

Town of Clifton Park Planning Board
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PLANNING BOARD

ROCCO FERRARO
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MEMBERS

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

Planning Board Minutes
August 14, 2018

Those present at the August 14, 2018 Planning Board meeting were:

Planning Board: R. Ferraro, Chairman, E. Andarawis, J. Jones, A. Neubauer, E. Ophardt,
G. Szczesny
T. LaSalle – Alternate Member

Those absent were: D. Bagramian

Those also present were: J. Scavo, Director of Planning
J. Bianchi, M J Engineering and Land Surveying, P.C.
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.

Mr. Ferraro announced that Ms. LaSalle would be sitting as a full voting member of the Board at this evening's meeting in Ms. Bagramian's absence.

Minutes Approval:

Mr. Szczesny moved, seconded by Mr. Andarawis, approval of the minutes of the July 10, 2018 Planning Board meeting as written. Ayes: Andarawis, LaSalle, Szczesny, Jones, Ophardt, Ferraro. Noes: None. Abstained: Neubauer.

Public Hearings:

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 – Preliminary public hearing and possible determination. 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 – Preliminary public hearing and possible determination. 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 21.1 acres with surrounding 7' high fence, and associated access roadway – Preliminary site plan review and possible determination. SBL: 263.-2-83

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 the required public hearings 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 the Special Use Permit, site plan, and subdivision applications. 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. Ferraro expressed concerns regarding the project proposal's impact on the site's environmental features and compliance with the town's LC zoning regulations and he called upon Board members to apply due diligence when considering all aspects of the project plan.

Prior to this evening's meeting, Board members received copies of the proposed negative declaration issued pursuant to SEQRA for their consideration. While the entire document was not read aloud during the meeting, it is included here as confirmation that Board members considered potential environmental impacts of the proposed project on surrounding lands and the broader community.

**MOTION ISSUING A NEGATIVE DECLARATION UNDER SEQRA, FOR
CONSIDERATION OF SITE PLAN, SUBDIVISION, AND SPECIAL USE PERMIT
APPLICATIONS TO CONSTRUCT A LARGE-SCALE GROUND MOUNTED
PHOTOVOLTAIC SYSTEM**

AT 25 and 27 ASHDOWN ROAD, BALLSTON LAKE, NY 12019

Date: August 14, 2018

WHEREAS, in April 2018, PV Engineers, P.C. (c/o Borrego Solar Systems, Inc.) ("Borrego") applied to the Town of Clifton Park Planning Board ("Planning Board") for consideration of a

special use application, site plan application and subdivision application pursuant to the Town of Clifton Park's Town Code Chapter 179- Subdivision of Land and Chapter 208-Zoning.

WHEREAS, the site plan and special use applications will allow for the construction of a 5.3 MW (DC) Solar Energy Facility to be located at 25 Ashdown Road, Clifton Park, Saratoga County, New York on the lands owned by Sheryl Rifenburg & Fred Kramer, (Tax Map ID 263.-2-83)

WHEREAS, the subdivision application will allow for the creation of one additional parcel from the existing property and place an existing duplex at 27 Ashdown Road onto 3.81 acres of land with the remaining 85.98 acres of land separated onto its own parcel to contain the solar project.

WHEREAS, the three actions (subdivision, site plan, and special use permit), while designed to be reviewed entirely on their own merits are related to the same project, the Planning Board determined to review the applications for each action together to evaluate the potential environmental impacts under the State Environmental Quality Review Act [ECL Article 8 and its implementing regulations at 6 NYCRR Part 617, collectively referred to as "SEQRA"];

WHEREAS, on May 23, 2018 the Planning Board determined to be Lead Agency and classified the project to be Unlisted actions under SEQRA;

WHEREAS, on July 23, 2018, Town Planning Staff on behalf of the Planning Board, completed a referral of the preliminary applications to the Saratoga County Planning Board, pursuant to GML § 239-m for consideration at the County Planning Board's next available meeting;

WHEREAS, on August 3, 2018 the Planning Board published a public hearing notice in The Gazette to hear any and all comments regarding the site plan, subdivision, and special use permit applications for this project;

NOW, THEREFORE, BE IT RESOLVED, by the Planning Board as follows:

1. That, after reviewing the documentation submitted by the applicant including the applications for site plan, subdivision, and special use permit, detailed plans, decommissioning plan, and reviewing the Full EAFs for each project, and reviewing the potential impacts of all projects together, hereby determines that there will be no significant adverse environmental impacts associated with the Project and cumulatively from each application. Accordingly, the Planning Board, hereby issues this negative declaration of significance under SEQRA;

2. That Planning Board's findings set forth below, demonstrate the proposed construction of the project satisfies the requirements of the Town's Solar Permitting Process for Ground Mounted Solar Arrays;

a. The Planning Board hereby finds that the solar panels surrounded by chain link fencing will create no additional visual impacts due to the existing natural features of the site and identified mature vegetation not affected by the clearing limits of the proposed project;

b. The project meets all the required setbacks, bulk and special use requirements as outlined by the Town Code;

c. The project will not have any adverse effects on threatened or endangered flora and fauna as noted by the NYS DEC EAF Mapper Summary Report dated April 17, 2018, contained within the project file;

d. The project will not have any adverse effects on adjacent active farmland;

e. The project will not utilize water, sewer, and school services and therefore will have no adverse impacts to each;

f. There are no archeological sites or properties on the state or national register of historic places within the project site as noted by the NYS DEC EAF Mapper Summary Report dated April 17, 2018, contained within the project file. Therefore,

no adverse impacts will occur to archeological areas or historic sites as a result of the proposed project;

g. Based on a request by Planning Board Members for additional information relative to visual impacts and glare, the applicant submitted a "Glare Study" dated Jun 13, 2018, completed by Barrett Energy Resources Group, for review and consideration by the Planning Board. The results of the study show no glare impact to aircraft or airports in proximity to the project as modeled. Also, based on existing terrain, view of the solar project is blocked from motorists along the adjacent roadway and abutting residences.

Mr. Ophardt moved, seconded by Mr. Neubauer, to establish the Town of Clifton Park Planning Board as Lead Agency for this application, a Type I 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 7:05p.m. The Secretary read the public hearing notice as published in the Daily Gazette on August 3, 2018.

Before calling upon the consultant to present the application, Mr. Ferraro requested clarification of the revision to the amount of land now involved in the subdivision. Mr. Smith explained that the subdivision plan has been revised to show the existing residence on a parcel of 3.64 acres rather than the original 3.81 acres and the remaining lands totaling 85.65 acres rather than the 85.98 acres shown on the previous plan. Plan revisions were based on a recently prepared formal, accurate survey of the property.

Ms. Emilie Flanagan, representative of Borrego Solar Systems, introduced these applications that remain generally as presented at the May 23, 2018 Planning Board meeting. After presenting a brief description of Borrego Solar Systems, Ms. Flanagan explained that the company's goal was to work under the auspices of the NY Sun program to help customers of National Grid who have no means of installing solar equipment obtain credits on their energy bills. She noted that there was "no noise, smell, or health problems" associated with the project and that the solar panels to be installed would not be visible from Ashdown Road or neighboring lots. Construction would take between 6 to 8 months. Mr. Smith, engineering consultant, explained that the solar panels would be constructed in an area located approximately 500'-600' from the roadway and substantial distances from any adjoining residential properties. The development area would be fenced. A single-pole motion-activated light would be provided near the equipment cabinet.

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 July 27, 2018. Although an easement granted to Blue Barns

Apartments may be situated on an adjacent parcel, it should be identified on the project plans. Emergency access to the site must be provided. He noted that the department having jurisdiction “has the authority to enforce the code as they see fit.” LC zoning restrictions are regulated by the town – not by NYSDEC; therefore, there may be restrictions beyond those imposed by the state agency. Mr. Myers commented that there is no supporting evidence that indicates that “ground screw supports create less disturbance; therefore, the five acre limit shall not be applied,” and he points out that “if you touch it, it is disturbance, especially since getting equipment to the site will cause disturbance.” Plans show clearing and panel installation within the wetland buffer as well as over the portion of the parcel designated as wetland B. The road access must be 26’ wide and capable of supporting a 75,000 lb. vehicle. Turnouts will be required at intervals to be determined. There shall be road access to the north of the array where currently none is shown.

Mr. Scavo read the comments issued by the ECC after review of the project plans at its August 7, 2018 meeting. Comments related to this application on May 15, 2018 indicate that the ECC recommended 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 by eliminating wildlife habitat and stormwater filtration. The ECC, therefore, recommends that the project not proceed upon the recommendations of NYSDEC and ACOE. Both the NYSDEC and ACOE clearly indicate that the applicant must avoid intrusion into the 100’ buffer adjacent area and the ACOE jurisdictional wetlands. Until receipt of revised plans, this project shall not proceed forward. Intrusion into the buffer zone by the applicant has not been justified nor have alternatives been explored. 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/or auditory impacts. Although it is not essential for project approval, the ECC urges the applicant to consider the development of a pollinator – friendly planting plan which would provide habitat for bees butterflies, and other wildlife. If the Special Use Permit is ultimately approved, the ECC recommends that the applicant and the Town Board work together to facilitate town ownership of the remaining area of the parcel.

Mr. Scavo reported that Mr. Reese, Stormwater Management Technician, offered the following comments regarding this application. The applicant shall address the Clifton Park Zoning Code Chapter 208-69.2.C and have it reviewed by the Zoning Enforcement Officer to determine if a variance is required for the project. The applicant must submit a Stormwater Pollution Prevention Plan for review and approval. Though the applicant has not provided stormwater calculations to date, he has agreed to submit this information.

Mr. Scavo offered comments prepared by the Planning Department. All three preliminary applications have been referred to the Saratoga County Planning Board for recommendations. This is required since the project is adjacent to the boundary of a farm operation located in the Saratoga County which is included in Consolidated Agricultural District #2, as defined by article twenty-five-AA of the agriculture and markets law. Final Approvals should be conditioned upon a sign-off from Steve Myers, Director of Building & Development to confirm that fire access issues related to the width of the access roadway have been fully addressed. Prior to final approval, the applicant should receive a sign-off from MJ Engineering and Scott Reese, Stormwater Management Technician for the Town, that the Stormwater Pollution Prevention Plan Document

is acceptable to the Town of Clifton Park. The additional information provided with this submittal and responses in a letter dated July 10, 2018, prepared by PV Engineers, appear to substantially address all previous comments contained in a review letter issued on May 16, 2018. The applicant is asked to add a note to the plan that states:

Change in ownership - If the owner and/or operator of a large-scale ground mounted solar facility changes, notice shall be given to the Building Inspector and Planning Board with the contact information of the new owner/operator within one month of the change in ownership and/or operations.

An additional note to the final plan should state the following:

Modifications - All material modifications to a Large-Scale Ground-Mounted Solar Photovoltaic Installation made after issuance of the required building permit shall require approval by the Planning Board.

Prior to stamping the final subdivision plan, the applicant shall provide a copy of the shared ingress/egress easement to the Planning Board Attorney for review and comment.

Mr. Bianchi reported that, after review of the materials submitted for preliminary review, M J Engineering and Land Surveying, P.C. offered the following comments. A single comment related to the Full Environmental Assessment Form. Under Item E.2.m, the applicant is asked to describe the predominate wildlife present on the project site. Several additional comments related to the subdivision and site plans. As noted in Comment 8 of the May 18, 2018 review letter, 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 Zoning Code. While the Town Engineer does not necessary disagree with the applicant's response provided, the applicant is asked to provide one that is specific to the criteria outlined in Section 208-69.3(A) of the Town Code for each item listed under the section. As noted in Comment 9 of the May 18, 2018 review letter, the subdivision plat shall be prepared by a surveyor licensed to practice in the State of New York. It is understood that the applicant will furnish the subdivision plat prior to the public hearing. As noted in Comment 12 of the May 18, 2018 review letter, improvements are being proposed in the NYSDEC adjacent area. Correspondence with the NYSDEC and any approvals shall be provided to the Town for its records. The Planning Board may consider delaying any action on the application until it is fully understood what NYSDEC's position is considering the extent of impacts within the adjacent area. As noted in Comment 13 of the May 18, 2017 review letter, the plans shall show the shared access between the new solar arrays and the existing home being proposed with the agreement provided to the Planning Board's legal counsel for review. The applicant has indicated that the easement is not yet available. Prior to the Planning Board acting on any of the applications before them, there should at a minimum be written confirmation from the land owner that they will agree to the noted access easement. Absent such documentation, the project does not appear to have appropriate access to a public road right-of-way. As noted in Comment 14 of the May 18, 2018 review letter, 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. This coordination shall be done such that the final plans approved by the Planning Board note any drainage improvements required by the Highway Superintendent. The fire department may consider having a Knox Box placed on the project's primary gated access in the event an event

occurs and they need to access the site. The May 18, 2018 review letter contained several comments specific to stormwater management and construction phase erosion and sediment control, most of which will be discussed in a project specific Stormwater Pollution Prevention Plan (SWPPP). The applicant has indicated that the required SWPPP is being prepared. Upon receipt of the SWPPP, additional technical comments may be forthcoming.

Mr. Keith D. Martin, 8 Wall Street, describing himself as a “practicing environmental attorney,” expressed concerns with this application, asking those in attendance to visualize what the CR zoning district would look like if the “environmental values offered and preserved in this wonderful area of town” were “ignored and sacrificed to acre by acre of steel, glass, and fence.” He asked Board members to consider, if, indeed the Special Use Permit process is appropriate, to consider “what parts, components or elements of the project could become problematic if not conditioned in a manner suitable for the particular location.” Mr. Martin asked the Board to consider whether the project proposed will set a precedent for other such solar installations and whether it “fits the context and scale of development” envisioned for the western part of town.

Mr. Jim Ruhl, 168 Wooddale Drive, pointed out that the proposed solar generation project is “a totally new concept” within the CR (Conservation Residential) zone. He asked Board members to consider whether or not the proposed solar panels would qualify as a “special use” pursuant to Section 208-16D3(a) of the Town Code since the “terms are never mentioned in the existing law.” He encouraged the Board to “attach [any] extensive conditions and safeguards to the Special Use Permit that may be necessary to mitigate any impacts” that may result from implementation of the proposal. Mr. Ruhl expressed fears that approval of this project may establish a precedent for how the Board “might be expected to treat ensuing future solar projects.”

Mr. Ferraro explained that the Town’s Zoning Code, pursuant to Section 208-16D3(a)[22] does allow the installation of a “ground- or pole-mounted solar array” within the CR zoning district via the Special Use Permit process. This permitted use was added to the code in 2011.

Mr. Bob Voelker, 10 Stratford Drive, stated that although he was “a proponent of renewable power,” he was concerned with the proposed location for this solar field. He encouraged the town to “plan for how much [of this type of development] is acceptable in comparison to preservation of the area’s rural character.” The speaker also asked that the applicant provide a narrative describing how the area would be reclaimed after the lease and equipment life has expired.

Ms. Julia Maslak, 101 Blue Barns Road, stating that she was a “proponent of green energy,” expressed concerns with impacts the project might have on wetlands, wildlife, and the area’s ecology. She asked why the applicant had selected a predominantly residential area for the commercial installation. Ms. Maslak also asked the Board to consider what would happen to the area when the lease ended.

Ms. Noreen Grimmick, 13 Dawson Lane, asked if approval of this project would establish a precedent for Board approval of future applications. She questioned the value of the project, requesting that the applicant describe the benefits town residents would gain from its

implementation. The speaker asked that Board members consider the viability and reliability of the company seeking to develop the site.

Mr. Ralph Sereno, 28 Ashdown Road, recognized the concerns expressed by other town residents though he found the proposed site improvements “better than a subdivision of many homes.” He was concerned that the project may impact existing wells and wildlife. He asked for clarification regarding the hours of construction, explaining that there is significant traffic congestion on the roadway when school is in session. He questioned whether or not glare from the panels would impact air traffic. He asked about the method of transmitting power from the panels to the existing power lines, the effects of heavy construction vehicles on the sub-standard Ashdown Road, and potential visual impacts. In response to his question regarding a water supply for the site, Ms. Flanagan explained that the site will not require water service.

Mr. Bob Gretschel, 42 Ashdown Road, stated that he “was in agreement with his neighbors’ concerns” and asked if approval of this project would not create a “slippery slope” that would require the Planning Board to approve many such projects in the western part of town. Mr. Morelli explained that the Board must consider the eleven factors listed in Section 208-79E(1) for approval of a Special Use Permit on a site-specific basis for each application it reviews. He also reported that the law does not prohibit commercial uses within the zone.

There being no additional public comment, Mr. Ferraro moved, seconded by Mr. Jones, to close the public hearing at 8:00p.m. The motion was unanimously carried.

Ms. Flanagan’s request to address the issues raised during the public hearing was granted by Mr. Ferraro. Both Ms. Flanagan and Mr. Smith responded to expressed concerns.

The applicant’s representatives explained that the CR (Conservation Residential) zoning district was selected for installation of the solar panels because the use was “less intrusive” than residential housing, there would be minimal traffic generated by the site which would “maintain the peace and tranquility” of the rural area, and visual impacts to the roadway and adjoining properties would be minimized by preservation and/or enhancement of existing buffers.

Addressing the issue of the development company’s reliability, Ms. Flanagan stated that Borrego was one of the leading installers of community solar systems. She offered to provide a list of existing sites that residents might visit.

Ms. Flanagan stated that the system would benefit the community by offering subscriptions for alternative energy services to those who may not be able to install equipment on their roof tops. She explained that the system utilizes the existing electrical network, with the point of connection on an existing power pole located along Ashdown Road. Power is then transmitted to an existing substation.

Pointing to a significant number of attributes that a site must possess, including wetland impacts, site access, parcel size, visibility from neighboring properties and streets, archaeological issues, and property owner interest, Ms. Flanagan noted that many parcels would not be suitable for development.

Focusing on concerns related to the removal of equipment at the end of its life or the end of the lease period, Ms. Flanagan reported that the company she represents has established a “decommissioning plan” which provides for removal of equipment and site restoration. A performance bond, with provisions for inflation, could be established to ensure that the proper removal procedures are followed. Mr. Ferraro asked that, should the project be approved, the bond assure that it could be accessed at any time during the 25-year lease period should the parcel be abandoned or cease operation. In response to Mr. Jones’ question regarding the safety of the panels, Mr. Smith explained that the panels contain no hazardous materials and all components are “entirely encased.” He stated that there have been no reports of any type of leaching from the panels or the development sites. Mr. Scavo explained that the plan presented by the applicant follows the statewide model that has been utilized for decommissioning since the 1990’s. In response to Mr. Ferraro’s concerns regarding a lengthy legal battle in the case of site abandonment, Ms. Flanagan explained that the development is overseen by a number of other agencies, including NYSERDA which assures compliance with all policies and standards.

Though disturbance of air traffic due to glare from the site was raised as a concern, Ms. Flanagan reported that an analysis has concluded that neither air traffic nor vehicle traffic on Ashdown Road will be impacted by the installation.

Outlining the benefits to the community, Ms. Flanagan cited the revenue to the town from taxes assessed on the parcel, the ability of individuals to subscribe to the power grid, and the non-intrusive development of the property.

Mr. Andarawis questioned how the proposed development site of approximately 20 acres [21.1 acres shown on the site plan] would impact future density calculations for the remaining parcel, describing various scenarios for computing possible residential development of the site. Should the solar systems site and residential development be allowed to occur simultaneously on the site with no provision for a reduction in density because of the commercial array, the site could contain 17 housing units. Should the area of the solar array be deducted from the total parcel acreage, a yield of 10 homes would result. Should the solar array itself require its own open space at the 50% requirement, the remainder of the site could support 8 housing units. Mr. Scavo noted that the Zoning Code does not provide guidelines for density calculations involving multiple uses or cumulative impacts within the CR zone. He explained that the 1 unit per 3 acre density requirement related only to residential dwelling units. Board members recognized the implications of the mathematical exercises, noting that buffer areas and screening may be impacted by possible future development of the property lying outside the leased parcel. Though members considered imposing a development restriction on the remaining ±65 acres of land adjoining the leased parcel via the Special Use Permitting process, there was no definitive resolution of the issue. Mr. Smith responded to Mr. Jones’ question concerning possible conditions of approval related to site stabilization and landscaping, explaining that the development site will be seeded and that the development company was amenable to providing the recommended “bee and butterfly plantings.” He stated that the company was also considering the providing “wildlife gaps” in the fencing so as not to obstruct wildlife corridors and habitat access.

Mr. Andarawis commented that he “had trouble justifying” the proposed disturbances within the town’s LC zone. Ms. Flanagan argued that the intrusions into the zone were necessary for the project to remain “economically viable.” Mr. Ferraro pointed out that although the proposed use was permitted within the CR (Conservation Residential) zoning district pursuant to Section 208-16D(3)(a)[22] of the Town Code, it was not permitted within LC zoning boundaries pursuant to Section 208-69.2 of the Code. Referencing Section 208-69.3 of the Code which requires applicants to provide “sufficient data to demonstrate that the proposed activity will not result in...impacts to such natural features as aquifer capacities and wildlife populations,” he requested that the application be reviewed by Mr. Myers, Chief Zoning Officer, as well as legal counsel to determine if a variance may be required. Ms. Flanagan explained that the applicant was working with NYSDEC representatives to limit disturbances within the buffer zone and that plans are being revised in accordance with department recommendations. When questioned about the percentage of disturbance within the LC zone, Mr. Smith explained that it involved approximately 10% of the delineated buffer zone. Mr. Scavo observed that Mr. Myers included no mention of the need for a variance for the proposed work within the LC zone in comment letters prepared for this project for the Planning Board meeting of May 23, 1018 or this evening’s meeting.

Although Mr. Neubauer acknowledged that disturbance within the LC zone was of concern, he stated his support for the project, noting that there is “tremendous pressure” for the development of parcels within western Clifton Park. He views the project as a “very desirable passive project” that would benefit the town. Mr. Jones agreed with Mr. Neubauer, though he “struggled with making a major decision on a business plan that would impact the LC zone.” Ms. Flanagan reported that although the applicant would consider all mitigation measures and plan revisions recommended to reduce impacts to the wetland, economic viability of the project was a necessary component to provide for its implementation.

Mr. Smith noted that the project plan would not impact any identified wetlands and that the applicant was willing to accept the condition that there be no development of remaining lands. Mr. Ferraro reiterated his concerns regarding the proposed site development’s compliance with all zoning regulations, specifically calling for a comprehensive evaluation of the impacts of the development to ensure that all necessary mitigation measures, including those which would protect adjoining wells, are instituted. Mr. Smith explained that there will be “no leaching, galvanization, or any impacts to the aquifer” and that stormwater will be managed effectively on site. In response to Mr. Ophardt’s question regarding the reduction of useable land for the panel installation should it be necessary for the applicant to supply an emergency access roadway to the northerly portion of the site, Mr. Smith stated that there would really be no need to provide such an access. Mr. Ferraro concluded the discussion by stating that, based upon Mr. Myers’ substantiation that the application would not require a variance for work within the LC zone, the application under review would be acceptable on the assumption that the issues presented this evening can be adequately addressed and mitigated. He recommended that the Board waive the mandated parkland fee in return for the establishment of a 15’ easement along the property’s Ashdown Road frontage for future trail installation or roadway improvements. The Board took no action on this application.

[2018-037] **Petraccione, Pat (Maat Services, LLC)** – Proposed subdivision of an existing two-family dwelling, 49 Bradt Road – Preliminary public hearing and possible determination.
SBL: 263.-1-41

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.

Ms. LaSalle moved, seconded by Mr. Szczesny, 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 9:10p.m. The Secretary read the public notice as published in the Daily Gazette on August 3, 2018.

Mr. Pat Petraccione, property owner and applicant, presented this application that remains as introduced at the July 10, 2018 Planning Board meeting.

Mr. Scavo reported that Mr. Myers, Director of Building and Development, provided no comments or recommendations regarding this application. Mr. Scavo explained that the applicant will install the required fire wall pursuant to state building code requirements.

Mr. Scavo reported that the ECC offered no comment on this application.

Mr. Scavo reported that Mr. Reese, Stormwater Management Technician, offered no comments or recommendations regarding this application.

Mr. Scavo read comments prepared by the Planning Department. All previous comments listed in the comment letter prepared for the July 10, 2018 Planning Board Meeting, appear to be adequately addressed. The preliminary plan submittal was forwarded to the Saratoga County Planning Board on July 24, 2018 for their consideration.

Mr. Bianchi reported that, after review of the subdivision plan and the written response to comments rendered at the last meeting, M J Engineering and Land Surveying, P.C. issued the following statement in a letter to the applicant dated August 10, 2018. The Planning Board may consider that as a condition of approval a maintenance agreement be provided and filed to ensure that the septic system will remain operational and that there is a mechanism to address any needed repairs in the future. Further, the Planning Board may also consider requiring that should the single septic system ever fail in the future, it be replaced with two separate systems servicing each individual home.

Mr. Andarawis asked that the record include reference to the fact that this structure pre-dates existing zoning and that there will be no additional dwelling units approved within the CR (Conservation Residential) zoning district.

Mr. Anthony LaFleche, 21 Wheeler Drive, recommended that the Board consider requesting a 15' wide easement along the property's frontage to provide for future trail construction or roadway improvements. Board members agreed that due to an existing wall and drainage corridor such an easement was not reasonable.

Mr. Ferraro moved, seconded by Mr. Neubauer, to close the public hearing at 9:19p.m. The motion was unanimously carried.

Mr. Szczesny offered Resolution #13 Of 2018, seconded by Mr. Jones, to waive the final hearing and grant preliminary and final subdivision approval to this application conditioned upon preparation and filing of a maintenance agreement to ensure the septic system will remain operational, there is a mechanism to address any needed repairs in the future, and assurance that, should the single septic system ever fail in the future, it will be replaced with two separate systems servicing each individual home and satisfaction of all items listed in the final comment letter issued by the Planning Department. Ayes: Neubauer, Andarawis, Szczesny, LaSalle, Jones, Ophardt, Ferraro. Noes: None.

Old Business:

[2017-035] **Riggi, Vincent – Miller Road Subdivision** – Proposed (79) lot subdivision, Miller Road – Preliminary review and possible determination. SBL: 270.-2-51.2; 270.-2-32.112; 270.-2-38.12

Mr. Ferraro introduced this application, noting that the Planning Board issued a negative declaration for this Type I action pursuant to SEQRA at its June 12, 2018 meeting. A public hearing was conducted and closed at the July 10, 2018 meeting.

Mr. Scott Lansing, consultant for the applicant, highlighted written responses and plan revisions made to comments issued for the Planning Board meeting of July 10, 2018. Addressing the items listed by Mr. Reese, Stormwater Management Technician, Mr. Lansing reported that Sheets 9 and 10 of the design plan entitled Layout, Materials, and Grading Plans have been revised to indicate the lots that will require the installation of roof gutters. The plans have also been revised to show the down spout connection to the proposed catch basins. In response to Ms. Reed's request that properly assigned street names and 911 addresses be provided on the final plat, Mr. Lansing explained that the street names and 911 addresses shall be coordinated with the town prior to final stamping. Mr. Lansing spoke to the ECC's concerns regarding encroachment of building envelopes into the LC zone, stating that the referenced lots have been designed to have the least amount of the lot encroaching into the restricted zone. The building envelopes have all been modified to stop at the zoning boundary. A segmented split rail fence has been proposed in order to delineate the zone which will be deed restricted so future homeowners are made aware of the limit when purchasing the property. Plans now include additional signage along the border of the conservation areas as indicated on Sheet 7 entitled Conservation Plan of the plan set. Addressing the ECC's concern regarding the visual impact of the development on the adjacent horse farm, Mr. Lansing stated that removal of existing vegetation between the properties will be minimized to the greatest extent possible and a portion of the land to be dedicated to the town is located along the property boundary between the horse farm and the project.

Mr. Lansing focused on Mr. Myers' comment regarding houses with basements below seasonal high groundwater levels, explaining that plans have been revised to include the installation of infrastructure that will help to lower groundwater levels in the development area. In addition, a note indicating that groundwater elevations on individual lots will be determined by a deep hole excavation prior to foundation design and construction will be included on the plan. Individual grading plans will be submitted on a "case by case" basis determined at the time of construction based on existing groundwater levels. In response to Mr. Myers' concerns regarding sump pump installation, Mr. Lansing reported that details regarding sump pump installation have been revised to meet town requirements. Mr. Lansing acknowledged Mr. Myers' comment regarding the close proximity of the proposed residences, but noted that the Planning Board approved the setbacks as provided on the plans reviewed at its May 8, 2018 meeting. Responding to Mr. Myers' concerns regarding construction on steep slopes, Mr. Lansing explained that the project design meets the grading requirements as outlined in the NYS Standards for Erosion and Sediment Control and reported that proposed grading has been designed in such a way as to convey stormwater runoff away from the proposed houses toward vegetated swales that will direct the runoff to catch basins and associated piping. The Stormwater Pollution Prevention Plan has been revised to note that other green infrastructure practices shall be utilized to achieve the runoff reduction volume. Although Mr. Myers expressed skepticism that the proposed basins were not viable for this project, Mr. Lansing reported that, after consulting with him on July 2, 2018, Mr. Myers has agreed that stormwater basins shall be utilized to mitigate stormwater onsite and that provisions have been made to allow groundwater to pass through the stormwater management basins.

Mr. Lansing explained that the comment issued by M J Engineering and Land Surveying, P.C. regarding the "potential placement of homes with basements at or below seasonal high groundwater elevations" has been addressed. Mr. Lansing pointed out that the Town Highway Superintendent has found the use of a CDS unit acceptable.

Several issues centered on traffic safety. M J Engineering and Land Surveying, P.C. commented that crash rates show that there is the potential for a safety improvement at the Route 146 – Miller Road – Tanner Road intersection. Mr. Lansing offered detailed information regarding the number and types of crashes that had occurred at the intersection for the three year period from January 1, 2015 through December 31, 2017 which led to the following conclusion:

Although the crash rate is higher than the statewide rate at the intersection, the documented crashes were spread throughout the intersection and did not cluster on a particular movement or approach that would lead to the need for a specific safety improvement.

Although the Mr. Bianchi, the Town Engineer, had recommended that the town consider "improvements to this intersection including the addition of a right turn lane," Mr. Lansing response included evaluation of AM and PM peak hours and the determination that "the assumption that traffic volumes associated with the project site will increase the crash rate at this intersection is not fully supported by the magnitude of traffic volume increase or the existing crash trends at the intersection." Mr. Bianchi's comment letter for the July 10, 2018 meeting included a suggestion that the town may wish to consider the installation of a right turn lane from Miller Road onto Route 146, Mr. Lansing explained that "the assumption that construction of a right turn

lane on Miller Road would reduce the accident rate at this intersection is not fully supported based on review of the crash trends at the intersection.” He agreed, however, that “NYSDOT should be consulted regarding their opinion on the intersection and the construction of a right turn lane on Miller Road at Route 146.”

Mr. Lansing addressed four specific comments issued at the July 10, 2018 Planning Board meeting. STOP signs have been added to the plans are recommended. The two street trees mandated by the zoning code have been placed appropriately on individual lots. Screening has been provided between proposed residences and park areas. Sidewalks within the “northern loop” were considered but not included on the revised plans due to recommendations provided by Mr. Dominic Marinelli, Vice President for Accessibility Services for the United Spinal Association, which would discourage installation of a sidewalk on slopes in excess of 7%.

Mr. Scavo reported that Mr. Myers, Director of Building and Development, offered several comments regarding this application in a memo dated July 27, 2018. Mr. Myers did acknowledge a meeting with the applicant’s consultant on July 2, 2018 at which sump pump details were discussed, though he issued the following comments on the current plan. The detail shown appears to have the pipe outside the foundation to slope to the storm system. This pipe shall be a minimum of 4’ below grade in all locations and the storm system shall be low enough to accommodate this. The only water that should drain through the drilled weep hole would be inside the foundation based on the detail. No exterior pipe shall slope toward the proposed foundations. The building setbacks, although supposedly increased, still do not conform to the normal minimum of 10’. Mr. Myers expects that the slopes along some of the proposed homes will pose an issue. Mr. Myers noted that the written response from Mr. Lansing addressing comments issued at previous Planning Board meetings reference a meeting between town officials and applicant’s consultant held on July 2, 2018. He states that “nothing in the latest submission is to be construed to be something the Building Department agreed to.” The Department did not approve of the proposed sump discharge and it is unclear whether or not the proposed residences can be placed at the elevations shown. It is also unclear whether the stormwater basins will function as described: it is likely that may adjustments will be needed in the field to ensure acceptable construction results.

Mr. Scavo read the one recommendation provided by the ECC after review of this application at its August 7, 2018 meeting. The ECC recommends that Lots #9, 10, and 11 be relocated to the community park area and, in turn, the community park be relocated where these lots are currently situated. The benefit of this redesign is to preserve the existing tree line along the horse farm and maintain the character of this vista with minimal impact to the overall project.

Mr. Scavo reported that Mr. Reese, Stormwater Management Technician, offered no comments or recommendations regarding this application.

Mr. Scavo reported that all previous comments issued by the Planning Department had been adequately addressed. He noted, however, that there were on-going discussions between the applicant and the CPWA regarding a waiver of fees since the applicant is willing to provide extensions to adjoining property owners.

Mr. Bianchi reported that all M J Engineering and Land Surveying, P.C. comments and recommendations had been satisfied.

Mr. Anthony LaFleche, 21 Wheeler Drive, asked that the roadway width within the northerly portion of the site be increased to 26' to accommodate pedestrians. He called for a "minimalization of clear cutting" within the southern portion of the site. Mr. Lansing stated that clearing limit lines have been indicated on the development plans.

Ms. Lynn Hackler, Woodside Drive, distributed a hand-drawn sketch of the Route 146 - Route 146A area designed to illustrate the number of existing and proposed subdivisions that currently do or will in the future impact the already busy intersection. She called upon Board members to consider the impacts of cumulative growth on traffic safety. Mr. Ferraro explained that the intersection is currently under review by the NYSDOT and that it is likely that a public informational meeting will be held at the end of September to discuss possible road improvements. He commented that installation of a roundabout at the intersection could make entering and exiting existing and proposed subdivisions even more difficult.

Mr. Ophardt focused attention on the sidewalk issue. Referencing construction standards approved by the Department of Justice that allowed for construction of sidewalks on the type of slopes identified in this application, he stated that sidewalks within the northern node of this project would provide a "huge benefit" for its potential home buyers "given its density and proximity to desirable destinations." Mr. Lansing pointed out that design and construction of sidewalks on slopes that were in excess of legal standards would pose a significant liability issue. Ms. LaSalle supported sidewalk construction, explaining that discussions with experts in compliance standards for the disabled she works with employ and encourage the use of design guidelines that are "likely to become standards" and that she finds "limited accessibility better than no accessibility." In response to her question regarding the percentage of the carriage home site in excess of 7% slope, Mr. Lansing stated that a significant portion of the area would involve work on excessive slopes. Mr. Lansing explained that the applicant has provided linkages throughout the site and to adjoining subdivisions, noting that the wetland crossing provided in the center of site has an estimated cost of \$250,000.00. Mr. Ferraro observed that although the applicant has provided many linear feet of trails within the proposed subdivision, there are no connections to Route 146 or along its frontage and he called for – at a minimum - a pathway connection to Route 146 along the property's easterly border. Mr. Neubauer pointed out that it would be difficult for Mr. Lansing to jeopardize his professional license by stamping plans that were not compliant with adopted standards and suggested that a neighborhood feel could be established via construction of a "pocket park." This comment led to a discussion of possible amenities that could create a "sense of community," though Mr. Ferraro held fast to the idea that there is a "value to sidewalks within subdivisions." It was also concluded that further review and clarification of the construction standards related to sidewalks was necessary.

Mr. Jones offered Resolution #14 of 2018, seconded by Mr. Szczesny, to waive the final hearing for this application and to grant preliminary subdivision approval with a future final approval specifically conditioned upon a resolution of the sidewalk installation issue in the northern portion of the project site to the satisfaction of the Board with Mr. Ferraro and Mr. Ophardt serving as liaisons with town staff, town engineer, and the applicant and satisfaction of

all comments issued in the final comment letter prepared by the Planning Department. Ayes: Andarawis, Neubauer, Szczesny, LaSalle, Jones, Ophardt, Ferraro. Noes: None.

[2018-007] **146A Holdings, LLC – Route 146A Residential Subdivision** – Proposed (17) lot subdivision, Route 146A – Revised conceptual review. SBL: 265.-3-7.11

Mr. Scott Lansing, consultant for the applicant, presented this application that proposes the subdivision of 56.82 acres of land on the westerly side of Route 146A, specifically situated within the CR (Conservation Residential) zoning district approximately 3,000 feet north of the intersection of Routes 146 and 146A. Mr. Lansing noted that the parcel is also located within the Western Clifton Park GEIS Study Area and includes an LC (Land Conservation) overlay district which “roughly correlates with the state and federally regulated streams and wetlands on the site.” The speaker explained that the development parcel contains 5.84 acres of wetlands regulated by the NYSDEC. The wetlands include approximately 461 linear feet of stream 941-55, a Class C stream. The applicant has obtained a Wetland Verification letter from the NYSDEC confirming the extent of the state regulated wetlands: no impacts to the wetlands or the associated 100’ adjacent area are anticipated or proposed. The site contains .98 acres of wetlands and 1,262 linear feet of stream regulated by the ACOE. The applicant is in the process of obtaining a jurisdictional determination letter from that agency. No impacts to the ACOE wetlands are proposed. Pursuant to the Town Zoning Code, the total base development density for the parcel would be seventeen (17) units. Mr. Lansing explained that although the applicant originally proposed a thirty-four (34) lot subdivision pursuant to the open space incentive zoning option provision in the Town Code, that application was rejected by the Town Board. Lots will range in size from 43,706 SF to 76,184 SF. Since the project proposes the construction of 17 new single-family residences, each on a lot less than 5 acres in size, the project is considered a Realty Subdivision per NYSDOH regulations and is, therefore, a SEQRA Type I action requiring coordinated review. All lots have been designed to comply with CR zoning regulations. Zoning requirements mandate that at least 50% of the area of the project parcel must be designated as permanent open space and that the open area must contain a minimum of 25% unconstrained land. The applicant proposes a total of 29.56 acres of permanent open space: 6.76 acres are considered constrained lands; 22.80 acres are considered unconstrained, permanent open space. Vehicular access to the site will be provided by two new roadways designed to town standards. Road A is aligned with the existing intersection of Route 146A and Stratford Drive, extending west for approximately 1,131 feet before terminating in a cul-de-sac. This roadway is designed to serve 10 lots. Proposed Road B intersects with NYS Route 146A approximately 600 feet south of proposed Road A. It is approximately 755 linear feet in length and would serve 7 lots. It, too, would terminate in a cul-de-sac at the western end of the new road. Due to the presence of state and federal wetlands on the parcel, no interconnection between the roadways is proposed. Water will be provided by the Clifton Park Water Authority via connection to the existing 20’ water main located on the west side of Route 146A. Since the parcel lies outside the water district, however, extension of the district is required. A new sanitary sewer main extending the length of the two new roads will be connected to an existing gravity sewer on Stratford Drive and/or Marlboro Drive. Stormwater will be managed on site using designated stormwater management areas and multiple green infrastructure run-off reduction practices. A project-specific Stormwater Pollution Prevention Plan will be prepared. Mr. Lansing explained that the stormwater management system and appurtenances shall be designed and

constructed in accordance with all local, state, and federal requirements and are proposed to be owned, operated, and maintained by a homeowners' association formed for this project.

Mr. Scavo read the comments issued by Mr. Myers, Director of Building and Development, in memo dated July 27, 2018. The application represents a new development proposal within the CR (Conservation Residential) zoning district. The short distance – 230' – between the centerlines of the existing Dawson Lane and proposed Road A may be an issue. Cul-de-sacs are not viewed as the “preferred road configuration.” Joining the two roads provides easier maintenance for plowing and would loop the utilities rather than “dead ending” them. Such a connection may also provide an area to access the open space lands. A full Stormwater Management Pollution Prevention Plan will be required. Additional comments will be issued when more detailed plans are submitted for review.

Mr. Scavo read comments issued by the ECC after review of the project plan at its August 7, 2018 meeting. The limits of the LC zone and 100-foot adjacent area, DEC Wetlands, and Federal Jurisdictional Wetlands shall be clearly identified on the plot plan. In addition, classified streams which are located in the Town of Clifton Park and have been identified and/or mapped by the NYSDEC, require a 50 foot adjacent buffer area of each side of the outer bank of the high water mark pursuant to Section 208-69.1.A(2) of the Town Code. This buffer zone shall be clearly marked and deed restricted. Because permanent open space is proposed, the project must include 25% of the unconstrained land of the parcel. The ECC requests that the proposed open space be clearly delineated on the project plans. The ECC recommends that the Permanent Open Space on the plan be donated and deeded to the Town of Clifton Park.

Mr. Scavo reported that Mr. Reese, Stormwater Management Technician, stated in a memo dated August 10, 2018, that the project narrative describes an acceptable stormwater management plan. Further review will be conducted when more detailed plans are presented for review.

Mr. Scavo provided comments issued by the Planning Department. It is recommended that the Planning Board seek lead agency status for coordinated SEQR review of the project, classified as a Type I Action. The revised concept from the prior 17 lot layout has eliminated the need for the special consideration of keyhole lots by the Planning Board. The revised conceptual subdivision plan appears to meet all bulk and setback standards prescribed by the CR zoning district. The applicant and Planning Board should discuss the ownership mechanism sought for the proposed permanent open space area (i.e. permanent deed restriction with land held in private ownership, dedication to a land trust 501C3, or dedication offer to the Town of Clifton Park). A referral of the future preliminary subdivision plan shall be made to the Saratoga County Planning Board for a recommendation on the project in accordance with GML §239-m. As the applicant advances into preliminary design drawings, provisions should be made to coordinate the type and location of a cluster mailbox design through dialogue with the local postmaster.

Mr. Bianchi offered comments issued by M J Engineering and Land Surveying, P.C. after review of the subdivision plan and supporting documents submitted for consideration. The project proposes to service each new lot with public water from the Clifton Park Water Authority via extending a new public water main throughout the project. The applicant shall provide the Town documentation of the CPWA's ability and willingness to service the project with potable water.

Any action on the subdivision application should be conditioned upon receipt of plan approval from the CPWA. The extension of public water mains to the project is subject to NYSDOH plan approval and potentially the NYSDEC for the taking of additional water. As part of the project's regulatory review, the applicant will have to apply for the referenced plan approvals. 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. The project proposes to service each new lot with public sewer from the Saratoga County Sewer District via extending a new public sewer main throughout the project. 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 subdivision application should be conditioned upon receipt of plan approval from the SCSD. The extension of public sewer mains to the project is subject to NYSDEC plan approval. As part of the project's regulatory review, the applicant will have to apply for the referenced plan approvals. Any action on the subdivision application should be conditioned upon receipt of plan approval from the NYSDEC. 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 Stormwater Pollution Prevention Plan (SWPPP) will be required that addresses 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. The concept plan indicates that a NYSDEC wetland extends onto the parcel with the 100-foot adjacent area extending into the development area of the project. The boundary of the noted NYSDEC wetland has been validated by the NYSDEC (refer to August 14, 2017 NYSDEC correspondence). The project design does not anticipate any impacts to the NYSDEC wetlands or buffers. Should this continue to be the case, no permitting is anticipated from the NYSDEC relative to wetland and buffer impacts. The concept plan indicates that there are regulated waters of the US within the project boundaries. The applicant has requested a jurisdictional determination from the USACOE. The applicant shall provide the Town with all correspondence with the USACOE regarding their review of the wetlands and streams onsite. It is recommended that at a minimum, the number of peak hour vehicle trips be provided. Evaluation of vehicle sight distances at the two accesses onto Route 146A should be provided. The findings of the study should be provided to the Region 1 office of the NYSDOT for input.

Several comments related to State Environmental Quality Review. Based upon a review of the proposal, it is considered a realty subdivision under Environmental Conservation Law (ECL) Part 74. In accordance with 10 NYCRR Part 97 in the NYSDOH regulation implementing SEQRA (Article 8 of the ECL), Section 97.14(b)(2)(ii) requires that a realty subdivision be classified as a Type I action. For applications that come before the Planning Board, with few exceptions, the Planning Board is the SEQRA Lead Agency. Applications for incentive zoning are one of those few exceptions. Pursuant to Section 208-43.16(E)(3) of the Town Zoning Code, the Town Board will act as the SEQRA Lead Agency, with the Planning Board being an involved agency. Assuming the Clifton Park Town Board is to request Lead Agency status under SEQRA, a coordinated review required for Type I may include, but is not necessarily limited to the following: Town of Clifton Park Planning Board – subdivision approval; Clifton Park Water Authority – public water supply plan approval; NYS Department of Health – realty subdivision approval and public water supply plan approval.; NYS Department of Environmental Conservation – permit coverage under stormwater SPDES, identification of threatened and endangered species, potential taking of additional water;

NYS Office of Parks, Recreation and Historic Preservation – identification of cultural or historic resources; Saratoga County Planning Board – 239m referral due to the parcel’s proximity to NYS Route 146A; US Army Corps of Engineers – Jurisdictional Determination of waters of the United States. As the Planning Board reviews this application for incentive zoning and prepares its advisory report, it may be appropriate to start deliberating on aspects of the project that are of concern and may require further analysis under SEQRA.

Mr. Bianchi explained that several comments related to the Full Environmental Assessment Form submitted by the applicant. Under Part D.2.c.ii, additional information must be furnished to substantiate the response that the existing water district is capable of servicing the project. Under Part D.2.j, additional information must be furnished to substantiate the response that the project will not result in traffic that is substantially above present levels. Under Part E.2.o, the response indicates the site does not contain any species of plants or animals that are listed by the federal government or NYS as endangered or threatened. A majority of Saratoga County has been determined to potentially include the Indiana Bat or Northern Long Eared Bat, both of which are federally listed endangered species. The applicant is asked to confirm that the response provided is correct. This may require a review of the USFW Ipac database to obtain the federally listed species. Under Part E.3.f, the response indicates that the site is located in or adjacent to an area designated as sensitive for archeologically sensitive sites on the SHPO site inventory. Additional information is required to demonstrate there will be no adverse impacts relating to adverse impacts to these resources.

A number of comments related specifically to the subdivision plan. The project is located within the Town’s CR (Conservation Residential) zoning district. The proposal for single family homes is a permitted principal use within the zoning district as noted in Section 208-16(D)(1)(b) of the Town’s Zoning Code. The applicant is proposing to create 17 new lots from one existing lot that has a total area of 49.94 acres. The proposal follows the development option outlined in Section 208-16(E)(2)(b) of the Zoning Code where the density may not exceed 0.33 units per acre of unconstrained land, provided 50% of the area of the development site is designated as permanent open space. In reviewing the submission, there will be 29.56 acres of permanent open space (52%) and there will be 22.80 acres of unconstrained land (77% of open space), both exceeding the minimum required within the CR district for the development option being pursued. The maximum permitted base density is calculated in accordance with Section 208-16 (E)(2)(b) of the Zoning Code. Based upon the bulk lot table of the concept plan, the project has a total of 49.95 acres of unconstrained lands. Utilizing the calculation example provided in Section 208-16 (E)(2)(b) of the Code, the maximum base density would be 56.82 acres (total parcel area) - 6.87 acres (of constrained land) x 0.33 or 16.48 lots or 16 lots (applicants may round down fractional units of 0.5 or less and roundup fractional units greater than 0.5). The narrative indicates a permitted base density of 17 lots, which appears incorrect. Subdivisions proposed within the CR zoning district are to follow a four-step resource analysis outlined in Section 208-16(E)(13) of the Zoning Code. The Project Narrative provides a description of the analysis that substantially conforms with Section 208-16(E)(13) of the Town Code. The applicant shall identify ownership of the proposed open space, a requirement of Section 208-16(E)(3)(c). If held in private ownership, preservation in perpetuity shall follow the requirements of Section 208-16(F) of the Town Code. Section 86-6(E)(5) of the Town Code requires that street lighting be provided at the intersection of subdivision streets and an

existing arterial or collector street. There may not be a need to provide the noted lighting due to existing conditions along Route 146A. The proposed points of access to the project appear to provide adequate sight distances for entering and exiting onto Route 146A. Notwithstanding, there should be indication on the plan of what the required and provided turning sight distances are based upon the posted speed limit along Route 146A. The concept plan shows areas set aside for stormwater management. Given the conceptual nature of the plan, the type of practice has not yet been determined. The applicant should be aware that the Town prohibits the use of a P-5 practice and in the event it is determined that the P-5 practice is the only viable option, supporting materials will need to be submitted to the Town for review before it will be deemed acceptable for use. As the project proceeds through the Town's regulatory review process, the applicant is urged to meet with the Town's Stormwater Management Officer to review any proposed green infrastructure practices to avoid those that may be deemed undesirable. Subsequent plans shall show the Town's LC location and boundaries which are defined by Section 208-69.1 of the Zoning Code. 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. Considering this plan is conceptual in nature, subsequent comments will be provided with a preliminary plan submission.

Mr. Bob Voelker, 10 Stratford Drive, asked that the 10' bike path be illustrated on the colored sketch plan presented for review. Mr. Lansing explained that the formally presented plans do include the path's location. Since the distance from Dawson Lane to proposed Road A measured only 180', Mr. Voelker was concerned with traffic safety: he recommended that the proposed road be moved to the south. The speaker noted that the subdivision design proposes a connection to the sewer lateral near the intersection of Stratford Drive and Route 146A. He observed that the proposed connection may require excavation of an area on which an existing subdivision identification sign is located. Should the sign and/or the surrounding area be damaged, he asked that "in kind repairs" be assured.

Mr. Anthony LaFleche, 21 Wheeler Drive, requested information regarding setback requirements. Mr. Lansing explained that proposed residences would be setback a minimum of 25' from the roadway. In response to Mr. LaFleche's question regarding roadway connections, Mr. Lansing explained that the roadways were separated to avoid disturbance of a delineated ACOE wetland. Mr. LaFleche asked that the developer consider installation of a trail connection to the back of the site and provide "curves in the road" to add interest.

Ms. Noreen Grimmick, 13 Dawson Lane, citing the number of existing and proposed subdivisions and multi-family developments within the Route 146A corridor, expressed concerns that the increased number of housing units would impact traffic safety.

Mr. Ferraro commented that a number of alternative designs for traffic controls were being considered for the Route 146 – Route 146A intersection, noting that a roundabout at the location would result in a continuous flow of traffic northward on Route 146A. Mr. Jones pointed out that although there may be impacts associated with new development, property owners do have development rights. The Planning Board attempts to identify and mitigate potential problems.

Ms. Grimmick asked that the Board consider recommending that flashing beacons be installed to alert drivers of the mid-block multi-use pathway crossings. Mr. Ferraro advised Ms. Grimmick to contact Ms. Viggiani, Open Space Coordinator, regarding the suggestion.

Mr. Ophardt suggested that the Board may wish to consider closing the Dawson Lane entrance onto Route 146A to reduce the number of curb cuts. Mr. Ferraro stated his support for “interneighborhood connections,” expressing his displeasure with the two additional curb cuts along a short span of Route 146A and his support for installation of the Dawson Lane connection. Mr. Neubauer supported the Board’s policy of providing stub streets within subdivision to allow for possible future connections and stated his reluctance to approve the additional two curb cuts onto Route 146A as designed. Mr. Andarawis observed that having streets with seventeen homes, 10 homes, and seven homes with no interconnections was problematic and he recommended utilization of the existing stub street on Dawson Lane. Mr. Lansing noted that subdivision layout was based upon elements of design that would appeal to the “target market” and that would meet code requirements with respect to separation distances between roadways.

Mr. Ferraro noted that although the applicant’s design plan addressed the comments included in the decision rendered by the Town Board on the open space incentive zoning request, he was concerned that the additional curb cuts proposed along the heavily-used multi-use pathway would pose serious public safety issues. Mr. Szczesny pointed out that the Town Board decision was based on a proposal which was significantly more intense than the one presented this evening. He supported a plan that would include a northerly connection to Dawson Lane, a single stream crossing, and one access onto Route 146A from the proposed 17 lot subdivision. Mr. Neubauer and Mr. Andarawis believed that such a design would be reasonable since the three consecutive curb cuts were viewed unfavorably. Mr. Ferraro observed that significant environmental features contained within the development site limited design possibilities. He asked the applicant to outline the public benefit provided by the reserved open space area since it is not readily accessible to the general public. He noted that proposed Lot #8 appears to be located within the wetland buffer area. Mr. Lansing asked for guidance from the Board regarding a possible connection to Dawson Lane and the preferred location of the curb cut to provide access to the subdivision along Route 146A. Both Mr. Szczesny and Mr. Neubauer stated their preference for a connection to Dawson Lane. Mr. Neubauer preferred a curb cut situated between Marlboro Drive and Stratford Drive. Mr. Szczesny and Mr. Ferraro both preferred the location of proposed Road B. Ms. LaSalle stated that she was not in favor of cul-de-sacs or the proposed multiple curb cuts that created both pedestrian and vehicle conflicts. Mr. Ferraro encouraged the applicant to consider access for the public, particularly for those purchasing homes within the proposed development, to the dedicated open space preserved to the rear of the site.

[2018-038] **Sunshine Landscaping** – Proposed landscaping materials supply and storage facility with 52,260 SF of building coverage – Revised conceptual site plan review. SBL: 263.-1-41

Mr. Scott Lansing, consultant for the applicant, focused upon the significant changes to this application that remains generally as presented for the July 10, 2018 meeting. He noted that any impacts to archaeologically sensitive areas of the site have been avoided. The structure labeled “worker’s facility” has been eliminated from the plan. The entrance drive from Tanner Road has

been aligned with the roadway serving The Vistas subdivision. An emergency access as approved by the Chief of the Bureau of Fire Prevention has been provided. Additional screening along Tanner Road has been illustrated on the plan. A 15' wide easement along Tanner Road will be provided for future trail development and/or roadway improvements. A conveyance of land along Route 146 will be made for the same purpose. All pest management treatments required for the site will be subcontracted to a licensed professional. Mr. Lansing expects that all technical comments will be addressed in the next submission.

Mr. Tom Andress, consultant for the adjoining property owner, who was in attendance at the meeting for another matter, commented that the owner of Twenty First Century Drive was not informed of the proposed access on his private roadway and is not willing to grant an easement for access to the Sunshine Landscaping site.

Mr. Scavo explained that Mr. Myers, Director of Building and Development, provided the following comments regarding this application in a memo dated July 27, 2018. The structure previously shown on the plan and identified as "worker housing" appears to have been eliminated from the site plan. Mr. Scavo reported that Mr. Myers has found that "retail as an accessory use" on the site is appropriate since the site will be primarily used for the storage of landscaping materials that will be installed off-site.

Mr. Scavo explained that the ECC provided no comments or recommendations regarding this application.

Mr. Scavo explained that Mr. Reese, Stormwater Management Technician, reported in a memo dated August 10, 2018, that he will provide comments related to this site plan at a future date when more detailed plans are submitted for review.

Mr. Scavo read the comments issued by the Planning Department. A referral to the Saratoga County Planning Board has been made based on the current application and site plan. The County received the referral on July 25, 2018 and will consider it at the next meeting August 16, 2018 meeting. The LP gas containers and diesel fueling pumps have the potential for vehicular damage due to the proximity of adjacent travel lanes and parking areas. To minimize this impact, the preliminary site plan should provide locations for suitable impact protection with bollards or other physical barriers with a construction detail. The applicant is asked to add a note to the plan that states the following:

The owner is required to provide for sufficient capacity for the handling of truck deliveries on-site and the movement of freight to and from the facility. No person shall park or idle a commercial vehicle associated with deliveries, wholesale operations, or retail operations within the public right-of-way of Tanner Road.

Tanner Road is classified as a Collector Street pursuant to Section 179-1 of the Town Code. Traffic on Tanner Road is predominately generated from residential local streets utilizing Tanner Road to travel to and from Route 146. Commercial vehicle traffic should be encouraged by signage to utilize Route 146 and Tanner Road south to Route 146 rather than heading north on Tanner Road to Route 146A. Based on responses provided by Lansing Engineering in a letter dated July 23, 2018, the applicant appears to be gathering the necessary information for the Planning Board to make a SEQR Determination of Significance at the time of preliminary site plan consideration for

what appears to be an unlisted action. Additional technical comments will be provided based on a review of a future preliminary site plan submittal and supporting documentation.

Mr. Bianchi explained that review of the application presented resulted in the following comments. The initial comment related to the Full Environmental Assessment Form presented for review. The comments that remain outstanding specific to the environmental assessment form shall be provided prior to the Planning Board acting on SEQRA. As noted in Comment 22 of the July 6, 2018 review letter, Section 208-55 of the Town's Zoning Code indicates that 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 Town Engineer takes no exception to the proposal; however, the Town is in receipt of correspondence from the adjacent landowner indicating access through their property and onto the existing access to Route 146 has not yet been agreed to. This proposed point of access needs to be resolved as it appears to be critical for safe movement into and through the project site. As noted in Comment 25 of the July 6, 2018 review letter, Section 503.1.1 of the IFC requires an approved fire apparatus access road be provided that 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. In reviewing the concept plan, it appears there are buildings that may not have adequate fire apparatus access including the Gothic Style Hoop Houses and the Greenhouse. While some of the structures may only be to cover storage, they may still be regulated under Chapter 31 of the Uniform Code which also applies the International Fire Code. This matter shall be reviewed with the Town Code Official and Emergency Services to discuss applicability of Section 503.1.1 and other provisions of the IFC to the storage areas that are covered. Considering the submission remains conceptual in nature, additional comments will be provided with the next submission. Subsequent submissions shall include information as outlined in Section 208-115 of the Town Zoning Code specific to lighting, site grading, landscaping, erosion control and stormwater management to fully assess the design and its compliance to the applicable standards.

Mr. Anthony LaFleche, 21 Wheeler Drive, expressed his appreciation to the applicant for realigning the Tanner Road curb cut with the one on Vista Court. Upon learning that the planting along Tanner Road would be located approximately 40' west of the roadway, he stated his approval, explaining that the setback would allow for future improvements to the Tanner Road – Route 146 intersection.

Ms. Wendy Holzberger, traffic engineering consultant, explained that evaluation of the Tanner Road – Route 146 intersection is continuing based on limited access onto Route 146. She explained that large truck traffic will be limited to one or two large deliveries per week, that employees will generally arrive prior to the AM peak hour and depart after the PM peak hour. In response to Mr. Ferraro's question regarding the types of vehicles utilized by the business, Ms. Holzberger reported that the business, which currently operates from a location on Waite Road, uses standard pick-up trucks to deliver landscaping materials off site. Mr. Ferraro expressed concerns regarding traffic impacts and safety at the Tanner Road – Route 146 intersection. Both he and Mr. Jones requested information regarding the thresholds necessary to trigger the installation of a traffic signal at the location. Ms. Holzberger explained that a number of variables would be considered to determine if such a signal would be warranted. She stated that such things

as the timing of deliveries to the business site to avoid peak hour traffic could reduce its impact on existing flows. Mr. Ferraro reiterated his concerns regarding traffic safety at the Tanner Road – Route 146 intersection, stating that, in his opinion, a traffic signal at the location “is needed.”

Mr. Koval, real estate professional, spoke from the audience to explain that the parcel slated for development has been on the market for several years. The proposed use is much less intense than other uses such as residential development and athletic fields that have been considered. Mr. Ferraro stated that although he viewed the proposed use and site design favorably, the traffic safety issue was a significant concern. In response to Mr. Ferraro’s request for additional screening along Route 146, Mr. Lansing explained that the applicant is committed to the installation of substantial decorative plantings and identification signage. Mr. Andarawis and Mr. Neubauer agreed that the parking provided to the front of the site appeared excessive. Mr. Lansing will consider the “landbanking” of several spaces.

Since the meeting lasted beyond the 12:00a.m. deadline, the remaining agenda items will be considered first at the September 12, 2018 Planning Board meeting.

New Business:

[2018-044] **Azadivatan, Neda** – Proposed (2) lot subdivision, 521 Vischer Ferry Road – Conceptual review. SBL: 2018-044

[2018-045] **PV Engineers c/o Borrego Solar Systems – Grooms Road Large Scale PV Facility** – Development of a 9.2 MW ground-mounted solar energy generating facility which will cover approximately 33.09 acres with surrounding 7’ high fence and associated access roadway – Conceptual site plan review. SBL: 276.-2-30.1

[2018-046] **PV Engineers c/o Borrego Solar Systems – Grooms Road Large Scale PV Facility** – Approval of Special Use Permit #81178 to permit the construction of a ground-mounted solar array, 753 Grooms Road – Conceptual review. SBL: 276.-2-30.1

Mr. Jones moved, seconded by Mr. Szczesny adjournment of the meeting at 12:26a.m. The motion was unanimously carried. The next meeting of the Planning Board will be held as scheduled on September 12, 2018.

Respectfully submitted,

Janis Dean, Secretary

NOTICE OF DECISION

Resolution #13 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 August 14, 2018 there were:

Present:	R. Ferraro, Chairman, E. Andarawis, J. Jones, A. Neubauer, E. Ophardt, G. Szczesny T. LaSalle – Alternate Member
Absent:	D. Bagramian

Mr. Szczesny offered Resolution #13 of 2018, and Mr. Jones seconded, and

Whereas, an application has been made to the Planning Board by Matt Services, LLC for approval of a subdivision entitled Subdivision of the Lands of Pat Petraccione consisting of (2) lots;

Whereas, pursuant to Section 276 of the Town Law, a public hearing was advertised and was held on August 14, 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 August 14, 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 Pat Petraccione consisting of (2) lots is granted preliminary and final approval conditioned upon preparation and filing of a maintenance agreement to ensure the septic system will remain operational, there is a mechanism to address any needed repairs in the future, and assurance that, should the single septic system ever fail in the future, it will be replaced with two separate systems servicing each individual home and satisfaction of all items listed in the final comment letter issued by the Planning Department.

Resolution #13 of 2018 passed 8/14/2018

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

Noes: None

Rocco Ferraro, Chairman

NOTICE OF DECISION
PRELIMINARY SUBDIVISION APPROVAL

Resolution #14 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 August 14, 2018 there were:

Present: R. Ferraro, Chairman, E. Andarawis, J. Jones, A. Neubauer, E. Ophardt,
 G. Szczesny
 T. LaSalle – Alternate Member
 Absent: D. Bagramian

Mr. Jones offered Resolution #14 of 2018, and Mr. Szczesny seconded, and

Whereas, an application has been made to the Planning Board by V&R, LLC for approval of a subdivision entitled Subdivision of the Miller Road Residential Subdivision consisting of (79) lots;

Whereas, pursuant to Section 276 of the Town Law, a public hearing was advertised and was held on July 10, 2018;

Whereas, the Planning Board was established as Lead Agency for this application, a Type I action, and a negative declaration was issued pursuant to SEQRA on June 12, 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 subdivision entitled Miller Road Residential Subdivision consisting of (79) lots is granted preliminary approval with a future final approval specifically conditioned upon a resolution of the sidewalk installation issue in the northern portion of the project site to the satisfaction of the Board with Mr. Ferraro and Mr. Ophardt serving as liaisons with town staff, town engineer, and the applicant and satisfaction of all items listed in the final comment letter issued by the Planning Department.

Resolution #14 of 2018 passed 8/14/2018

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

Noes: None

Rocco Ferraro, Chairman