

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

PLANNING BOARD

ROCCO FERRARO  
Chairman

ANTHONY MORELLI  
Attorney

JANIS DEAN  
Secretary



MEMBERS

Emad Andarawis  
Denise Bagramian  
Jeffery Jones  
Andrew Neubauer  
Eric Ophardt  
Greg Szczesny  
(alternate) Teresa LaSalle

**Planning Board Meeting**  
**May 23, 2018**

Those present at the May 23, 2018 Planning Board meeting were:

Planning Board: R. Ferraro, Chairman, E. Andarawis, J. Jones, A. Neubauer, E. Ophardt,  
G. Szczesny

Those absent were: D. Bagramian, T. LaSalle – Alternate Member

Those also present were: J. Scavo, Director of Planning  
A. Morelli, Counsel  
J. Dean, Secretary

Mr. Ferraro, Chairman, called the meeting to order at 7:00p.m. All in attendance stood for recitation of the Pledge of Allegiance.

**Minutes Approval:**

Mr. Jones moved, seconded by Mr. Szczesny, approval of the minutes of the May 8, 2018 Planning Board meeting as written. The motion was unanimously carried.

**Public Hearings:**

[2018-021] **Grastorf, Ron and Judy** – Proposed (2) lot subdivision, 118 Appleton Road  
– Preliminary public hearing and possible determination. SBL: 270.-1-60

Mr. Ferraro explained the review 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 although the Planning Board would pronounce the application complete, assume Lead Agency status, and issue a negative declaration, these actions would neither grant nor imply approval of this subdivision application. Should it be determined that additional environmental review is warranted based on input received at the public hearing, SEQRA discussions will be reopened and a decision rendered when deemed appropriate.

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

Mr. Ferraro, Chairman, called the public hearing to order at 7:04p.m. The Secretary read the public notice as published in the Daily Gazette on May 8, 2018.

Mr. Tom Andress, consultant for the applicant, explained that the application calls for the subdivision of a 2.19 acre parcel of land located within the CR (Conservation Residential) zoning district on the southerly side of Appleton Road into lots of 1.16 acres and 1.03 acres, respectively. 118 Appleton Road contains an existing two-story residence. Improvements on 116 Appleton Road include a pool that was constructed in 1999, a single story wood frame garage, and a concrete walkway that links the home at 118 Appleton Road to the improvements located on 116 Appleton Road. Mr. Andress explained that the two lots were inexplicably consolidated by the Saratoga Real Property Office and that 116 Appleton should have remained an independent parcel from the time of purchase.

Mr. Scavo reported that all comments prepared by Mr. Myers, Director of Building and Development, Ms. Reed, Chief of the Bureau of Fire Prevention, the ECC, Mr. Reese, Stormwater Management Technician, Mr. Dahn Bull, Highway Superintendent, M J Engineering and Land Surveying, P.C., and the Trails Subcommittee of the Open Space, Trails, and Riverfront Committee for items on this evening's agenda have been forwarded to Board members for their consideration.

Mr. Scavo reported that Mr. Myers, Director of Building and Development, provided the following comments in a memo dated May 9, 2018. The applicant must provide a grading plan for the site in order for the Building Department to determine whether or not the well is down gradient from the proposed septic system. The location of the well serving the Lands of Munro has still not been illustrated on the subdivision plan. It is unclear if wetland boundary information has been updated.

Mr. Scavo reported that Ms. Reed, Chief of the Bureau of Fire Prevention, had no comment on this application.

Mr. Scavo reported that the ECC offered the following comments regarding this application after review at its May 15, 2018 meeting. The ECC recommends that this application be denied based on 208.16 E(2)(a) of the Town Zoning Code which reads as follows:

For development on less than 10 acres a parcel consisting of less than 10 acres may be developed at a maximum density of 1 dwelling unit on 3 acres of unconstrained land.

Based on the discovery of a "Certificate of Compliance" pertaining to an in ground pool located at 118 Appleton Road dated August 9, 1999 and pursuant to building permit number 35944-00 being issued on June 8, 1999, the applicant constructed an in ground pool resulting in the removal of the property line combining the two lots into one. A pool cannot be constructed on a lot without a dwelling.

Mr. Scavo commented on the ECC's last statement, explaining that Mr. Myers has ruled that this is not accurate – a pool may be placed on a separate parcel as an accessory structure.

Mr. Scavo read the following comments that were submitted by Mr. Roy Casper, Chairman of the Trails Subcommittee of the Open Space, Trails, and Riverfront Committee. The proposed (2) lot subdivision is located on a sharp bend on Appleton Road where there is limited sight distance. For pedestrian and bicyclist safety the applicant should provide a 10 foot right-of-way for future roadway widening at this sharp curve along the property's Appleton Road frontage.

Mr. Scavo provided the following comments prepared by the Planning Department. The applicant is asked to add the following note to the final plan:

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 518-371-6651, to obtain required permits.

A note should be added to the final plan that states:

The Land Conservation (LC) Zoning District Boundaries associated with wetlands consist of those freshwater wetlands inventoried and mapped by the New York State Department of Environmental Conservation pursuant to Article 24 of the Environmental Conservation Law and the one-hundred-foot adjacent area measured horizontally from the border of the wetland. Only the permitted identified uses within §208-69.2 of the Clifton Park Town Code shall be allowed within the LC Zone."

Mr. Scavo noted that Mr. Bianchi reported that M J Engineering and Land Surveying, P.C. found that the current application and subdivision plan provided addressed all previous concerns.

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

Mr. Ferraro requested that the Notice of Decision for this application include the following language:

Approval of this application is predicated on the understanding of Planning Board members that a positive decision will correct an administrative error for a pre-existing, non-conforming condition in existence prior to 2006.

Mr. Neubauer offered Resolution #10 of 2018, seconded by Mr. Andarawis, to waive the final hearing for this application and to grant preliminary and final subdivision approval with the knowledge that this application is predicated on the understanding of Planning Board members that a positive decision will correct an administrative error for a pre-existing, non-conforming condition in existence prior to 2006 and conditioned upon the satisfaction of all items listed in the final comment letter prepared by the Planning Department. Ayes: Neubauer, Andarawis, Szczesny, Jones, Ophardt, Ferraro. Noes: None.

### **Old Business:**

[2017-057] **Shenendehowa Medical Park** – Proposed demolition of two (2) existing 4,800 SF single-story medical office buildings and the construction of two (2) new medical office buildings, 989 Route 146 – Revised conceptual site plan review. SBL: 271.6-1-44

Mr. Gavin Vuillaume, consultant for the applicant, presented updated and significantly revised plans from those originally submitted for the medical park and reviewed by the Planning Board at its November 14, 2017 meeting. The speaker introduced Mr. Richard Rosen, Columbia Development representative, who was also in attendance at the meeting before explaining that plans now call for the 4,800 SF medical office building located at the rear of the site to remain. The existing office buildings along the easterly and westerly boundaries of the parcel will be razed to allow for the construction of new facilities. The existing access onto Route 146 will remain, though new identification signage is proposed. Ninety (90) parking spaces – fifteen (15) more than existing - will be provided on site. The speaker explained that a photometric plan illustrating all exterior site lighting will be provided, existing vegetation will be preserved to the greatest extent practicable, reciprocal easements for possible future connections to adjoining properties will be provided, and, if necessary, a Stormwater Pollution Prevention Plan will be prepared.

Mr. Scavo reported that Mr. Myers, Director of Building and Development, provided the following comments regarding this application in a memo dated May 9, 2018. It appears that the current, revised conceptual plan meets the zoning requirements for a B-1 zone. A full Stormwater Pollution Prevention Plan will be required.

Mr. Scavo explained that Ms. Reed, Chief of the Bureau of Fire Prevention, requested that the applicant obtain appropriately assigned 911 addresses for each building within the complex. These numbers should be placed on the final site plan.

Mr. Scavo reported that Mr. Roy Casper, Chairman of the Trails Subcommittee of the Open Space, Trails, and Riverfront Committee, offered a number of comments regarding this application for the Planning Board to consider. The site plan should have an overall pedestrian circulation plan - all three office buildings should be connected with an ADA accessible routes which include sidewalks and crosswalks. In order to have a complete pedestrian circulation plan and ADA accessible pedestrian route, sidewalks and crosswalks should be installed by the applicant in the following locations: in front of the existing office building and if possible, on the property frontage along Route 146 as part of the Town's pedestrian plan for sidewalks on the north side of Route 146. A connecting sidewalk should be provided from the proposed one story medical office building sidewalk/crosswalk on the west side of the complex to the recommended sidewalk along

Route 146. If sidewalks are not installed on this property along Route 146, the connecting sidewalk should taper to the shoulder on Route 146. Crosswalks connecting all internal sidewalks should be provided across all parking lot entranceways and at the medical park's entranceway on Route 146. A crosswalk should also be provided to connect the sidewalk in front of the proposed medical office building on the east side of the complex to the proposed sidewalk on the west side. Based on the length of this crosswalk span across the parking lot, the Trails Subcommittee recommends a pedestrian island in the center of the parking lot where a proposed planter/tree is shown on the site plan. The pedestrian island in the middle of the parking lot will provide the pedestrian with a safer path across the parking lot with two shorter crosswalks.

Mr. Scavo read comments issued by Mr. Scott Reese, Stormwater Management Technician, in a memo dated May 18, 2018. The applicant shall look into reducing the footprint of the stormwater management area in the northern portion of the parcel and extend the management area along the western property line to reduce the disturbance of the existing vegetative buffer between the project and the existing residential community. The project narrative states that 2 acres will be disturbed. A Full Stormwater Pollution Prevention Plan will be required. The project is within an archeological sensitive area and will require a letter of no effect from the NYS Office of Parks, Recreation and Historic Preservation.

Mr. Scavo read comments prepared by the ECC after review of the application at its May 15, 2018 meeting. The ECC is concerned with the architectural character and how it will be compatible with the surrounding single family residential area. In keeping with the established nature of the project area (e.g., green buffers, mature trees, aesthetically pleasing landscape, etc.) and the recommendations of the Town Comprehensive Plan, the applicant *should* retain existing vegetation to the maximum extent practical, and use landscaping and grading to provide visual and auditory buffering between the project and Route 146 as well as adjacent residential areas. Proposed stormwater management areas as well as proposed building and parking areas are in close proximity to residential areas and will require a reduction in existing vegetative buffers. Stormwater Management Areas should be built to address water quality and to handle the water quantity from the increased impervious area. The ECC recommends that the Planning Board require the applicant to incorporate sediment traps and oil water separators with appropriate capacity to limit the migration of vehicular contaminants into sensitive environments.

Mr. Scavo read comments prepared by the Planning Department. The applicant should note if any additional exterior lighting is proposed for the parking lot. The applicant should provide the Planning Board with documentation showing to what level existing mature trees are to be removed within the front setback area of the proposed layout. The proposed project is subject to Section 239 (m) and (n) of General Municipal Law since it is adjacent to NYS Route 146. Once filed by the applicant with the Town, a copy of the Preliminary Site Plan Application will be referred to the Saratoga County Planning Board for review and comment.

Mr. Scavo reported that, after review of the revised conceptual site plan and accompanying documents submitted for consideration, M J Engineering and Land Surveying, P.C. provided the following comments. Several of the comments issued for this meeting were repeated from the comment letter issued on November 10, 2017 for the application that proposed a single building on the parcel. Based upon review of Part 617 of NYS Environmental Conservation Law, the

project appears to be an “Unlisted” action. Assuming that 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 are not necessarily limited to the following: Saratoga County Planning; 239m referral due to the parcel being within 500 feet of NYS Route 146; New York State Department of Environmental Conservation – potential permit coverage under stormwater SPDES and identification of threatened and endangered species if the project is subject to GP-0-15-002; New York State Office of Parks, Recreation and Historic Preservation – identification of the existence or absence of cultural and historic resources since the project be subject to GP-0-15-002. Additional involved/interested agencies may be defined as the project proceeds through the Town’s regulatory review process. One comment related to the Short Environmental Assessment Form submitted. Under Part 1, Item 2, the Town of Clifton Park Zoning Board of Appeals is listed as a board that has review authority of the application. It is suspected this is left over from the prior application and that no variances may be necessary for the current site layout. The applicant is asked to confirm whether or not the ZBA does (or does not) have regulatory review authority over this application.

Numerous comments related to the proposed site plan. The project resides within the Town’s B-1 Zoning District. Review of Section 208-32(A)(1) of the Town Zoning Code indicates that the proposal for a medical office is a permitted principal use within that zoning district. Review of the concept plan submitted indicates that site layout satisfies the minimum requirements set forth in Section 208-33 and 208-35 of the Zoning Code. Subsequent plans shall provide the proposed landscaping species to demonstrate conformance to Section 208-33(C). It is noted that the lot has a substantial mature tree buffer along NYS Route 146. Board members may find it desirable to maintain this existing buffer to the greatest extent practicable. Any proposed utility work within the NYS 146 right-of-way is subject to the review and approval to the NYSDOT. Notation to that effect shall be added to the plans. The applicant is asked to provide a delineation of the area of expected disturbance associated with the project along with the numerical value. There needs to be a determination as to whether or not the proposed building construction and use will warrant automatic sprinklers as prescribed in the Building Code of New York State. This information is needed to determine whether or not an on-site hydrant is required to satisfy the requirements of Section 508.8 of the FCNYS. There should be consideration of providing pedestrian accommodations and linkages to the public right-of-way. This may include a sidewalk along NYS Route 146 and a connecting sidewalk to the primary point of entry to the building. Any sidewalks planned along NYS Route 146 shall be coordinated with the Town's Trails Committee. Design plans must show the location of the bicycle rack, which shall be in proximity to the building's primary entrance. The detailed site plans shall illustrate how the existing water and sewer services to each building will be terminated and new services are to be provided to the two new buildings if substantial modifications are required. The concept shows additional land clearing towards the rear of the property, diminishing existing buffers to residential properties. Consideration should be given for the use of alternate stormwater practices or alternate locations to retain the existing buffer to the greatest extent practicable. With the total disturbance expected to exceed 1 acre, subsequent submissions shall include a Stormwater Pollution Prevention Plan. Based upon the concept provided, it is anticipated that a redevelop approach will be pursued, which appears appropriate. The Planning Board has considered the inclusion of cross lot access easements to adjacent properties along NYS Route 146 as part of sound access management

strategy. There should be a discussion as to whether or not the inclusion of cross lot access easements is viable at this location. Elevations for the proposed building have been provided. The Planning Board shall provide the applicant comments as it relates to the buildings compliance with Section 208-33(D) of the Town Zoning Code. Specific attention should be paid to the scale and style being proposed. Subsequent submissions shall include information as outlined in Section 208-115 of the Code specific to lighting, site grading, landscaping, erosion control and stormwater management to fully assess the design and its compliance to the applicable standards.

Ms. Judy Morley, 8 Wheeler Drive, asked about the proposed hours of operation. The hours of operation are expected to remain as they are at present. In response to her question concerning the indication on the plan that there will be an “ambulance provision,” Mr. Rosen explained that the offices will not be used for urgent care services – ambulance access is provided only to take patients from the offices to other treatment facilities as necessary.

Ms. Lucy Nolan, 13 Arnold Drive, asked if evening operating hours were anticipated. Mr. Rosen stated that night time office hours are not anticipated at this time. Mr. Rosen responded to her question regarding possible glare from the site by stating that timers, shields, and new LED lighting would be utilized at the site to minimize spillage onto adjacent properties. Ms. Nolan asked about the size of the buffer area. Mr. Vuillaume explained that, with the exception of clearing for “minimal expansion of the stormwater management area,” existing vegetation on the site would be preserved to the greatest extent practicable. Mr. Ferraro encouraged the use of green infrastructure “to minimize any further disturbance.” Ms. Nolan asked that any additional plantings be of substantial size. Mr. Andarawis asked that the applicant consider the use of porous pavement.

Ms. Jackie Caplan expressed concerns regarding the fifteen (15) additional parking spaces included on the plan, fearing that additional traffic would be generated. Mr. Vuillaume explained that the additional spaces would help to ease the congestion that currently occurs on site. He agreed to provide traffic generation numbers based on the site’s medical office use.

Dr. Steffani Cotugno, current tenant, commented that the offices are very busy and that additional parking spaces are necessary.

Responding to Mr. Ferraro’s question regarding the upgrading of the existing buildings as opposed to the construction of new ones, Mr. Rosen explained that “redoing” is much more expensive than razing the existing buildings and reconstructing ones that meet current codes and can more easily incorporate updated equipment and services. Mr. Rosen noted that final design plans will likely include fencing along the rear property boundary to limit headlight glare. Mr. Ferraro found preservation of the existing vegetative buffer and fencing “appealing.”

Ms. Diana Flavin, currently a tenant in one of the existing buildings, asked if it would be possible to increase the size of the buildings to better accommodate the existing medical office uses. Mr. Rosen explained that, due to zoning restrictions, an increase in building size was not possible.

Mr. Anthony LaFleche, 21 Wheeler Drive, asked that the proposed sidewalk along Route 146 be located as far as practicable from the roadway to provide for snow storage, that lighting proposed for the site be directed away from adjoining residences, and that shared parking with adjoining commercial sites be considered. Mr. Vuillaume pointed out that such an arrangement would be impractical at this time due to the locations of stormwater management areas and the desire to preserve existing vegetation.

Mr. Szczesny, Mr. Ophardt, and Mr. Jones found the revised plans acceptable. Mr. Neubauer commented that the proposed design “allows folks to never be far from where they are going.” Referencing the façade renderings submitted for review, he found the “architectural articulation” appealing but asked that the applicant consider increased color contrasts. Mr. Ferraro asked that the applicant consider additional landscaping around the stormwater management areas and he called for accommodations for pedestrian connectivity throughout the site.

### **New Business:**

[2018-023] **Bowman Orchards Farm Store** – Proposed 5,528 SF “Morton” building to provide retail space and cold storage for an existing agricultural business, 141 Sugar Hill Road – conceptual site plan review. SBL: 282.-2-27.11

Mr. Kevin Bowman, applicant, presented this application for the Board’s consideration. The site plan calls for the construction of a 104’ x 42’ “Morton” building with a porch to provide retail space and cold storage for the Bowman’s existing orchard business. The property is located within the CR (Conservation Residential) zoning district on the easterly side of Sugar Hill Road approximately one mile north of its intersection with Riverview Road. The proposed building will replace a retail store and storage barn that were demolished in January, 2018. The site design also includes a small enlargement of the paved area near the new building to better accommodate vehicles entering and exiting the site.

Mr. Scavo reported that Mr. Myers, Director of Building and Development, offered the following comments regarding this application. The proposed retail store and storage building in a CR (Conservation Residential) zoning district are permitted uses since they are related to farming operations per Section 208-16D(a)[1] of the Town Code. The building will be reviewed as a mercantile occupancy and be required to meet the requirements of the Building Code of New York State. Mr. Myers reported that all applicable lot line adjustments and demolition of existing buildings have been completed.

Mr. Scavo explained that Ms. Reed, Chief of the Bureau of Fire Prevention, requested that the applicant obtain appropriately assigned 911 addresses for each building within the complex. These numbers should be placed on the final site plan.

Mr. Scavo reported that Mr. Reese, Stormwater Management Technician, offered no comment on this application.

Mr. Scavo read comments issued by Mr. Roy Casper, Chairman of the Trails Subcommittee of the Open Space, Trails, and Riverfront Committee. Since Sugar Hill Road is an important



agricultural destination and a Scenic Byway connection from Grooms Road Tavern to Riverview Road, speed management through lower speed limits may be an important Town of Clifton Park consideration for the safety of the biking public using this roadway. The Trails Concept Plan has not designated an off-road multi-use path or wider shoulders for Sugar Hill Road based on its proximity to agricultural activities in this area.

Mr. Scavo explained that the current plans have been revised to reflect the concerns and recommendations provided to the applicant when the project was initially submitted.

Mr. Scavo read the comments prepared by M J Engineering and Land Surveying, P.C. after review of the site plan application. Based upon 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 are not necessarily limited to the following: Saratoga County Planning Board – 239m referral due to the parcel’s proximity to the Consolidated Agriculture District No. 2. Additional agencies may be identified by the Town during its review of the project. Several comments related to the site plan. The project is located within the Town’s CR (Conservation Residential) zoning district. The proposal for a building ancillary to the agriculture operation is a permitted use within the CR District as noted in Section 208-16(D)(1)(2) of the Zoning Code. Based upon the placement of the proposed building structure, it appears the appropriate setbacks associated with the CR district as noted in Section 208-16(E)(8) through (10) are satisfied. The plans shall demonstrate that appropriate grades exist (or will be provided) along the accessible route from the accessible parking space/aisle to the accessible entrance. The accessible parking stall and adjacent accessible aisle shall include the appropriate signage consistent with the IBC. The applicant is asked to provide details for the required signage. The accessible parking space shall have the corrected pavement marking with the “active” symbol. Documentation that the existing potable water well and on-lot septic system are adequately sized to accommodate the uses proposed within the new building must be provided. Subsequent plans shall delineate and label the expected area of ground disturbance associated with the project, confirming that it is less than 1 acre of land.

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

Mr. Szczesny moved, seconded by Mr. Jones, to grant preliminary and final site plan approval to this application conditioned upon satisfaction of all the items listed in the final comment letter prepared by the Planning Department. The motion was unanimously carried.

Mr. Ferraro explained that, since the following three agenda items relate to the same parcel and project, they will be reviewed concurrently.

[2018-025] **PV Engineers c/o Borrego Solar Systems – Ashdown Road Large Scale PV Facility** – Proposed (2) lot subdivision, 25 and 27 Ashdown Road – Conceptual review. SBL: 263.-2-83

[2018-028] **PV Engineers c/o Borrego Solar Systems – Ashdown Road Large Scale PV Facility** – Approval of Special Use Permit #81164 to permit the construction of a ground-mounted solar array, 25 and 27 Ashdown Road – Conceptual review. SBL: 263.-2-83

[2018-026] **PV Engineers c/o Borrego Solar Systems – Ashdown Road Large Scale PV Facility** – Development of a 5.3 MW ground-mounted solar energy generating facility which will cover approximately 20.9 acres with surrounding 7' high fence, and associated access roadway – Conceptual site plan review. SBL: 263.-2-83

Ms. Emilie Flanagan, representative for Borrego Solar, introduced Mr. Dean Smith, consultant for the applicant, who unveiled plans for the firm he represents – PV Engineers c/o Borrego Solar Systems – to develop the first-of-its-kind private solar energy generating facility within the Town of Clifton Park. The proposal calls for the development to occur on a parcel located on the easterly side of Ashdown Road approximately one half mile northeast of its intersection with Route 146A. Development of the proposed 5.3 MW ground-mounted solar energy generating facility will take place on approximately 20.9 acres of an 85.98 acre parcel that will be created by subdividing the existing 89.79 acre property identified as the Lands of Kramer. The 3.81 acre property containing an existing residence will be retained by the current owners.

Mr. Smith explained that improvements to the property will be made possible by approval of Special Use Permit #81164 that will allow, pursuant to Section 208-16D(3)(A)[22] of the Town Zoning Code, the installation of a ground-mounted solar energy generating facility that will be connected to the local electrical grid.

The speaker explained that the 20.9 acre site will be accessed by a roadway constructed with the 30' wide access easement that will also serve the existing residence. A 20' wide vehicle access gate will be installed across the roadway approximately 475' from its access onto Ashdown Road. 7' high chain link fencing will secure the entire perimeter of the panel installation area and an electrical equipment area with a motion-activated light will be constructed to the rear of the site. Plans indicate that although required setbacks will be respected, a 20.3 acre area will be cleared of existing trees and stumps. Solar modules will be installed on a ground mounted racking system. The modules will be wired in series strings and connected in parallel to the inverters which convert the photovoltaic output power from DC to AC. The solar electric system will be interconnected with the existing site electrical system in accordance with the applicable electric code and National Grid requirements. Addressing the issue concerning the significant amount of designated wetlands on the site, Mr. Smith explained that his firm is working "on a joint application with DEC." He noted that the existing crossing of a Class C stream along the property's front boundary line will likely require upgrades.

Mr. Scavo reported that Mr. Myers, Director of Building and Development, provided the following comments regarding this application in a memo dated May 9, 2018. Addressing the subdivision proposal, Mr. Myers offered the following two comments. A 30' wide easement is believed to provide access to the leach field for Blue Barns apartments. The leach field and apartments have current actions pending against them for a sanitary waste spill. No approvals may be possible until these legal issues have been resolved. The wetlands should be clearly delineated

and labeled. There appear to be several wetland areas outlined but unlabeled as such. There is no symbol key provided on the plan. Regarding the requested Special Use Permit, Mr. Myers noted that the applicant seeks approval of a Special Use Permit to allow for installation of a ground mounted solar array pursuant to Section 208-16D(3)(a)[22] of the Town Code. Wetland areas must be clearly mapped and identified. Mr. Myers provided comments regarding the proposed site plan. The proposal crosses wetland buffers: Mr. Myers does not believe that the proposed use is permitted within the buffer areas. The proposed 2000' long access road will be required to meet the requirements of the Fire Code of New York State. This includes being a minimum of 26' wide, capable of supporting a 75,000 lb. vehicle, and containing turnarounds as required by the Bureau of Fire Prevention. It appears that the access roadway is in the same location as the existing easement access to the leach fields that serve the apartment complex.

Mr. Scavo noted that Ms. Reed, Chief of the Bureau of Fire Prevention, offered the following comments regarding this application. The applicant is asked to obtain an appropriately assigned 911 address for the site: this number should be placed on the final site plan. The proposed 2000' long access road will be required to meet the requirements of the International Fire Code. This includes the requirement that it be a minimum of 26' wide and contain a turnaround at its end. The road is also required to meet the loading requirements for emergency services.

Mr. Scavo explained that the ECC provided the following comments regarding this application after review at its May 15, 2018 meeting. The ECC recommends that the proposed disturbance shall remain out of the NYSDEC Wetland Adjacent Area. The removal of trees and stumps from the LC Zone will significantly reduce the effectiveness of this area as a buffer zone, eliminating wildlife habitat and impacting stormwater filtration. All installations shall be screened with an appropriate combination of natural vegetative buffer, landscaping, or other such screening so as to minimize significant adverse environmental, visual, and auditory impacts.

Mr. Scavo read comments issued by Mr. Roy Casper, Chairman of the Trails Subcommittee of the Open Space, Trails, and Riverfront Committee. The proposed private drive provides an opportunity for a co-located public trail route through this property and an external trail connection to Garnsey Park. This trail connection would include an abandoned road/trail route through property shared by a private property owner and Saratoga Plan. A 10' wide right-of-way conveyance or easement should be designated on the property along Ashdown Road for future pedestrian and bicycle infrastructure.

Mr. Scavo reported that Mr. Reese, Stormwater Management Technician, provided the following comments regarding this application in a memo dated May 18, 2018. Mr. Reese asked the applicant to provide a time frame for the completion of a boundary survey to verify the true and correct boundary line. Information on who and when the wetland delineation was performed must be provided. The applicant is proposing the disturbance of more than 20.3 acres of land. The Erosion and Sediment Control Plan should show a phasing plan to verify that not more than 5 acres of land will be disturbed at one time. At a minimum a Basic Stormwater Pollution Prevention Plan will be required for this project or the applicant shall provide rationale for how this project does not require a Full Stormwater Pollution Prevention Plan. It is noted that the EAF states that there will be a 1.1 acre increase of impervious surface - enough to trigger a Full Stormwater Pollution Prevention Plan. Land disturbance and the access drive and associated turnaround are being

proposed in the NYSDEC Wetland Adjacent Area (Land Conservation Zone). No land shall be expanded or altered for any purpose within the LC Zone. The applicant shall provide a written response regarding how the stormwater runoff from the proposed solar field will impact the adjacent wetlands and downstream properties. The impacts produced by the proposed transformation of 20± acres from woodlands to grass fields on the site's runoff characteristics should also be discussed.

Mr. Scavo read comments prepared by the Planning Department. The proposed project is subject to Section 239 (m) and (n) of General Municipal Law since it is adjacent to a Saratoga County Agricultural District. Once filed by the applicant with the Town, copies of the Preliminary Site Plan, Subdivision, and Special Use Permit Applications will be referred to the Saratoga County Planning Board for a recommendation on each application. The assigned 911 addresses for each lot should be added to the plan: Lot #1 shall be designated 27 Ashdown Road; Lot #2 shall be designated 25 Ashdown Road. The approximate location of the septic system and well for the existing duplex on Lot #1 should be shown on the plans. The following notes should be added to the preliminary subdivision plan:

The Land Conservation (LC) Zoning District Boundaries associated with wetlands consist of those freshwater wetlands inventoried and mapped by the New York State Department of Environmental Conservation pursuant to Article 24 of the Environmental Conservation Law and the one-hundred-foot adjacent area measured horizontally from the border of the wetland. Only the permitted uses identified within §208-69.2 of the Clifton Park Town Code shall be allowed within the LC Zone.

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) 371-6651, to obtain required permits.

Clifton Park is a Right to Farm Community. Residents should be aware that farmers have the right to undertake farm practices which may generate dust, odor, noise, smoke and vibration associated with farming practices.

New York State Town Law - TWN §274-b defines a special use permit to mean, "an authorization of a particular land use which is permitted in a zoning ordinance or local law, subject to requirements imposed by such zoning ordinance or local law to assure that the proposed use is in harmony with such zoning ordinance or local law and will not adversely affect the neighborhood if such requirements are met". The CR zoning district permits ground mounted solar arrays through the Special Use Permitting process. An objective of the CR zoning district is, "New development should complement and harmonize with the traditional, open, rural, wooded, agricultural, natural and environmental resources, low-intensity residential and hamlet landscapes, agricultural lands and working landscapes, and scenic views and resources as valued by the community in Western Clifton Park." The applicant should provide information to the Planning Board on how this objective is met by the proposed project (i.e. siting and height of angled panels in relation to visibility of improvement from Ashdown Road). It appears that Lots #25 and 27 will be accessed through a common egress/ingress easement. A draft copy of the shared ingress/egress easement

should be provided to the Planning Board for review. It appears that the only proposed exterior lighting will be motion activated over a designated electrical equipment area. The applicant should verify that this is the correct interpretation from the site plan. The applicant should provide a Property Operation and Maintenance Plan. The plan should describe anticipated continuing photovoltaic maintenance and property upkeep, such as mowing and trimming. The applicant should note what the anticipated duration for the solar use through a lease agreement from the property owner will be. To ensure the proper removal of the solar system, a Decommissioning Plan shall be submitted as part of the application. Compliance with this plan shall be made a condition of the issuance of a Special Use Permit under this Section. The Decommissioning Plan should specify that after the Solar Energy System can no longer be used, it shall be removed by the applicant or any subsequent owner. The plan shall demonstrate how the removal of all infrastructure and the remediation of soil and vegetation shall be conducted to return the parcel to a native condition that promotes successional vegetative growth. The plan shall also include an expected timeline for execution. A cost estimate detailing the projected cost of executing the Decommissioning Plan shall be prepared by a Professional Engineer or Contractor. Cost estimations shall consider inflation. Removal of Large-Scale Solar Energy Systems must be completed in accordance with the Decommissioning Plan. If the Solar Energy System is not decommissioned after being considered abandoned, the Town may remove the system and restore the property and impose a lien on the property to cover these costs. As a condition of the Special Use Permit, a specific time trigger should be set to define abandonment. The applicant and Planning Board should discuss if the following conditions for abandonment would be deemed acceptable:

Solar Energy Systems are considered abandoned after 12 months without electrical energy generation and must be removed from the property. Applications for an extension may be reviewed by the Clifton Park Planning Board for a period of 12 additional months.

Mr. Scavo reported that after review of the materials submitted for conceptual review of this project, M J Engineering and Land Surveying, P.C. issued the following comments regarding the application. Based upon review of Part 617 of NYS Environmental Conservation Law, the project appears to be an "Type 1" action pursuant to Part 617.4(b)(6)(i.). Assuming the Clifton Park Planning Board is to request Lead Agency status under SEQRA, a coordinated review is required for Type I actions. Under a coordinated review, involved/interested agencies to be engaged may include, but are not necessarily limited to the following: Saratoga County Planning Board – 239m referral due to the parcel's proximity to the Consolidated Agriculture District No. 2; NYS Department of Environmental Conservation – permit coverage under stormwater SPDES, Identification of threatened and endangered species, impacts within a wetland and/or adjacent area; United States Army Corps of Engineers – potential joint permit application for disturbances within the NYSDEC wetland and/or adjacent areas as well as regulated waters of the U.S. Additional agencies may be identified by the Town during its review of the project. Three comments related to the Full Environmental Assessment Form. There are several questions within the submitted FEAF that have not been answered and need to be. They include, Part C.1, C.2.a, C.2.c, C.3.c, D.1.f, D.1.h, D.2.a, D.2.c, D.2.d, D.2.f, D.2.g, D.2.h, D.2.i, D.2.j, D.2.k, D.2.o, D.2.p, D.2.q, D.2.s, D.2.t, E.1.c, E.1.d, E.1.e, E.1.f, E.1.g, E.1.h, E.2.i, E.2.j, E.2.k, E.2.m, E.2.q, and E.3.b. Part D.1.b.b. notes that the project will physically disturb 20.9 acres of land. As such a Stormwater Pollution Prevention Plan (SWPPP) will be required. Part D.2.b notes that the project will result in alterations as well as increased encroachments into existing wetlands and

waterbodies. There is no mention of work that may be within the NYSDEC wetland/adjacent area or ACOE wetland. The applicant is asked to update the response provided based upon the expected impacts.

A number of comments related to the subdivision and site plans. The project is located within the Town's CR (Conservation Residential) zoning district. Based upon information provided by Town staff, it is understood that the proposed use is permitted as a special use. The Planning Board shall review the proposal following the criteria outlined in Section 208-79(E) of the Town's Zoning Code as it relates to the special use request. The subdivision plan and the site plan shall show the extent of the LC zoning boundaries pursuant to Section 208-69.1 of the Town Zoning Code. Upon the illustration of the LC boundary on the plans, should the proposed improvements reside within the LC district, the applicant shall provide sufficient data to demonstrate that the proposed activity will not result in any of the changes noted in Section 208-69.3 of the Town Code. The subdivision plat shall be prepared by a surveyor licensed to practice in the State of New York. 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. The subdivision/site plans shall note the individual/firm that completed the wetland delineation and date of the delineation. The site plans indicate a combination of tree cutting and stump removal and permanent improvements within the NYSDEC wetland adjacent areas. The applicant shall provide the Town with all permitting associated with work within the NYSDEC wetland adjacent areas. In the event the project proposed any temporary/permanent impacts to waters of the U.S., the applicant shall also provide copies of all permits obtained from the US ACOE. The site plans appear to indicate a shared access between the new solar arrays and the existing home. A shared driveway access easement and agreement shall be prepared. The plans shall show the extent of the access easement with the agreement provided to the Planning Board's legal counsel for review. The existing roadway drainage shall be maintained along Ashdown Road. A new culvert pipe may be necessary at the improved driveway. The applicant shall coordinate with the Town Highway Superintendent regarding the extent of improvements that may be required. A note must be added to the Subdivision/Site Plans indicating all work within the Ashdown Road right-of-way is subject to permitting by the Town of Clifton Park Highway Department. Sheet C2.0 notes 20.4 acres of tree cutting and stumping, which is considered a permitted ground disturbance. As such, subsequent submissions shall include a Stormwater Pollution Prevention Plan. The construction of solar arrays typically requires the preparation of a "basic" SWPPP that addresses construction phase erosion and sediment control as long as the ground surface is restored to preconstruction conditions and there is no change in the hydrology from pre- to post-development conditions. The project proposes substantial tree clearing with the expectation that the ground cover will change from wooded to grass that may become overgrown. This altered ground condition may have a substantial change in the project site's hydrology. Further, there is an extensive access road, adjacent to the NYSDEC wetland buffer which in itself may need water quality and quantity controls (refer to GP-0-15-002, Appendix B, Table 2, second to last bullet). If the SWPPP submitted is intended to be solely for construction phase erosion and sediment controls, a narrative will be necessary justifying that the conditions above have been addressed or will be met and that water quantity and quality controls are not required. Subsequent submissions shall show how site disturbances will occur without exceeding 5 acres of ground

disturbance at one time. Considering this plan is conceptual in nature, subsequent comments will be provided with a preliminary plan submission.

Mr. Ophardt urged the applicant to discuss the project plan with adjoining property owners. In response to his question regarding the distance of the proposed solar facility to the nearest residence, Mr. Smith reported that the distance would be approximately 134'. Screening would be provided if necessary. Mr. Jones noted that there are three airports with flight patterns over the proposed development site and he questioned whether or not the panels would impact air traffic. Mr. Smith explained that solar collection facilities must abide by all federal laws regarding airports and that the panels are treated with an anti-glare coating. Addressing concerns relating to decommissioning of the facility, Ms. Flanagan explained that the firm has prepared a "tool kit" for towns to use to ensure proper removal of installed equipment at the end of its usefulness. Discussion of the construction of a trail outside of the fenced area ended when it became clear that the applicant was merely a property lessee and that any responsibility for trail development would belong with the property owner. Mr. Ferraro recommended that the Board consider requesting a 10' easement along Ashdown Road in lieu of parkland fees to accommodate future trail development along that roadway.

Mr. Anthony LaFleche, 21 Wheeler Drive, supported the request for an easement for future trail development along Ashdown Road.

Mr. Jones expressed concerns regarding noise and security. Ms. Flanagan explained that inverters would operate only during the daylight hours and generate very little noise. The entrance gate would be locked at all times. Visits to the site would be required only once or twice a year. Mr. Neubauer, Mr. Ophardt, and Mr. Ferraro all agreed that the proposal would be "fantastic for the town," though Mr. Ferraro cautioned that all issues, including wetland impact concerns and meetings with adjacent property owners, must be fully addressed before final approvals are granted.

Mr. Jones moved, seconded by Mr. Szczesny adjournment of the meeting at 9:30p.m. The motion was unanimously carried. The next meeting of the Planning Board will be held as scheduled on June 12, 2018.

Respectfully submitted,

Janis Dean, Secretary

## **NOTICE OF DECISION**

### **Resolution #10 of 2018**

At a meeting of the Planning Board held at the Town Hall of the Town of Clifton Park, Saratoga County, New York, One Town Hall Plaza on May 23, 2018 there were:

Present: R. Ferraro, Chairman, E. Andarawis, J. Jones, A. Neubauer, E. Ophardt,  
G. Szczesny

Absent: D. Bagramian , T. LaSalle – Alternate Member

Mr. Neubauer offered Resolution #10 of 2018, and Mr. Andarawis seconded, and

Whereas, an application has been made to the Planning Board by Ron and Judy Grastorf for approval of a subdivision entitled Subdivision of the Lands of Ronald W. Grastorf and Judy O. Grastorf consisting of (2) lots;

Whereas, pursuant to Section 276 of the Town Law, a public hearing was advertised and was held on May 23, 2018;

Whereas, the Planning Board was established as Lead Agency for this application, an unlisted action, and a negative declaration was issued pursuant to SEQRA on May 23, 2018;

Whereas, it appears to be in the best interest of the Town that said application be approved,

Now, therefore, be it resolved that the final hearing for this application is waived and the subdivision plat entitled Subdivision of the Lands of Ronald W. Grastorf and Judy O. Grastorf consisting of (2) lots is granted preliminary and final approval, predicated on the understanding of Planning Board members that a positive decision will correct an administrative error for a pre-existing, non-conforming condition in existence prior to 2006 and conditioned upon the satisfaction of all items listed in the final comment letter prepared by the Planning Department.

Resolution #10 of 2018 passed 5/23/2018

Ayes: Neubauer, Andarawis, Szczesny, Jones, Ophardt, Ferraro.

Noes: None

Rocco Ferraro, Chairman



