

**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 Minutes**  
**November 27, 2018**

Those present at the November 27, 2018 Planning Board meeting were:

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

Those absent were: None

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.

**Minutes Approval:**

Mr. Andarawis moved, seconded by Mr. Jones, approval of the minutes of the November 14, 2018 Planning Board meeting as written. Ayes: Andarawis, LaSalle, Szczesny, Jones, Ophardt, Ferraro. Noes: None. Abstained: Bagramian, Neubauer

**Public Hearings:**

[2018-039] **Deuel, William F. (Herbinger Construction, LLC) Longkill Road (7) Lot Subdivision** – Proposed (7) lot subdivision, 96 Longkill Road – Preliminary public hearing and possible determination. SBL: 250.-1-2.2, 3.1, 250.13-4-20

Mr. Ferraro explained the review process to those present, stating that the Board is mandated to render a determination pursuant to SEQRA (State Environmental Quality Review Act) prior to conducting the required public hearing on this application. He explained that although the Planning Board would pronounce the application, a Type I action, complete, assume Lead Agency status, and issue a negative declaration, these actions would neither grant nor imply approval of the 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. Ophardt moved, seconded by Ms. Bagramian, 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 notice as published in the Daily Gazette on November 16, 2018.

Mr. Lansing, consultant for the applicant, presented this application that was originally reviewed by the Planning Board at its July 10, 2018 meeting and has been revised to reflect concerns and recommendations offered by the Town Engineer, Town officials, and the Planning Board at that time. Mr. Lansing explained that the Environmental Assessment form has been updated in response to a number of the comments issued by M J Engineering and Land Surveying, P.C. and that many technical comments have been addressed. Highlighting some of the significant revisions to the plan, he noted that preliminary discussions with the Town of Malta indicate that there is no need for that municipality to approve the project since it is predominately in the Town of Clifton Park and no infrastructure is proposed within the Town of Malta. Plans have been revised to meet the zoning regulations set forth in Section 208-98 of the Town Zoning Code, conveyance of Class A, B, or money in lieu of land will be determined, information regarding the minimum required and actual sight distances at the intersection of Longkill Road and the proposed new street have been added to the plan, indication of the proposed removal of the existing home and barn on the parcel now appears on the plan, and a basic Stormwater Pollution Prevention Plan has been submitted. Mr. Lansing expanded on the Stormwater Pollution Prevention Plan, explaining that, although only a basic SWPPP would be required, a full plan was prepared due to the need for an infiltration area designed to handle a 100-year storm event. The stormwater management area, replete with an emergency spillway, will be installed in the southwesterly portion of the property. He noted that the drainage swale situated north of the entranceway has been designed as a drainage swale to direct drainage to the infiltration basin, clarifying the misconceptions of some that the area was to be utilized as an additional stormwater management area.

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 regarding this application in a memo dated November 13, 2108. The applicant's consultant stated that less than five (5) acres of disturbance is proposed, yet the barn demolition is beyond the Stormwater Pollution Prevention Plan grading line. The consultant should confirm the accuracy of the amount of disturbance. Lot #1 appears to include the proposed stormwater management area while Lot #7 appears to have the stormwater management area on its own parcel. Board members should consider whether or not locating a stormwater management area on private property is advisable since it appears to severely restrict the property's front and side yard areas. The stormwater management areas are proposed with no discussions for the use of green infrastructure for the project. There are now two stormwater management areas adjacent to the town roadway. The applicant's consultant should consider the downstream effect of these locations at the emergency spillway, especially to neighboring properties. It is unclear why a reference to Section 179-26A is made in the project narrative.

Mr. Scavo reported that, after review of the application at its November 20, 2018 meeting, the ECC issued the following recommendations. The ECC notes that the project proposes extensive cutting of existing foliage thereby eliminating any buffers between the project and the surrounding homes, particularly those located on Parkside Trail. In keeping with the rural nature of the project area 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 the existing subdivision. The ECC requests that the applicant provide a 15 foot wide multi-use trail easement along Longkill Road, though the Commission notes that the placement of the stormwater management area precludes the opportunity for trail development. Considering that an existing playground area is adjacent to the proposed project, this trail access should be a priority in order to promote safe public access to Jewett Park. In order to properly manage the stormwater management area, one lot should be removed to allow room for the stormwater facility and to ensure preservation of several mature trees.

Mr. Scavo explained that Mr. Reese, Stormwater Management Technician, noted that the Stormwater Pollution Prevention Plan Grading Line should have demarcations in the field to verify that disturbances will be below the 5 acre disturbance threshold. Mr. Reese asked that the plan clarify who will own the Storm Water Retention Lot and why there is not one located at the northerly side of Road A.

Mr. Scavo explained that, after review of the proposed subdivision plan and supporting documents provided for this application, the Planning Department issued the following comments. He noted that the proposed plan requests approval of a seven (7) lot subdivision which calls for the demolition of the existing home and barn and which appears to meet all setback and bulk standards prescribed by the R-1 zoning code. The applicant is asked to add a notation to the plan that states:

This subdivision is to be included within Longkill Park District #1. Pursuant to Section 179-28 of the Town Code, it shall be the responsibility of the owner to provide appropriate street lighting at the intersection of a proposed street with an existing arterial street. The applicant is asked to add a streetlight to the plan at intersection of Longkill Road and proposed Road A. The following notation must be added to the plan:

There shall be no clearing, grading, construction, or disturbance of soil and/or native vegetation until the final site plan has been approved and stamped. The Notice of Intent for the Stormwater Pollution Prevention Plan must also be filed with NYS DEC prior to the commencement of any soil disturbance, clearing, grading, and/or construction.

Provide a street name for Road A to allow for 911 addresses to be assigned by the Town's Chief of the Bureau of Fire Prevention. The assigned 911 addresses and street name shall be shown on the subdivision plan prior to final stamping. No review for the existing dwelling to be removed is required by the Town's Historic Preservation Commission since the existing home was constructed in 1972. A demolition permit issued by the Building Department shall be obtained prior to demotion of the existing barn and dwelling on the project site.

Mr. Bianchi explained that, after review of the application and accompanying materials, M J Engineering and Land Surveying, P. C. provided the following comments regarding this application. Several comments referenced the subdivision plan. As noted in Comment 25 of the July 6, 2018 review letter, 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. Unless this provision is waived by the Planning Board, the plans shall show the location of the proposed lighting. The limits of disturbance line shown on Sheet 4 of 15 shall be updated to include the removal of the existing barn between proposed Lots #2 and 3. The area of disturbance should be labeled with a numerical value, noting that when including this area, the total disturbance appears to be below 5 acres. The project proposes two stormwater management areas, one being placed on its own lot and one contained within a proposed lot and within an easement. It has become standard practice of the Town to require each stormwater management area to be on its own lot when being offered to the Town. The plans should be updated to show the basin on the north side of the proposed road on its own lot for conveyance to the Town unless otherwise directed by the Town. The applicant is asked to provide information on the plans indicating how potential sump pump laterals may be positioned which shall be in conformance with Section 86-7(A)(6) of the Town Code. A stabilized access to the outfall to the southern stormwater area shall be provided. The applicant is asked to coordinate with the town officials to determine whether a perimeter fence is required around one or both of the stormwater management areas. On Sheet 5 of 15, specification or description of road construction when section fills are greater than 5 feet in depth must be provided. Plan Sheets 11 through 14 have not been reviewed as they are under the purview of the Clifton Park Water Authority and Saratoga County Sewer District No. 1. Additional comments related to the Stormwater Pollution Prevention Plan. In reviewing the project plans, specifically Sheet 4 of 15, it would appear that the total disturbance for the project will be less than 5 acres (to be confirmed by the consultant). Pursuant to GP 0-15-002, Table 1, if the project has less than 25% impervious cover at total site build-out, a SWPPP that addresses erosion and sediment control is required. Under Section 2.5, the applicant is asked to provide a summary of the site-specific soil investigation conducted. The SWPPP shall provide documentation illustrating eligibility for permit coverage pursuant to Part I.F.4 of the General Permit with respect to threatened and endangered species. This shall include both state and federally listed species. The SWPPP shall provide documentation illustrating eligibility for permit coverage pursuant to Part I.F.8 of the General Permit with respect to cultural and archeological resources. While the project does not require permanent stormwater management features to comply with GP 1-15-002, two are proposed to ensure there are no adverse impacts to down

gradient areas. Each of these basins are planned for conveyance to the Town. As such, the applicant is asked to develop a project specific inspection and maintenance document for use by the Town. This may be part of the SWPPP or a stand-alone document. One comment concerned the Phase 1 Archeological Investigation. No technical comments were provided by M J Engineering and Land Surveying, P.C.; however, the report is subject to the review and approval by the NYS Office of Parks, Recreation and Historic Preservation. No technical comments were issued regarding the Water/Sewer Letter Report. The report is subject to the review and approval by the Clifton Park Water Authority and Saratoga County Sewer District No. 1 for water and sewer system improvements, respectively.

Mr. Bob Louis, 2 Maple Forest Drive, asked that tree removal along the northerly property boundaries be limited to ensure the privacy of those residing along Maple Forest Drive. He also asked that the developer consider limiting the length of the proposed driveways to ensure that the proposed homes are situated as far from those on Maple Forest Drive as possible. He recommended that the Planning Board consider limiting the development to four (4) home sites.

Ms. Sarah Linville, 4 Maple Forest Drive, asked about the size of the rear yard setbacks for the proposed homes and expressed her concerns for the possible loss of mature trees behind her property. Mr. Ferraro pointed out that there is an existing ribbon of land approximately 30' wide between the existing homes on Maple Forest Drive and the proposed new lots which appears to belong the homeowners' association. Mr. Lansing explained that the required rear yard setback for the new homes is 25 feet. He pointed out that developers attempt to minimize driveway lengths to limit the amount of paving and reduce infrastructure costs.

Ms. Lynn Larson, 88 Longkill Road, favored a trail link from the Deuel property to Jewett Park, though Mr. Ferraro and Mr. Scavo explained that there are a number of challenges posed by such things as topography, utility lines, and existing drainage ditches that would make installation of a sidewalk or multi-use pathway in the area problematic. In response to her request for enforcing the speed limit along Longkill Road, Mr. Scavo stated that he would consult with the Highway Safety Committee and schedule the placement of speed-indicating traffic safety equipment along the roadway in the spring. In response to Ms. Larson's question regarding the size and cost of the proposed homes, Mr. Lansing explained that they would likely be 2,100 – 2,400 SF in size with a base cost in the mid \$400,000.00 range.

Mr. Ferraro observed that the stormwater management area would be conveyed to the town and asked that it be shifted slightly to allow for trail construction. Mr. Lansing agreed to consider a minor revision to accommodate such construction.

There being no additional public comment, Mr. Ferraro moved, seconded by Mr. Szczesny, to close the public hearing at 7:40p.m. The motion was unanimously carried.

Mr. Jones and Mr. Ferraro encouraged the applicant and developer to preserve as many trees as possible on the site. Mr. Lansing assured the Board that every attempt will be made to "minimize tree cutting on the site." Mr. Ferraro expressed concern with the amount of clearing proposed for Lots #3 and 4, though Mr. Lansing pointed out that the cutting and clearing was necessary to "balance the site" and provide for drainage flow. The answer to Mr. Andarawis'

question regarding the need for the placement of a streetlight at the intersection of Longkill Road with the new street was unclear, with members pointing out that there were streetlights at the intersections of Kain Terrace and Longkill Road and Parkside Trail and Longkill Road. It was noted during the discussion that the street light requirement could be waived by the Planning Board. Mr. Ferraro called the Board's attention to a letter authored by Mr. David Gibson, 107 Longkill Road, that asked the Board to consider the parcel's use as a habitat for "a pair of roosting, courting, and last year, nesting great horned owls" as well as its "scenic and aesthetic beauty." Mr. Lansing explained that the results of a site investigation to determine impacts to endangered species has been conducted and that determinations regarding any impacts to protected wildlife would be issued by the appropriate agencies. It was noted that the great horned owl is not on the endangered species list. Mr. Ferraro called for the drainage path on Lot #1 to be maintained as such. There will be a deed restriction that will prohibit any structures on that portion of the parcel. Mr. Bianchi recommended that an access easement be provided for maintenance of the corridor be granted to the Highway Department. In response to Mr. Ferraro's question regarding any impacts to delineated wetlands on the site, Mr. Lansing explained that no wetlands were identified on the site. Mr. Bianchi recommended narrowing the stormwater containment area and spillway to provide a wider area for possible future trail development along Longkill Road. Mr. Ferraro advised the applicant to "maximize buffering" on the site.

Mr. Jones offered Resolution #18 of 2018, seconded by Ms. Bagramian, to waive the final hearing for this subdivision application and to grant preliminary approval conditioned upon approval of the Stormwater Pollution Prevention Plan, establishment of an easement to permit town access for maintenance of the stormwater management area, verification that there will be no impacts to endangered species, approval of the assigned roadway name and postal addresses, and satisfaction of all technical comments issued by the Town Engineer and Planning Department. Ayes: Neubauer, Andarawis, Bagramian, Szczesny, Jones, Ophardt, Ferraro. Noes: None.

[2018-034] **Synergy Technology Park, Lot 4 – Site Plan** – Proposed three-story self-storage building with truck rental company, 7 Synergy Park Drive – Preliminary site plan review and possible determination. SBL: 265.-5-5

Mr. Peter Murray, legal representative for the applicant, presented this project plan that was reviewed by the Board at its October 10, 2018 meeting, explaining that the project plan remains generally as presented at that time. Façade renderings of the building were presented for the Board's consideration as were simulated visuals from the Northway driving lanes. In a letter dated November 5, 2018, Mr. Palleschi, design consultant for the applicant, addressed the numerous issues raised by Mr. Myers, Director of Building and Development, Mr. Reese, Stormwater Management Technician, the Trails Subcommittee of the Open Space, Trails, and Riverfront Committee, the Environmental Conservation Commission (ECC), and M J Engineering and Land Surveying, P.C. Several updates were made to the plans to satisfy comments expressed at the October 10<sup>th</sup> meeting. Highlighting a few of the most significant revisions made to the project plan, Mr. Murray explained that the access roadway has been widened to 26' and that all fire code requirements have been met, a draft agreement with the town for maintenance of stormwater areas will be provided, stormwater management practices have been revised to meet town requirements and incorporate the recommendations offered by the Stormwater Management Technician, the proposed display pad along the Northway corridor has been replaced with a

restricted use asphalt drive to meet “accessible routes” guidelines, additional landscaping has been provided around the building and along the Northway corridor, details regarding curb and sidewalk construction have been added to the plans, additional architectural details have been added to the south side of the building facing Kinns Road, and all documentation necessary for a completed Stormwater Pollution Prevention Plan will be provided. Mr. Murray noted that green space on the site totals approximately 65% of the site and that forty-eight (48) low-level shrubs will be installed along the existing fencing that borders the Northway. The number of trucks to be displayed along Synergy Drive has been reduced from twelve (12) to six (6).

Mr. Scavo reported that Mr. Myers, Director of Building and Development, deferred to Mr. Scott Reese, Stormwater Management Technician, for any comments related to stormwater management. It appears that all previously-issued comments have been satisfactorily addressed.

Mr. Scavo explained that the ECC provided the following comments regarding this application after review at its November 20, 2018 meeting. The ECC recommends installation of substantial landscaping along the entire western property boundary to provide adequate buffering of the industrial park. The Town Code Section 208-55 states that “where possible a well landscaped site that takes into consideration the surroundings and total environment” is the intent of the development standards. Per the Code, the Planning Board should require plantings along property lines, buffer areas, and along the walls of the building, especially along Interstate 87. The current plans do not show plantings along the western border of the project. The limits and type of all LC-zoned land, 100-foot buffer zone, NYSDEC wetlands, and ACOE wetlands shall be identified on the plot plan.

Mr. Scavo reported that Mr. Reese, Stormwater Management Technician, provided the following comments regarding this application in a memo dated November 21, 2018. The permanent stormwater management areas for the proposed roadway servicing this parcel should be shown on the plans. The dimensions of the concrete washout area detail do not coincide with the dimensions provided on the plans. The concrete washout detail shall correspond with the NYS Standards and Specifications for Erosion and Sediment Control last revised November, 2016. The plans show silt fence around the perimeter of the disturbed area. This fencing shall be placed at the separation distances per the Standard and Specifications for Silt Fence in the NYS Standards and Specifications for Erosion and Sediment Control. The project is using a bio-retention practice to treat the water quality as well as handle the water quantity, per the NYS Stormwater Management Design Manual section 6.4.2 Conveyance – Required Elements – which states that “an overflow shall be provided within the practice to pass a percentage of the WQv to a stabilized water course. In addition, overflow for the ten-year storm shall be provided to a non-erosive outlet point.” Bio-Retention treatment areas are primarily for water quality treatment and should be constructed outside the 100-year storm event storage area. The post development peak offsite discharge for the 100-year storm event to wetlands 2 (Drainage area Pre-Area 2 and Post Area 2 and 3B) exceeds the pre-development discharge. The totals from each discharge point from the site have to equate or be less than the pre-development discharge not the combined total of the whole site.

Mr. Scavo read comments issued by the Planning Department. Based on a review of the current plan submittal it appears that comments offered in a review letter dated October 5, 2018

have been adequately addressed. In a letter dated August 22, 2018, the Saratoga County Planning Board noted the project will have “no significant county-wide or inter-community impacts.” The vehicle display parking area between the building’s western elevation and the I-87 right-of-way boundary line has been eliminated.

Mr. Bianchi reported that, after review of the documents submitted for consideration, M J Engineering and Land Surveying, P.C. offered the following comments and recommendations regarding this application. Several comments related to the site plan. As noted in Comment 3 of the October 5, 2018 review letter, the applicant is asked to provide confirmation from the Clifton Park Water Authority that it has no interest in owning any portions of the on-site water system since it will include hydrants. As noted in Comment 9 of the October 5, 2018 review letter, all bio-retention facilities continue to be shown as receiving runoff by a storm drain pipe or along the main conveyance system. Pursuant to Section 6.4.2 of the NYSSMDM, the filtering practice shall be designed off-line. The arrangement of the bio-retention facility shall be modified to meet the requirements of Section 6.4.2 of the NYSSMDM. As noted in Comment 11 of the October 5, 2018 review letter, elevations listing the materials of construction for the proposed building should be submitted for review. The Planning Board shall review the information submitted to ensure it satisfies the requirements of Section 208-55(C) of the Town’s Zoning Code. 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 revised site layout plan, it appears the south west side of the building may not have the appropriate access. The updated site layout needs to be reviewed by the Fire Department. On Sheet 3 of 7, the materials of construction for the required stormwater management sign must be specified: this includes placard sign material (recommended as matching site traffic regulatory signage) and mounting post. On Sheet 4 of 7, an updated Soil Erosion Note (second to last) must be provided to match the requirements of Part IV.C.2.e of the General Permit due to the site’s stormwater being directed to the Dwaas Kill. Section 6.4.5 of the NYSSMDM requires a dense and vigorous vegetative cover to be established over the contributing pervious drainage areas before runoff can be accepted into the bio-retention facility. Sheet 4 of 7 needs to provide a note to that effect and shall also demonstrate with the appropriate placement of erosion control measures how this requirement will be satisfied. Each of the bio-retention systems are proposed with a clay liner. It is recommended that an impermeable liner be utilized as it will ensure that the soil mix will remain segregated from the surrounding soils and ensure high groundwater will not compromise system functions. The bio-retention details show a 6 inch underdrain, but the note below each detail identifies it as an 8 inch diameter perforated pipe. The detail must be corrected to specify the correct underdrain size. A detail for and the location of each underdrain must be provided on the site plan for the cleanouts noted on the bio-retention details. The depth of gravel shown within the bio-retention systems is stated as a range of 8-10”. An exact depth must be specified ensuring it correlates to the diameter of the underdrain pipe (see comment 9). A detail specific to the emergency overflow for each of the bio-retention facilities must be provided shall include dimensions and type of surface treatments to protect against erosion. A detail for what appears to be a berm at the end sections into Basins #1 and 3 coming from the proposed building which shall include dimensions and materials of construction must be provided. Plans must specify the pipe material for the bio-retention underdrain pipe. A phasing/sequencing plan that demonstrates

how site construction will occur without disturbing 5 acres at one time must be submitted: a notation is not adequate.

Mr. Bianchi noted that additional comments related to the Stormwater Management Report. The soil and groundwater section of the SMR shall include a discussion of the site-specific soil investigation completed in October of 2018. In reviewing the summary table on Page 4, for the 100-year event and under pre-development conditions, Area 3 has an offsite discharge of 11.05 cfs. For the same storm event and under proposed conditions, Area 3 (composed of 3B, 3C and 3D) has an offsite discharge of 22.04 cfs, a 11.18 cfs increase (greater than 100%). An analysis of this discharge point is required to ensure that it does not result in an adverse impact downstream. Since the downstream receiving area is an existing drainage course within the I-87 right-of-way, NYSDOT shall be contacted for its input and whether there are concerns regarding potential change that appears to result from the proposed development. The HydroCAD model for each of the bio-retention facilities applies a storage volume below the finished surface for the soil media and pea stone. The volumes provided in the model represent the surface area and depth of media. Plans must indicate how the model has accounted for the available storage at these depths when considering the void ratio of the respective materials. If the storage volume has not accounted for the void ratio, the performance of each facility may be overstated. As noted in Comment 15 of the October 5, 2018 review letter, the applicant is asked to provide calculations that the appropriate pretreatment is being provided prior to the bio-retention facility pursuant to Section 6.4.3 of the NYSSMDM. This shall include the stone berm for Basin #1 and diaphragm for Basins #2 and 3. Two comments related to the Stormwater Pollution Prevention Plan. Pursuant to Comment 19 of the October 5, 2018 review letter, the SWPPP shall provide documentation illustrating eligibility for permit coverage pursuant to Part I.F.4 of the General Permit with respect to threatened and endangered species. This shall include both state and federally listed species. The applicant has indicated that this will be provided in the final SWPPP. Pursuant to Comment 20 of the October 5, 2018 review letter, the SWPPP shall provide documentation illustrating eligibility for permit coverage pursuant to Part I.F.8 of the General Permit with respect to cultural and archeological resources. The applicant has indicated that this will be provided in the final SWPPP.

Mr. Anthony LaFleche, 21 Wheeler Drive, asked for clarification regarding the distance from the southwesterly corner of the building to the Northway corridor. Mr. Hitchcock, consultant, reported the distance to be 166'. In response to Mr. LaFleche's question regarding the distance of the building from Kinns Road, Mr. Hitchcock explained that it was unclear since a separate parcel adjoined Kinns Road. It was reported that the Synergy Technology Park contained seven (7) additional commercial lots.

Mr. Neubauer commented that the applicant had apparently addressed the most significant concern voiced by Board members by eliminating the display pad which was visible from the Northway. He noted that architectural features added to the building's southern façade "appeared appropriate" and that design details added to the building's corners provided an appealing "definition." In response to Mr. Ferraro's question regarding proposed building materials and colors, Mr. Hitchcock explained that the building would be constructed of insulated metal panels and the color scheme would likely be similar to the gray and blue presented on the renderings. Mr. Murray announced that it is anticipated that the tenant will be U-Haul and that, should the colors

change, the company would select “subdued colors.” Mr. Scavo explained that façade renderings are attached to the final stamped site plans forwarded to the Building Department and that, should colors be changed, the Planning Department would be notified. In response to Mr. Jones’ question regarding signage, Mr. Murray explained that no identification or other type of signage had been determined but that all would either conform to zoning requirements or the applicant would seek approval of any necessary variance or variances from the Zoning Board of Appeals. Though there was some discussion regarding the visual impact of the building as opposed to a display pad along the Northway, Mr. Murray pointed out that the building meets the approved 50’ setback requirement and Mr. Neubauer agreed that the subdivision plan establishes this setback “as a right.” Both Mr. Ophardt and Mr. Ferraro called for the planting of additional taller trees such as red maples along the Northway border. It was agreed that if there was a significant deviation from the building colors presented, the applicant would be required to return for further Planning Board review. Though Mr. Ophardt strongly encouraged the installation of a sidewalk connection from the building to the sidewalk along Synergy Park Drive and possibly between building sites, Mr. Ferraro observed that the delineated wetlands would preclude construction between sites, pointing out that “in this instance pedestrian connectivity is limited” and that he was “comfortable with the project as designed.”

Mr. Jones 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. Neubauer moved, seconded by Mr. Jones, to grant preliminary and final site plan approval to this application conditioned upon satisfaction of all stormwater related issues, confirmation of the building design and color scheme as presented, the addition of taller trees such as red maples along the Northway corridor, and satisfaction of all items listed in the final comment letter issued by the Planning Department. The motion was unanimously carried.

[2018-064] **Standish Estate Reestablishment of (2) Lot Subdivision** – Reestablishment of a 13.05 acre parcel of land from a 95.06 acre parcel, 552 Waite Road – Conceptual review. SBL: 270.1-65

Mr. Duane Rabideau, consultant for the applicant, presented this application for the Board’s consideration. The 95.06 acre parcel to be “re-subdivided” is situated within the CR (Conservation Residential) zoning district, specifically located on the westerly side of Waite Road approximately one mile north of its intersection with Miller Road. Mr. Radideau explained that the applicant seeks approval to reestablish a 13.05 acre parcel of land that was previously owned by Robert M. and Mary K. Standish as conveyed in Book 1004 of Deeds on Page 546 that was merged with the Lands of the Robert C. Standish Family Trust in 2003. The only improvements on the entire 95.06 acre parcel are entirely contained on the 13.05 acres to be reestablished. The intent of this action is to satisfy and settle the terms of the Standish Family Trust. It is noted that the smaller parcel is accessed via a 44’ wide gravel drive from Waite Road.

Mr. Scavo reported that Mr. Myers, Director of Building and Development, provided the following comments regarding this application in a memo dated November 13, 2018. There is no record of an underground house as noted on the plans. There is no indication of the significant

wetlands that are apparently located on the property. The parcel is situated within the CR (Conservation Residential) zoning district. If the parcel is created and has the structures described, the driveway will have to be improved to comply with existing fire code requirements.

Mr. Scavo read the comment issued by the ECC after review of the re-subdivision plan at its November 20, 2018 meeting. The ECC notes that the wetlands on parcel 1 have not been delineated. As per Town Code section 208-16-E.2.b there must be at least one acre of unconstrained land to accommodate residential use, including any required well and septic system. Without the existing wetlands being indicated on the proposed plan, it cannot be determined if parcel 1 has sufficient unconstrained land to conform to the Town Code. Without this information, the Planning Board may be approving a nonconforming use and/or the creation of a parcel that would require a future variance in order to place a structure on it.

Mr. Scavo explained that Mr. Reese, Stormwater Management Technician, offered no comments on this application at this time.

Mr. Scavo offered comments issued by the Planning Department. The project appears to meet the bulk requirements of the CR (Conservation Residential) zone. Since the parcel to be re-established is 13.05 acres there is no 50% open space requirement. Although the parcel is a keyhole lot, it exceeds the 1 acre minimum requirement and reestablishes the lot to a prior configuration before its subsequent consolidation with the remaining 82.01 +/- acres. Since the parcel is within the Saratoga Consolidated Agriculture District #2, the application must be forwarded to the Saratoga County Planning Board for a recommendation in accordance with GML §239m. Assigned 911 addresses must be added to the plan once provided by the Chief of the Bureau of Fire Prevention.

Mr. Bianchi reported that review of this application resulted in the following comments issued by M J Engineering and Land Surveying, P.C. The first comment referenced the State Environmental Quality Review Act. 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 being within Agriculture District No. 2. Additional agencies may be identified by the Town during its review of the project. The Town Engineer offered no comments on the Short Environmental Assessment Form submitted with the application.

Several comments related to the subdivision plan. The project is located within the Town's CR (Conservation Residential) zoning district. It is understood that the subdivision is intended to reestablish a 13 acre parcel that existed prior to a consolidation that occurred in 2003. In reviewing the Saratoga County GIS Tax Data, it appears there is an existing home within the confines of the original 13 acre parcel. The proposal does not include any new construction. Since no improvements are proposed on the remaining lands defined as Lot #2, the Planning Board may entertain a note to be placed on the plat for Lot #2 indicating that it has not been approved for any construction or other appropriate notation that would require review by the Town should any improvements occur on that lot sometime in the future. The applicant is

asked to provide contours on the plat using USGS data considering no physical improvements are being proposed. 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. Anthony LaFleche, 21 Wheeler Drive, questioned whether or not the drainage from the parcels were directed to the Dwaas Kill. Mr. Rabideau explained that the drainage did flow to this stream which was located near the southeasterly corner of the larger parcel. When Mr. LaFleche asked that the Board consider requesting a 15' easement along the property's Waite Road frontage, Mr. Scavo pointed out that such a requirement placed on an applicant who was simply attempting to settle an estate would be much too onerous for the scope of the application.

Board members found the application generally acceptable.

#### **Discussion Item: Proposed Legislation Regarding Two-Family Dwellings**

Mr. Ferraro explained that the Town Board has responded positively to recommendations regarding upgrades and revisions to zoning regulations governing duplex and/or two-family dwellings within the Town which he forwarded to the Town Board earlier this year. Mr. Scavo announced that the Town Board will conduct a public hearing regarding the new proposals at its December 3, 2018 meeting and he encouraged Planning Board members to attend. The new legislation focuses on approval requirements for two-family dwellings proposed for four zoning districts lying outside the Town Center district – the R-1, CR, HR, and R-3 districts – to provide that two-family homes shall be considered as two units for the purposes of minimal land area requirements. Amendments to Chapter 208 will codify the proposed zoning changes.

Mr. Szczesny moved, seconded by Mr. Ophardt, adjournment of the meeting at 9:10p.m. The motion was unanimously carried. The next meeting of the Planning Board will be held as scheduled on January 8, 2018.

Respectfully submitted,

Janis Dean, Secretary

**NOTICE OF DECISION**  
**Preliminary Subdivision Approval**

**Resolution #18 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 November 27, 2018 there were:

Present: R. Ferraro, Chairman, E. Andarawis, D. Bagramian, J. Jones, A. Neubauer,  
 E. Ophardt, G. Szczesny  
 T. LaSalle – Alternate Member  
 Absent: None

Mr. Jones offered Resolution #18 of 2018, and Ms. Bagramian seconded, and

Whereas, an application has been made to the Planning Board by Herbing Construction, LLC for approval of a subdivision entitled Subdivision of the Lands of Deuel, Longkill Road consisting of (7) lots;

Whereas, pursuant to Section 276 of the Town Law, a public hearing was advertised and was held on November 27, 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 November 27, 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 Deuel, Longkill Road consisting of (7) lots is granted preliminary approval conditioned approval of the Stormwater Pollution Prevention Plan, establishment of an easement to permit town access for maintenance of the stormwater management area, verification that there will be no impacts to endangered species, approval of the assigned roadway name and postal addresses, and satisfaction of all technical comments issued by the Town Engineer and Planning Department.

Resolution #18 of 2018 passed 11/27/2018

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

Noes: None

Rocco Ferraro,

Chairman