorney

PAULA COOPER  
Secretary



MEMBERS

Emad Andarawis  
Eric Ophardt  
Heather Fariello  
Andrew Neubauer  
Jennyfer Gleason  
Keith Martin

(alternate) Lisa Westrick

**Planning Board Minutes**  
**October 25<sup>th</sup>, 2022**

Those present at the October 25<sup>th</sup>, 2022 Planning Board meeting were:

Planning Board: D. Bagramian, Chairwoman, E. Andarawis, H. Fariello, A. Neubauer,  
E. Ophardt, K Martin, J. Gleason, L. Westrick

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

Ms. Bagramian, Chairwoman, called the meeting to order at 7:00 p.m. All in attendance stood for the recitation of the Pledge of Allegiance.

**Minutes Approval:**

Mr. Martin moved, seconded by Mr. Andarawis, approval of the minutes of the October 12<sup>th</sup>, 2022 Planning Board meeting as written. The motion was unanimously carried by all in attendance at that meeting.

**Public Hearings:****# 2022-005 989 Hatlee Road 3 Lot Subdivision (Prediletto)**

SBL: 258.-1-22.1 989

Hatlee Road 3 Lot Subdivision (Predilitto), 989 Hatlee RD , Zoned: R1 - Residential,  
Status: Preliminary

Citizenserve File Number: 2022-005, Application Number: SUB22-000006

Applicant: Prediletto Realty, LLC, Consultant: Lansing Engineering, PC - Mike  
Robertson

Last Seen On: 3/08/2022

Ms. Bagramian 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. She 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 will be rendered when deemed appropriate.

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

Ms. Bagramian called the public hearing to order at 7:04 p.m. The Secretary read the public notice as published in the Daily Gazette on October 15<sup>th</sup>, 2022.

**Consultant/Applicant Presentation:**

Mike Robertson – Lansing Engineering – Mr. Robertson stated that this application is for a 3 lot subdivision at 989 Hatlee Road. He stated that there is currently one single family home on the property and no wetlands. He stated that this application was last seen in March and that variances needed for setbacks have been granted. Mr. Robertson stated that they had received a letter from DEC stating that there is no effect on endangered species. He stated that they plan to keep the home on a lot and that lot 1 would be 3 acres, lot 2 just over 0.5 acres, and lot 3 just under 0.5 acres. He stated that all 3 lots would be serviced with public water and sewer, all of the lots meet size requirements, and they are working with other utilities to make them available.

**Staff Comments:**

**The Environmental Conservation Commission and issued a memo recommending:**

- It appears that the plans with the limits of the LC Zone, 100-foot buffer DEC Wetlands etc. have not been submitted to the Town as they are not contained in the file.
- The ECC has concern with the high level of the water table and vernal wetlands that exist in the area. The applicant shall submit test hole data to indicated seasonal high-water table as it may impact the grading limits.
- As such we are reserve the right to provide comments at a later date once requested information is provided.

**Wade Schoenborn, Chief of the Bureau of Fire Prevention issued a memo stating:**

1. Postal verification
2. Driveways over 500' are required to comply with the NYS Fire Code

**Scott Reese, Zoning Administrator issued a memo stating:**

- The applicant has satisfactorily addressed the zoning comments made on 2/28/2022.

**Scott Reese, Stormwater Management Technician issued a memo stating:**

- In 2021 the project site disturbed more than 1 acre of soil. This project will need a basic SWPPP.
- High ground water is present in this area. Since the bottom of building footings need to be 2 feet above ground water, deep test holes should be done to indicate seasonal high ground water. This may affect the grading limits around proposed Lot #3.

**John Scavo, Director of Planning issued a memo stating:**

- The final subdivision map should display assigned 911 addresses for each lot.
- The Town Highway Superintendent expressed concern for the potential of standing water impounded between the driveways of Lots 2 & 3, and has therefore requested the applicant install a driveway culvert at Lot 3.
- Add a note to the final plan stating, A front setback area variance of 39' was approved at the Zoning Board of Appeals meeting on 3/15/2022, Permit #81318
- A final approval granted by the Planning Board should be conditioned upon the Town Board passing a resolution to extend the water and sewer districts to encumber this subdivision.
- The Saratoga Co. Planning Board issued a recommendation of "No Significant County-wide or Intercommunity Impact."

**Professional Comments:**

**Walter Lippmann, P.E. of MJ Engineering in a letter had the following comments:**

STATE ENVIRONMENTAL QUALITY REVIEW

1. No further comments.

SHORT ENVIRONMENTAL ASSESSMENT FORM

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

2. Part I.12b – The applicant has indicated Harten Archeological Associates has been retained to coordinate this effort and a letter will be provided once available. Any action on the subdivision application should be conditioned upon receipt of the no effect letter from SHPO.
3. Part 1.15 - Any action on the subdivision application should be conditioned upon receipt of correspondence from the NYS Natural Heritage.

#### SITE PLANS

4. Any action on the subdivision application should be conditioned upon receipt of plan approval from the NYSDOH and/or NYSDEC for the additional taking of water.
5. Any action on the subdivision application should be conditioned upon receipt of sewer extension plan approval from the NYSDEC.
6. Provide information on the plans regarding variance that were granted for this project.

#### WATER REPORT

7. No technical comments. This document shall be reviewed and approved by the Clifton Park Water Authority and NYSDOH for the extension of public water mains to the project.

#### SEWER REPORT

8. No technical comments. This document shall be reviewed and approved by the Clifton Park Sewer District No. 1 and the NYSDEC for the extension of public sewers to the project.

#### **Public Comments:**

Ronald - 986 Hatlee Road – Resident asked how the subdivision affects current homeowners in the area so far as public water and sewer and if they would be required to tie into them as well. Mr. Scavo stated that this would allow for a tie in but the residents are not required to do so.

There being no additional public comment, Mr. Ophardt moved, second by Mr. Neubauer, to close the public hearing at 7:12 p.m. The motion was unanimously carried.

#### **Planning Board Review:**

Mr. Andarawis stated that the shapes of lots 2 and 3 with long pole portions to the rear of each makes him wonder how much of that land is being used to meet the 20,000 sf minimum. Mr. Robertson stated that the applicant would not meet the requirements if this land was not utilized for each lot. Mr. Andarawis stated that he has concerns with unusable land be utilized to meet requirements. He stated that he would like to see them moved around or make this a 2 lot subdivision instead of a 3. Mr. Robertson stated that this is not a flag situation and the layout was created to make lot 1 more robust.

Mr. Neubauer stated he would like to see an exercise where the layout is what Mr. Andarawis asked for instead of just making what they wanted. Mr. Robertson stated that they never looked at other layouts. Mr. Neubauer asked if lots 1 and 3 would have homes built on them, Mr. Robertson stated they would. Mr. Neubauer stated that they had seen a similar project on Crescent Road within the past year. He stated that he is unsure of the future plans but would like to see if it is possible to get 3 lots without pole features. He stated that he does not have a problem with 3 lots but is not a fan of the configuration of lots 2 and 3. Mr. Robertson stated that he could take a look at an alternate configuration.

Mr. Martin stated that he feels that he cannot object to the application based on the Town Code's application, but it is not consistent with what the Town has seen

Ms. Bagramian asked if the center lot would be built on. Mr. Robertson stated that it would have the existing home on it. Ms. Bagramian stated that looking at other layouts seemed fair and thanked the applicant for looking into this.

Mr. Scavo stated that alternate layouts may lead to keyhole lots.

**Old Business:**

None

**New Business:**

**#2022-035 228 Lapp Road 2 Lot Subdivision (Mele)**

SBL: 278.17-1-9 Subdivision of 228 Lapp Road, 228 Lapp RD , Zoned: R1 - Residential,  
Status: Concept

Citizenserve File Number: 22-000031, Application Number: SUB22-000005

Applicant: Mele, Consultant: Gilbert VanGuilder Land Surveyor, PLLC - Kevin Weed

**Consultant/Applicant Presentation:**

Pat Jeroze – Van Guilder – Mr. Jeroze stated that this application is for a 2 lot subdivision of a corner lot in the R-1 zone. Mr. Jeroze stated that the existing home would remain and that the existing lot would be 42,479sf and the created lot 2 would be 20,000 sf, and each would tie into public water and sewer connections.

**Staff Comments:**

**The Environmental Conservation Commission and issued a memo recommending:**

- The ECC requests clarification as to the intended disposition of the existing well. The existing well and septic system (if any) should be closed per NYSDOH standards if there will be public sewer and water.
- The applicant shall indicate on the plans where the water laterals and sewer laterals will be located on the property.
- The ECC notes that the keeping of livestock or poultry on lots less than 5 acres in size is prohibited in the R-1 Zone.
- The ECC is concerned with the Lapp Road driveway entrance being too close to the public road intersection.

**Wade Schoenborn, Chief of the Bureau of Fire Prevention issued a memo stating:**

1. Postal verification

**Scott Reese, Zoning Administrator issued a memo stating:**

- Per Town Code Section 208-7 A - Definition Lot, Corner - A corner lot has no rear lot line but has at least two front lines. Proposed Lot B rear building line should be revised to show as a side building line.
- Both proposed lots A and B meet Town Code Section 208-11 Space and bulk standards for a dwelling unit in the R-1 Zone and Section 208-98 Special setback lines along Lapp Road.
- If the owner is planning on having chickens on either property they will need a variance from Town Code Section 208-10 B. (1)(a) [1] Keeping chickens are prohibited on lots smaller than five acres in size.

**Scott Reese, Stormwater Management Technician issued a memo stating:**

- There are no current stormwater runoff concerns for this project site

**John Scavo, Director of Planning issued a memo stating:**

- Add a note to the plan stating, "Underground utility connections to a dwelling unit are not allowed to be constructed underneath a private driveway." Such utilities include but are not limited to water laterals, sewer laterals, gas, electric and storm/foundation drains. A Certificate of Occupancy will not be issued without all utilities complying with this requirement.
- Add a note to the plan stating, "This parcel is located in an area where aviation activity occurs. Such activity may include, but is not limited to periodic noise, vibration, hours or operation, and other associated activities. A study describing this impact in detail is available for inspection in the offices of the Albany International Airport"
- The final subdivision map should display assigned 911 addresses for each lot.
- Add a note to the plan stating, "The parcels shall be included within the Stony Creek Park District #1."

- In accordance with Sec86-10 of the Town Code, ““The applicant shall be required to plant two new trees per living unit on the street side of new construction sites. As such please add the required trees to the Preliminary Subdivision Plan for the new lot created.
- Add a note to the plan stating, “Town of Clifton Park Highway Department Curb Cut Permit is required to be obtained for the driveway prior to the commencement of construction for the new dwelling.”

### **Professional Comments:**

**Walter Lippmann, P.E. of MJ Engineering in a letter 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. In Town Code Section 208.95(F)(9): Subject to and in accordance with the State Environmental Quality Review Act (SEQRA), the Planning Board shall be the lead agency for the purpose of conducting the environmental review of the application for a site plan. The Planning Board shall conduct an integrated comprehensive environmental review of the proposed project in combination with its review of the application under this article. If the Planning Board is to request Lead Agency status under SEQRA, the need to undergo a coordinated review is optional. Under a coordinated review, involved / interested agencies to be engaged may include, but is not necessarily limited to the following:
  - a. Town of Clifton Park Planning Board: Plan approval
  - b. Saratoga County Sewer District #1: connection to SCSD
  - c. Clifton Park Water Authority: water connection
 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 1 12.b. – The response indicates that the project site is located within or adjacent to an area designated as sensitive for archeological sites on the NY State Historic Preservation Office (SHPO) archeological site inventory. The applicant should provide a correspondence letter from SHPO to confirm the presence or absence of archeologically sensitive resources.
3. Part 1 13.a. – The response indicates that wetlands or other waterbodies regulated by federal, state or local agencies adjoin or are contained within the project site per the EAF Summary Report. The applicant should provide documentation that confirms the presence or absence of federally regulated wetlands adjacent to the project site. Should this change as the project design progresses, additional approvals and permits may be required.
4. No further comments at this time.

#### **SUBDIVISION**

5. The project is located within the Town's Residential 1 District (R-1). The proposal is to subdivide into two lots with the existing home being on one and a single family proposed on the other.
6. In reviewing the proposed lot layout in comparison to Section 208-11 of the Town's Zoning, it would appear all minimum bulk lot requirements are satisfied.
7. Provide contour lines at a minimum of five-foot intervals to United State Geological Survey datum within the parcel.
8. There needs to be a determination of what the required verses provided site distance is for the proposed driveway pursuant to AASHTO requirements based upon the posted speed limit of Maurice Lane.
9. The submitted information indicates the project is proposing to connect to an existing water main(s) within proximity to the parcel. These mains are owned and operated by the Clifton Park Water Authority (CPWA). It is recommended that the Town be furnished with documentation that the CPWA is willing and capable of providing potable water to the project.
10. The submitted information indicates the project is proposing to connect to an existing sewer main(s) within close proximity to the parcel. These mains are owned and operated by the Saratoga County Sewer District No. 1 (SCSD). It is recommended that the Town be furnished with documentation that the SCSD is willing and capable of providing sanitary sewer service to the project.
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 should be developed for review.
12. Provide the existing water and sewer main locations and water and sewer connections to proposed single family home.
13. Pursuant to Section 86-10 of the Town Zoning, the applicant shall be required to plant two trees per living unit on the street side of new construction sites. Provide planned species to be planted for review.
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, water service, sewer).
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:**

No public comment.



**Planning Board Review:**

Ms. Bagramian stated that the comments discussed chickens and asked if the applicant had chickens. Mr. Scavo stated that he was unsure. Mr. Andarawis stated that the plan shows a chicken coupe

Mr. Neubauer asked if this would go to a public hearing. Mr. Scavo stated that it would. Mr. Neubauer stated that he knows this is allowed by standards, but it adds another home to along-standing community of 30-40 years. He stated that he also knows that this project has the land and value.

Mr. Ophardt asked if the owner uses the well. Mr. Jeroze stated that he only knows that they have public water and sewer and noted the well might be used for irrigation.

Mr. Andarawis stated that there is a fair amount of vegetation and he would like to see it stay intact as much as possible, especially for buffering for neighbors with pools.

Ms. Bagramian asked if the applicant plans to come back with a site plan. Mr. Jeroze stated not at this time.

**New Business:**

Mr. Dannible with EDP stated he would like to discuss the subdivision with the 2 site plans 2022-037 and 2022-038 for this land as one for this evening's review.

**# 2022-036 DCG Wood Rd 2 Lot Subdivision**

SBL: 259.-2-115.1

Applicant proposes to subdivide the 11.7 acre lot into two (2) new lots which will be utilized for light industrial zoning development per current zoning., 26 Wood RD ,

Zoned: L2 - Light Industrial 2, Status: Concept

Citizenserve File Number: 22-000030, Application Number: SUB22-000004

Applicant: DCG , Consultant: EDP, RLA Joe Dannible

**Staff Comments:****The Environmental Conservation Commission and issued a memo recommending:**

- In the Short Environmental Assessment Form (SEAF) question 8 C. needs to mention the planned bicycle and pedestrian connection between Ushers Road and Wood Road along the south side of the project area. The Towns Trails Plan call for a multi-use trail that parallels Wood Road. The plan does not reflect this multi-use trail.

- In the SEAF question 20, the applicant has indicated that the parcel was the subject was in the vicinity of hazardous waste remediation. The form requires a description of this remediation, and it is currently incomplete.
- The ECC Recommends deferral of the subdivision until these questions (8C & 20) have been completely answered.

**Wade Schoenborn, Chief of the Bureau of Fire Prevention issued a memo stating:**

1. Postal verification

**Scott Reese, Zoning Administrator issued a memo stating:**

- Provide lot width dimensions at building line and at lot frontages on next submitted subdivision plan.
- Label setbacks on next submitted subdivision plan.
- Planning Board should be aware that this subdivision in within the Wood Road Corridor GEIS Study Area.

**Scott Reese, Stormwater Management Technician issued a memo stating:**

- No stormwater comments for this submission

**John Scavo, Director of Planning issued a memo stating:**

- The proposed project is subject to Section 239 of General Municipal Law and a subdivision preliminary plan drawing will be referred to the Saratoga Co. Planning Board for a recommendation.
- 911 Addresses shall be added to the subdivision plan once provided to the applicant by the Town Fire Marshall.
- Site plan review and approval is required for any future development of Parcels 3B and 3A, at which time conformance with the LI-2 requirements must be shown for proposed improvements.
- I may offer additional comments upon review of a preliminary subdivision plan once more detailed drawings are provided.

**Professional Comments:**

**Walter Lippmann, P.E. of MJ Engineering in a letter had the following comments:**

**STATE ENVIRONMENTAL QUALITY REVIEW**

Based upon our review of Part 617 of NYS Environmental Conservation Law, the project appears to be an “Unlisted” action. In Town Code Section 208.95(F)(9): Subject to and in accordance with the State Environmental Quality Review Act (SEQRA), the Planning Board shall be the lead agency for the purpose of conducting the environmental review of the application for a site plan. The Planning Board shall conduct an integrated comprehensive environmental review of the proposed project in combination with its review of the application under this article. If the Planning Board is to request Lead Agency status under SEQRA, the

need to undergo a coordinated review is optional. Under a coordinated review, involved / interested agencies to be engaged may include, but is not necessarily limited to the following:

- a. Clifton Park Water Authority (CPWA): Connection to municipal water
- b. Saratoga County Sewer District #1: Connection to public wastewater infrastructure
- c. NYS Historic Preservation Office: archeological sensitive area
- d. NYS Dept Environmental Conservation: Environmental Remedial Site

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 1. 8.a. – The response indicates that the action will result in a substantial increase in traffic. A traffic capacity analysis may be needed to fully evaluate potential traffic capacity impacts.
2. Part 1. 12.b. – The response indicates that the project site is located within or adjacent to an area designated as sensitive for archeological sites on the NY State Historic Preservation Office (SHPO) archeological site inventory. The applicant should provide a correspondence letter from SHPO to confirm the presence or absence of archeologically sensitive resources.
3. Part 1 13.a. – The response indicates that wetlands or other waterbodies regulated by federal, state or local agencies adjoin or are contained within the project site per the EAF Summary Report. The applicant should provide documentation that confirms the presence or absence of federally regulated wetlands adjacent to the project site. Should this change as the project design progresses, additional approvals and permits may be required.
4. Part I.15 – The response indicates that the project site may contain species of animals or associated habitats, listed by the State or Federal government as threatened or endangered, including the Frosted Elfin and Karner Blue. The applicant will need to provide correspondence from the Permits staff at the NYSDEC Region 5 Office to confirm the presence or absence of the listed species and for any permit considerations. The applicant should also provide correspondence from the NY Natural Heritage Program to confirm the presence or absence of rare plants or animals and significant natural communities as well as the US Fish and Wildlife Service IPaC database.
5. Part 1.17. – The response indicates that the proposed action will create stormwater discharge. A stormwater analysis should be conducted to ensure there will be no adverse impacts to adjacent or down gradient properties.
6. Part 1.20. – The response indicates that the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste. Applicant should describe what type of hazardous waste was (or is) on the site, how large an area it covered, when it was remediated, or other general information about the site. This information can be found from the Environmental Site Remedial Database Search Results page, by clicking on the site code".
7. No further comments at this time.

#### SUBDIVISION

8. Provide the metes and bounds for all proposed lot lines, right of ways and easements

9. Identify the date and by whom the wetlands shown were delineated.
10. 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.
11. 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.
12. The final subdivision plat shall be signed and sealed by a surveyor licensed to practice in New York State.
13. Considering this plan is conceptual in nature, subsequent comments will be provided with a preliminary plan submission

**New Business:**

**#2022-037 DCG Wood Road Industrial Site Plan 3A**

SBL: 259.-2-115.1

(Tax ID 259.-2-115.1, 26 Wood Road) Applicant proposes to construct multi-use industrial building on proposed Lot 3A, connecting to public water and sewer., 26 Wood RD , Zoned: L2 - Light Industrial 2, Status: Concept

Citizenserve File Number: 22-000028, Application Number: SPR22-000012 Applicant: N/A, Consultant: EDP, RLA Joe Dannible

**Staff Comments:**

**The Environmental Conservation Commission and issued a memo recommending:**

- In the Short Environmental Assessment Form (SEAF) question 8 C. needs to mention the planned bicycle and pedestrian connection between Ushers Road and Wood Road along the south side of the project area. The Towns Trails Plan call for a multi-use trail that parallels Wood Road. The plan does not reflect this multi-use trail.
- In the SEAF question 20, the applicant has indicated that the parcel was the subject was in the vicinity of hazardous waste remediation. The form requires a description of this remediation, and it is currently incomplete.
- The ECC Recommends deferral of the subdivision until these questions (8C & 20) have been completely answered.
- Given the sensitive nature of the deed restricted habitat, the applicant should construct a wood or other material fence to protect this area from intrusion. This protection should include signage.
- The applicant should consider the use of dark sky lighting as described in guidance with the National Dark Sky Association to minimize the risk to the habitat areas.
- The ECC recommends a vegetative buffer of a minimum of 6 tall be installed along the north and east side of the deed restricted habitat in order to minimize sound disruption of the butterfly area.

**Wade Schoenborn, Chief of the Bureau of Fire Prevention issued a memo stating:**

1. Specify hydrant locations
2. Will the building be sprinklered
3. Specify FDC location
4. Submit a Fire Department access Plan that complies with the NYS Fire Code
5. Postal verification

**Scott Reese, Zoning Administrator issued a memo stating:**

- Per Town Code 208-66 A. There shall not be more than one curb cut per lot unless the Planning Board finds that traffic safety will be improved with the addition of another curb cut.
- In addition to the required Town Code space and bulk standards listed under the Site Statistics the applicant shall provide the corresponding proposed information.

**Scott Reese, Stormwater Management Technician issued a memo stating:**

- Per the SEAF over 1 acre of land will be disturbed. When plans progress a Full SWPPP will be required for this project.
- When the Full SWPPP is provided, include seasonal high water table information and percolation rates.

**John Scavo, Director of Planning issued a memo stating:**

- As plans progress with more details towards a preliminary submittal, the applicant should incorporate temporary and permanent protection measures to protect the designated Lupine Habitat Areas with the use of orange construction fencing (temporary measure) and permanent signage (post-construction measure).
- As design drawings progress, the applicant shall demonstrate conformance with Â§208-66 Development Standards, including building architecture and landscaping requirements.
- The applicant is required to pay a GEIS traffic mitigation fee collected by the Town and used only for traffic mitigation measures directly related to the Wood Road Study Area. The traffic mitigation formula is \$1,465.47 per trip generated during the highest peak hour, as defined by apocopate facility codes in the current ITE Trip General Manual. The applicantâ€™s design professional shall provide anticipated trip generation information to MJ Engineering for review and approval.
- The applicant should justify a need for the second curb cut, prohibited unless authorized by the Planning Board according to Â§208-66(A): Ingress/egress. There shall not be more than one curb cut per lot unless the Planning Board finds that traffic safety will be improved with the addition of another curb cut. The approved curb cut shall be wide enough to accommodate safely and in accordance with accepted traffic control standards approved by the Town Engineer the type of traffic to be generated by the use and shall meet all of the fire safety requirements of the Town of Clifton Park. The distance between curb cuts on two separate parcels shall be a minimum of 120 feet measured from the center line of the curb cut. Design should take into consideration the possibility of shared curb cuts with adjacent properties and parallel service roads in order to minimize

the amount of curb cuts in a given area. In the case of a corner lot, no curb cut shall be located closer than 100 feet to the intersection.

**Professional Comments:**

**Walter Lippmann, P.E. of MJ Engineering in a letter had the following comments:**

**STATE ENVIRONMENTAL QUALITY REVIEW**

Based upon our review of Part 617 of NYS Environmental Conservation Law, the project appears to be an “Unlisted” action. In Town Code Section 208.95(F)(9): Subject to and in accordance with the State Environmental Quality Review Act (SEQRA), the Planning Board shall be the lead agency for the purpose of conducting the environmental review of the application for a site plan. The Planning Board shall conduct an integrated comprehensive environmental review of the proposed project in combination with its review of the application under this article. If the Planning Board is to request Lead Agency status under SEQRA, the need to undergo a coordinated review is optional. Under a coordinated review, involved / interested agencies to be engaged may include, but is not necessarily limited to the following:

- a. Clifton Park Water Authority (CPWA): Connection to municipal water
- b. Saratoga County Sewer District #1: Connection to public wastewater infrastructure
- c. NYS Historic Preservation Office: archeological sensitive area
- d. NYS Dept Environmental Conservation: Environmental Site Remedial

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 1. 8.a. – The response indicates that the action will result in a substantial increase in traffic. A traffic capacity analysis may be needed to fully evaluate potential traffic capacity impacts.
2. Part 1. 12.b. – The response indicates that the project site is located within or adjacent to an area designated as sensitive for archeological sites on the NY State Historic Preservation Office (SHPO) archeological site inventory. The applicant should provide a correspondence letter from SHPO to confirm the presence or absence of archeologically sensitive resources.
3. Part 1 13.a. – The response indicates that wetlands or other waterbodies regulated by federal, state or local agencies adjoin or are contained within the project site per the EAF Summary Report. The applicant should provide documentation that confirms the presence or absence of federally regulated wetlands adjacent to the project site. Should this change as the project design progresses, additional approvals and permits may be required.
4. Part I.15 – The response indicates that the project site may contain species of animals or associated habitats, listed by the State or Federal government as threatened or endangered, including the Frosted Elfin and Karner Blue. The applicant will need to provide correspondence from the Permits staff at the NYSDEC Region 5 Office to confirm the presence or absence of the listed species and for any permit considerations. The applicant should also provide correspondence from the NY Natural Heritage

Program to confirm the presence or absence of rare plants or animals and significant natural communities as well as the US Fish and Wildlife Service IPaC database.

5. Part 1.17. – The response indicates that the proposed action will create stormwater discharge. A stormwater analysis should be conducted to ensure there will be no adverse impacts to adjacent or down gradient properties.
6. Part 1.17.b. – The response indicates storm water discharges will not be directed to established conveyance systems. The response should be changed to “yes”, the applicant provided description.
7. Part 1.20. – The response indicates that the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste. Applicant should describe what type of hazardous waste was (or is) on the site, how large an area it covered, when it was remediated, or other general information about the site. This information can be found from the Environmental Site Remedial Database Search Results page, by clicking on the site code
8. No further comments at this time.

#### SITE PLAN

9. The project is located within the Town’s Light Industrial District (LI-2). The proposal for mixed light industrial uses is a permitted principal use within the LI-2 District as noted in Section 208-64(B) of the Town’s Zoning.
10. Based upon a review of the lot configuration, it appears the minimum bulk lot requirements as identified in Section 208-65 of the Town’s Zoning are satisfied, however the proposed building height and proposed green space should be identified.
11. The project will disturb more than 1-acre of land. As such, it will be subject to the NYSDEC Phase II Stormwater Regulations and General Permit GP-0-15-002. Therefore, a full SWPPP will be required that addressed water quantity and quality controls. As the project proceeds through the Town’s regulatory review process, a fully conforming SWPPP shall be provided for review.
12. The project is proposing to be serviced with public water from the Clifton Park Water Authority. The applicant shall provide the Town documentation of the CPWA’s ability and willingness to service the project with potable water.
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. Any action on the application should be conditioned upon receipt of plan approval from the SCSD.
14. Provide anticipated water and sewer usage information.
15. The plan shows providing 28 parking spaces. Provide a narrative on how they were derived.
16. Provide locations for ADA parking spaces.
17. 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.
18. There may be a need to provide a drainage culvert at the new driveway to support existing drainage along Wood Road. The applicant will need to coordinate with Clifton Park Highway Department for any such improvements. If required, show the location, size and materials of construction.

19. Provide the locations of the proposed utility connections.
20. Per Section 208-66 (A) there shall not be more than one curb cut per lot unless the Planning Board finds that traffic safety will be improved with the addition of another curb cut. The applicant shall provide a narrative as to why a second curb cut is warranted.
21. Subsequent plans shall describe or illustrate the project's proposed landscaping to ensure conformance with Section 208-66(B) of the Town Zoning. The overall intent of this section is to promote and achieve, where possible, a well-landscaped site that takes into consideration the surroundings and the total environment. Consideration shall be given to preservation of natural and existing vegetation as well as new plantings throughout an entire site.
22. Subsequent submissions should include architectural renderings of the building along with identification of materials of construction. There should also be indication whether or not roof top units are expected and how they may be screened from the public right of way.
23. Subsequent submissions shall include the proposed lighting plan.
24. Confirm the proposed driveway radius is adequate for tractor trailer to access the site.
25. Show the location of and provide a detail for any exterior refuse areas.
26. The following comments are relative to the site plan and its conformance to the NYS Fire Code (NYSFC). The Town Fire Official shall have final authority on the applicability of these comments to the proposed site layout:
  - a. Determine if a Knox Box is required based upon the building arrangements, occupancy and materials of construction. If one is required, its location is subject to the review and approval of the Fire Chief.
  - b. If the proposed building is to be provided with an automatic sprinkler, show the location of the fire department connection to ensure they are reasonably accessible.
  - c. Section 912.2 of the IFC requires a fire hydrant to be located within 100-feet of the building's fire department connection. It is not clear from the plans where the closest hydrant to the site is or where the fire department connection may be. Additional hydrants may be necessary.
  - d. The fire apparatus access road on the concept plan appears greater than 150 feet in length so a turnaround will be required to meet Section 503.2.5 of the IFC.
  - e. Section 503.1.1 of the International Fire Code (IFC) requires an approved fire apparatus access road be provided for every facility, building or portion of a building and shall extend to within 150 feet of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building. Confirm that there is adequate fire access being provided.
  - f. Identify the actual height of the building. If greater than 30-feet in height above the average grade plan, aerial apparatus access shall be provided that is between 15 and 30 feet of one entire side of the building in accordance with Appendix D105 of the IFC. If aerial apparatus access is required, its location shall be identified on the plans.



- g. Provide a turning template analysis for the largest emergency vehicle that may respond to an event at the site.
27. 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, water service, sewer).
28. Considering the plan submitted is conceptual in nature, we will reserve further comments until more detailed plans and reports are submitted. Subsequent submissions shall include information as outlined in Section 208- 115 of the Town zoning specific to site grading, lighting, erosion control and stormwater management to fully assess the design and its compliance to the applicable standards.

**New Business:**

**#2022-038 DCG Wood Road Industrial Site Plan 3B**

SBL: 259.-2-115.1

(Tax ID 259.-2-115.1, 26 Wood Road) Applicant proposes to construct two multi-use industrial building on proposed Lot 3B, connecting to public water and sewer., 26 Wood RD , Zoned: L2 - Light Industrial 2, Status: Concept

Citizenserve File Number: 22-000029, Application Number: SPR22-000013

Applicant: DCG, Consultant: EDP, RLA Joe Dannible

**Staff Comments:**

**The Environmental Conservation Commission and issued a memo recommending:**

- In the Short Environmental Assessment Form (SEAF) question 8 C. needs to mention the planned bicycle and pedestrian connection between Ushers Road and Wood Road along the south side of the project area. The Towns Trails Plan call for a multi-use trail that parallels Wood Road. The plan does not reflect this multi-use trail.
- In the SEAF question 20, the applicant has indicated that the parcel was the subject was in the vicinity of hazardous waste remediation. The form requires a description of this remediation, and it is currently incomplete.
- The ECC Recommends deferral of the subdivision until these questions (8C & 20) have been completely answered.
- Given the sensitive nature of the deed restricted habitat, the applicant should construct a wood or other material fence to protect this area from intrusion. This protection should include signage.
- The applicant should consider the use of dark sky lighting as described in guidance with the International Dark-Sky Association (including the buildings and grounds) to minimize the risk to the habitat areas.

- The ECC recommends a vegetative buffer of a minimum of 6 tall be installed along the west side of the deed restricted habitat in order to minimize sound disruption of the butterfly area.

**Wade Schoenborn, Chief of the Bureau of Fire Prevention issued a memo stating:**

1. Specify hydrant locations
2. Will the building be sprinklered
3. Specify hydrant location
4. Postal verification

**Scott Reese, Zoning Administrator issued a memo stating:**

- Per Town Code 208-66 A. There shall not be more than one curb cut per lot unless the Planning Board finds that traffic safety will be improved with the addition of another curb cut.
- In addition to the required Town Code space and bulk standards listed under the Site Statistics the applicant shall provide the corresponding proposed information.

**Scott Reese, Stormwater Management Technician issued a memo stating:**

- Per the SEAF over 1 acre of land will be disturbed. When plans progress a Full SWPPP will be required for this project.
- When the Full SWPPP is provided, include seasonal high water table information and percolation rates.

**John Scavo, Director of Planning issued a memo stating:**

- As plans progress with more details toward a preliminary submittal, the applicant should incorporate temporary and permanent protection measures to protect the designated buffer area for the Lupine Habitat with the use of orange construction fencing. A portion of the buffer area extends from lot 3B onto Lot 3A.
- The applicant shall comply with Â§208-66 Development Standards, including building architecture and landscaping requirements.
- The applicant is required to pay a GEIS traffic mitigation fee collected by the Town and used only for traffic mitigation measures directly related to the Wood Road Study Area. The traffic mitigation formula is \$1,465.47 per trip generated during the highest peak hour, as defined by apocopate facility codes in the current ITE Trip General Manual. The applicantâ€™s design professional shall provide anticipated trip generation information to MJ Engineering for review and approval.
- The applicant should justify a need for the second curb cut, prohibited unless authorized by the Planning Board according to Â§208-66(A): Ingress/egress. There shall not be more than one curb cut per lot unless the Planning Board finds that traffic safety will be improved with the addition of another curb cut. The approved curb cut shall be wide enough to accommodate safely and in accordance with accepted traffic control standards approved by the Town Engineer the type of traffic to be generated by the use and shall meet all of the fire safety requirements of the Town of Clifton Park. The distance between curb cuts on two separate parcels shall be a minimum of 120 feet measured from

the center line of the curb cut. Design should take into consideration the possibility of shared curb cuts with adjacent properties and parallel service roads in order to minimize the amount of curb cuts in a given area. In the case of a corner lot, no curb cut shall be located closer than 100 feet to the intersection.

- Valid Jurisdictional Determination Letters should be submitted by the applicant for the project file. A note should be added to the plan noting the date of both the ACOE and NYS DEC jurisdictional determinations.
- Add a note to the plan that states, “A regulated 100’ buffer area to a freshwater wetland is present on the lot. Prior to undertaking any project that may be within the wetland buffer, the property owner shall contact both the DEC Region 5 Office at (518) 623-1200, and the Town of Clifton Park at (518) 518-371-6651, to obtain required permits.”

### **Professional Comments:**

**Walter Lippmann, P.E. of MJ Engineering in a letter had the following comments:**

#### STATE ENVIRONMENTAL QUALITY REVIEW

Based upon our review of Part 617 of NYS Environmental Conservation Law, the project appears to be an “Unlisted” action. In Town Code Section 208.95(F)(9): Subject to and in accordance with the State Environmental Quality Review Act (SEQRA), the Planning Board shall be the lead agency for the purpose of conducting the environmental review of the application for a site plan. The Planning Board shall conduct an integrated comprehensive environmental review of the proposed project in combination with its review of the application under this article. If the Planning Board is to request Lead Agency status under SEQRA, the need to undergo a coordinated review is optional. Under a coordinated review, involved / interested agencies to be engaged may include, but is not necessarily limited to the following:

- a. Clifton Park Water Authority (CPWA): Connection to municipal water
- b. Saratoga County Sewer District #1: Connection to public wastewater infrastructure
- c. NYS Historic Preservation Office: archeological sensitive area
- d. NYS Dept Environmental Conservation: Environmental Remedial Site

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 1. 8.a. – The response indicates that the action will result in a substantial increase in traffic. A traffic capacity analysis may be needed to fully evaluate potential traffic capacity impacts.
2. Part 1. 12.b. – The response indicates that the project site is located within or adjacent to an area designated as sensitive for archeological sites on the NY State Historic Preservation Office (SHPO) archeological site inventory. The applicant should provide a correspondence letter from SHPO to confirm the presence or absence or archeologically sensitive resources.
3. Part I.15 – The response indicates that the project site may contain species of animals or associated habitats, listed by the State or Federal government as threatened or endangered, including the Frosted Elfin and Karner Blue. The applicant will need to provide correspondence from the Permits staff at the NYSDEC Region 5 Office to

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

4. Part 1.17. – The response indicates that the proposed action will create stormwater discharge. A stormwater analysis should be conducted to ensure there will be no adverse impacts to adjacent or down gradient properties.
5. Part 1.20. – The response indicates that the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste. Applicant should describe what type of hazardous waste was (or is) on the site, how large an area it covered, when it was remediated, or other general information about the site. This information can be found from the Environmental Site Remedial Database Search Results page, by clicking on the site code.”
6. No further comments at this time.

#### SITE PLAN

7. The project is located within the Town’s Light Industrial District (LI-2). The proposal for flex space offices is a permitted principal use within the LI-2 District as noted in Section 208-64(B) of the Town’s Zoning.
8. Based upon a review of the lot configuration, it appears the minimum bulk lot requirements as identified in Section 208-65 of the Town’s Zoning are satisfied, however the proposed building height and proposed green space should be identified.
9. The project will disturb more than 1-acre of land. As such, it will be subject to the NYSDEC Phase II Stormwater Regulations and General Permit GP-0-15-002. Therefore, a full SWPPP will be required that addressed water quantity and quality controls. As the project proceeds through the Town’s regulatory review process, a fully conforming SWPPP shall be provided for review.
10. The project is proposing to be serviced with public water from the Clifton Park Water Authority. The applicant shall provide the Town documentation of the CPWA’s ability and willingness to service the project with potable water. 1
11. The project is proposing to be serviced with public sewer from the Saratoga County Sewer District. The applicant shall provide the Town documentation of the SCSD’s ability and willingness to service the project with public sewer. Any action on the application should be conditioned upon receipt of plan approval from the SCSD.
12. Provide anticipated water and sewer usage information.
13. The plan shows providing 116 parking spaces. Provide a narrative on how they were derived.
14. Provide locations for ADA parking spaces.
15. 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.
16. There may be a need to provide a drainage culvert at the new driveway to support existing drainage along Wood Road. The applicant will need to coordinate with Clifton Park Highway Department for any such improvements. If required, show the location, size and materials of construction.
17. Provide the locations of the proposed utility connections.

18. Per Section 208-66 (A) there shall not be more than one curb cut per lot unless the Planning Board finds that traffic safety will be improved with the addition of another curb cut. The applicant shall provide a narrative as to why a second curb cut is warranted.
19. Subsequent plans shall describe or illustrate the project's proposed landscaping to ensure conformance with Section 208-66(B) of the Town Zoning. The overall intent of this section is to promote and achieve, where possible, a well-landscaped site that takes into consideration the surroundings and the total environment. Consideration shall be given to preservation of natural and existing vegetation as well as new plantings throughout an entire site.
20. Subsequent submissions should include architectural renderings of the building along with identification of materials of construction. There should also be indication whether or not roof top units are expected and how they may be screened from the public right of way.
21. Subsequent submissions shall include the proposed lighting plan.
22. Confirm the proposed driveway radius is adequate for tractor trailer to access the site.
23. Show the location of and provide a detail for any exterior refuse areas.
24. The following comments are relative to the site plan and its conformance to the NYS Fire Code (NYSFC). The Town Fire Official shall have final authority on the applicability of these comments to the proposed site layout:
  - a. Determine if a Knox Box is required based upon the building arrangements, occupancy and materials of construction. If one is required, its location is subject to the review and approval of the Fire Chief.
  - b. If the proposed building is to be provided with an automatic sprinkler, show the location of the fire department connection to ensure they are reasonably accessible.
  - c. Section 912.2 of the IFC requires a fire hydrant to be located within 100-feet of the building's fire department connection. It is not clear from the plans where the closest hydrant to the site is or where the fire department connection may be. Additional hydrants may be necessary.
  - d. Identify the actual height of the building. If greater than 30-feet in height above the average grade plan, aerial apparatus access shall be provided that is between 15 and 30 feet of one entire side of the building in accordance with Appendix D105 of the IFC. If aerial apparatus access is required, its location shall be identified on the plans.
  - e. Provide a turning template analysis for the largest emergency vehicle that may respond to an event at the site.
25. 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, water service, sewer).
26. Considering the plan submitted is conceptual in nature, we will reserve further comments until more detailed plans and reports are submitted. Subsequent submissions shall include information as outlined in Section 208- 115 of the Town zoning specific to site grading, lighting, erosion control and stormwater management to fully assess the design and its compliance to the applicable standards.

**Consultant/Applicant Presentation:**

Joe Dannible – EDP – Mr. Dannible stated that he is here tonight on behalf of DCG for a 2 lot subdivision as well as development for the subdivision. He stated that there are 11.7 total acres from a former lot created by a subdivision. He stated that this parcel is lot 3 of the prior subdivision. Mr. Dannible stated that all SEQR information was already submitted with the prior subdivision but will be provided again. He stated that lot 3A would be 4 acres and part of the Karner Blue Butterfly lot, and lot 3B would be 7.7 acres. He stated that parcel, 3A is proposing a 10,000 sf building with overhead doors as well as smaller entry doors and can be for a single tenant or multi-company use. Mr. Dannible stated that the building would be smaller than the buildings on the other side of the road. He stated that 3B is proposed to have approximately 31,000 sf buildings with access by overhead doors and would not be facing the road creating better esthetics from the road. Mr. Dannible stated that there are 3 curb cuts proposed for this lot, grading will be done and stormwater areas will be on the property with details provided at future meetings. He stated that both lots would have public water, sewer, gas, and their own stormwater management.

**Public Comments:**

No public comments.

**Planning Board Review:**

Ms. Bagramian asked if all of the buildings on lot 3B were identical. Mr. Dannible stated that they are similar and 30,000 sf and can be as small as 2,000 sf per tenant or bigger. Ms. Bagramian asked if there was enough space to back up a tractor-trailer. Mr. Dannible stated that there will not be trucks that big. They are spacing it for box trucks for smaller businesses, but the business can rent 4-5 bays at once. He stated that modifications could be made if needed.

Mr. Ophardt asked if the building design was close to the design across the road. Mr. Dannible stated that the design is different due to the buildable area. Mr. Ophardt stated he felt that a lot is being placed onto the smaller lot and suggested modifying the development to one 40,000 sf building for better circulation. Mr. Dannible stated that the building is turned so that the bay doors won't face the doorway and that he would like to maintain the 60,000 sf total. He stated that they can look at removing one curb cut. Mr. Ophardt stated that 3A may only need one curb cut. Mr. Dannible stated that they can look at this.

Mr. Andarawis stated circulation with box trucks could be mitigated with fewer curb cuts and thanked Mr. Dannible for looking into this.

Mr. Neubauer stated that he favors the reduced curb cuts and is happy the area is continuing to evolve without looking industrial. He stated that he feels a lot is going on in the two sites and would like an easement for a future multiuse trail. Mr. Dannible stated that his understanding is the ditch area would be utilized but he would give an easement to connect Ushers Road to Wood Road.

Don McElroy – DCG – Mr. McElroy stated that when other parcels were developed it would be better to have the trail on the road-side of the swale. Mr. Scavo stated that he would reach out to Ms. Viggiani to see the trail master plan and get feedback to the applicant and the Board.

Mr. Neubauer stated that there is a wildlife preserve on 3A and the area is small. Mr. Dannible stated that they had not seen the butterfly there in 15 years, and they had been told that these micro areas would help reintroduce the butterfly to the area. Mr. Neubauer asked if the lots were deed-restricted. Mr. Scavo stated that they are per the GEIS unless it is amended. Mr. Neubauer stated that it makes sense that the area is tiny and asked Mr. Dannible for a fence and wildflowers to help with nectaring flowers. Mr. Neubauer asked if there were maintenance plans for the area. Mr. Dannible stated that the responsibility is to keep the ground cleared.

Ms. Bagramian asked if the protected area would be restricted as the land is developed. Mr. Dannible stated he would have to look into this for clarification. Mr. McElroy stated that the site is monitored throughout the season and they receive reports.

### **Discussion Items:**

Mr. Scavo stated that there was a TAC meeting today with good feedback. He stated that the information could be found in Dropbox for the Board to review.

Mr. Ophardt moved, seconded by Ms. Fariello, adjournment of the meeting at 8:29 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>, 2022.

Respectfully submitted,

*Paula Cooper*

Paula Cooper, Secretary