

**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

ROBERT WILCOX  
Attorney

PAULA COOPER  
Secretary



MEMBERS

Emad Andarawis  
Eric Ophardt  
Ram Lalukota  
Andrew Neubauer  
Denise Bagramian  
Keith Martin

*(alternate)* Jennyfer Gleason

**Planning Board Minutes**  
**December 14<sup>th</sup>, 2021**

Those present at the December 14<sup>th</sup>, 2021 Planning Board meeting were:

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

Those absent were:

Those also present were: J. Scavo, Director of Planning  
W. Lippmann, M J Engineering and Land Surveying, P.C.  
R. Wilcox, Counsel  
P. Cooper, Secretary

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

**Minutes Approval:**

Mr. Ophardt moved, seconded by Mr. Andarawis, approval of the minutes of the November 23<sup>rd</sup>, 2021 Planning Board meeting as written. The motion was unanimously carried by all in attendance that evening.

### **Public Hearings:**

#### **2021-047 625 Kinns Sutherland-Kocsis 2 Lot Subdivision**

*Applicant proposes subdividing 8.55 acres into 2 lots with frontage on both Kinns Rd and Carlton Road. There are two existing homes on the property. The subdivision is intended to have each home on a separate parcel, 625 Kinns Rd, Zoned: R-1, Status: PB Prelim Review - Poss.*

*Determination SBL: 265.-1-40 To be reviewed by: MJE Consultant: GVG*

*Applicant: S. Sutherland Last Seen on: 9-28-21*

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

Ms. Bagramian moved, second 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.

Mr. Ferraro, Chairman, called the public hearing to order at 7:06 p.m. The Secretary read the public notice as published in the Daily Gazette on December 4<sup>th</sup>, 2021.

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

Duane Rabideau – Van Guilder Assoc. – Mr. Rabideau stated that the application is located at 625 Kinns Road and is proposed to be divided into 2 lots. He stated that there are 2 homes on one lot and the applicant would like to subdivide, so lot 1 would be 3.5 acres and lot 2 would be 5 acres, thereby placing one home on each parcel. He stated that the homes have on-site wells and septic systems and variances needed were granted by the ZBA. Mr. Rabideau stated that staff comments have been addressed and that only 911 addresses are still needed.

### **Staff Comments:**

**Steve Myers, Director of Building and Development issued a memo dated 12/1/21 stating:**

- Variances granted
- No further comments

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

1. No comment

**Scott Reese, Stormwater Management Technician issued a memo dated 12/10/21 with the following comments:**

1. No stormwater management comments.

**The Environmental Conservation Commission held a meeting on 12/7/21 and issued a memo recommending:**

1. The ECC has no comments.

**John Scavo, Director of Planning issued a letter dated 12/9/21 with recommendations he made:**

1. The Saratoga Co. Planning Board noted in a letter dated October 22, 2021, that the project has “no significant county-wide or intercommunity impact.”
2. A one-time Parkland Mitigation Fee is due at the stamping of the final plans for \$1,250.00.
3. Add assigned 911 addresses to the final print before stamping.

**Professional Comments:**

**Walter Lippmann, P.E. of MJ Engineering in a letter dated 12/10/21 had the following comments:**

STATE ENVIRONMENTAL QUALITY REVIEW

1. No further comments.

SHORT ENVIRONMENTAL ASSESSMENT FORM

2. No further comments.

SITE PLANS

3. No further comments.

**Public Comments:**

No public comment.

There being no public comment, Mr. Ferraro moved, second by Mr. Martin, to close the public hearing at 7:10 p.m. The motion was unanimously carried.

**Planning Board Review:**

Mr. Ophardt asked about fencing encroaching the proposed property lines. Mr. Rabideau stated that it is a rabbit enclosure, so the brother and sister owners have no problem with it. Mr. Scavo stated that since the enclosure is not a permanent structure, the Town is ok with its location.

Mr. Ophardt offered Resolution No. 18 of 2021, seconded by Ms. Bagramian to waive the final hearing for this application for the 625 Kinns Sutherland-Kocsis 2 Lot Subdivision approval, and to grant preliminary and final subdivision approval conditioned upon satisfaction of all comments, provided by the Planning Department, Town Designated Engineer, and all items listed in the final comment letter issued by the Planning Department.

**Roll Call:**

D. Bagramian - Yes  
 E. Andarawis - Yes  
 E. Ophardt - Yes  
 R. Lalukota - Yes  
 A. Neubauer - Yes  
 R Ferraro - Yes  
 K. Martin – Yes  
 J. Gleason – Alternate Member -

Ayes 7

Noes: 0

The resolution is carried.

**Old Business:**

**2021-007 Northeast HVAC Solutions Expansion**

*Applicant proposes a 3,500 SF building expansion to their existing office. The addition will consist of a 3 bay garage and 1,500 SF office space on the second floor. Applicant proposes utilizing an existing unused curb cut on NYS Route 146 abandoning the existing shared access with the*

*adjacent property. The parking lot will be expanded with 14 additional spaces. The project will be connected to public water and sewer, 898 Rt 146, Zoned: B-1, Status: PB - Revised Conceptual Review*  
 SBL: 271.-4-20 To be reviewed by: MJE Consultant: EDP  
 Applicant: Ferguson Group, LLC **Last Seen on: 2-9-21**

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

Brian Rigone – Landscape Architect – Mr. Rigone stated that the application is located at 898 Route 146; the zoning is B-1 and property area variances were granted in 2008. He stated that the 2 area variance they were seeking have been granted so now they are allowed 6,500 sf for both stories of the proposed building and the setback is now 105 feet. Mr. Rigone stated that the lot line adjustment has been approved as well and the lot is 0.9 acres. Mr. Rigone stated that the building addition is 3,500 sf for both floors and a total of 6,500 sf total for the building. He stated that they plan to utilize the existing curb cut in front of the site and closing the shared entrance with 900 Route 146; the application has been submitted to DOT and are awaiting approval for the request. Mr. Rigone stated that the garage has been moved to the rear of the building per the Boards request. He stated that existing vegetation will be maintained and extra will be added as needed. Mr. Rigone stated that the disturbance is less than one acre, so there is no SWPPP required. Mr. Rigone showed the façade proposal in the meeting.

### **Staff Comments:**

**Steve Myers, Director of Building and Development, issued a memo dated 12/1/21 stating:**

- Variances granted
- I believe the setback referred to in #3 of the MJ comments was also addressed in the granted variances
- No further comments at this time

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

1. Provide a fire apparatus access plan that complies with section 503 of the FCNYS
2. Will the building be sprinklered?
3. Specify hydrant and FDC locations

**Scott Reese, Stormwater Management Technician, issued a memo dated 12/10/21 with the following comments:**

1. No stormwater comments at this time.

**The Environmental Conservation Commission held a meeting on 12/7/21 and issued a memo recommending:**

1. The ECC has no comments at this time.

**John Scavo, Director of Planning issued a letter dated 12/9/21 with recommendations he made:**

1. Update the preliminary site plan to reflect the date requested variances shown on the conceptual site were granted.
2. The response letter dated November 22, 2021, adequately addresses my previous comments. The applicant has noted some items regarding landscaping and architecture will be addressed as part of a preliminary site plan submittal.

**Professional Comments:**

**Walter Lippmann, P.E. of MJ Engineering in a letter dated 12/10/21 had the following comments:**

**STATE ENVIRONMENTAL QUALITY REVIEW**

1. No comments at this time.

**SITE PLAN**

2. The applicant in their comment response letter indicated that our review comments from our February 5, 2021 letter will be address when a more detail set of plans are submitted. Therefore, the comments below are the same as before until a revised set of plans are provided.
3. In our review of the concept plan submitted, it appears that there are instances where the bulk lot requirements are not satisfying the minimum requirements set forth in Section 208-33 and 208-35 of the Town's Zoning. The potential lot deficiencies identified are as follows:
  - a. Section 208-33(B) of the Town Zoning indicates that no preexisting building(s) shall be rehabilitated or remodeled or new building(s) constructed on a vacant lot to a size greater than 12% of the lot size, with no single building to have a maximum square footage exceeding 4,800 square feet. With a 0.88 acre parcel, the maximum total square footage is 12% of the lot, or 4,600 s.f., which the plan does exceed. Applicant has identified a variance is warranted.
  - b. Section 208-35(D)(4) requires a 10-foot buffer area along the side and rear yards for the purpose of screening from adjoining properties. While the concept illustrates buffers greater than what is required, this shall be confirmed as part of the detailed site design and grading. There may be a need to supplement with landscaping to maintain screening with adjacent properties.
  - c. Variances were granted based on the existing parcel of SBL 271.-1-20, additional variances maybe required for the additional acquired property.
  - d. It appears the conveyance of lands from Travis Mitchell to Ferguson Group result in the parking on the Mitchell property to not meet the 25' side setback requirement. These matters shall be confirmed by the Chief Zoning Officer of the Town.
4. The plan shows 14 new parking spaces and 15 existing, 8 more than what is required pursuant to Section 208- 99 of the Town Zoning (1 space/300 SF). Advise as to the need

for the additional spaces proposed. If possible, spaces above the required should be considered for banking to reduce excess parking that may not be necessary.

5. Subsequent submissions shall provide the required amount of ADA parking spaces. With 29 spaces provided, two (2) ADA compliant parking spaces will be required.
6. If the project proposes any utility improvement work within the State right-of-way, the work will be subject to the review and approval to the NYSDOT. The applicant shall coordinate with the regional office of the NYSDOT and obtain permitting in advance of construction.
7. The project is proposing to be serviced with public water from the Clifton Park Water Authority. The applicant shall provide the Town documentation of the CPWA's ability and willingness to service the project with potable water. Any action on the application should be conditioned upon receipt of plan approval from the CPWA.
8. The project is proposing to be serviced with public sewer from the Saratoga County Sewer District. The applicant shall provide the Town documentation of the SCSD's ability and willingness to service the project with public sewer. Any action on the application should be conditioned upon receipt of plan approval from the SCSD.
9. The proposed expansion also includes the conveyance of land from the adjacent property. The Town will need to determine how this will be handled.
10. Subsequent submissions should include architectural renderings of the building along with identification of materials of construction.
11. Provide the proposed driveway radii on the plans meeting NYSDOT design requirements to ensure the existing curb cut width is adequate. Any widening of the curb cut should be reviewed and approved by the NYSDOT.
12. The current plan proposes a new building and parking expansion with an anticipated area of disturbance of less than 1-acre. Therefore, the scope of work is not subject to GP-0-20-001 and the NYSDEC Design Manual. As such, a drainage analysis shall be provided to demonstrate that there will be no increase in runoff under the proposed developed conditions of the site. Should stormwater management facilities be required to mitigate increases in site runoff, subsequent plans submission shall show their location along with supporting construction details.
13. The following comments are relative to the site plan and its conformance to the International Fire Code (IFC). The Town Fire Official shall have final authority on the applicability of these comments to the proposed site layout:
  - a. If the proposed building is to be provided with an automatic sprinkler, show the location of the fire department connection to ensure they are reasonably accessible.
  - b. Section 912.2 of the IFC requires a fire hydrant to be located within 100-feet of the building's fire department connection. It is not clear from the plans where the closest hydrant to the site is or where the fire department connection may be. Additional hydrants may be necessary.
  - c. Show or note the location of any required Knox Box associated with the building.
  - d. The fire apparatus access road on the concept plan appears greater than 150 feet in length so a turnaround will be required to meet Section 503.2.5 of the IFC. Also, if the building is greater than 30 feet in height, an aerial fire apparatus access road will be required meeting the requirements of Appendix D, Section D105 of the 2020 Fire Code of New York State (FCNYS).

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

**Public Comments:**

Anthony LaFleche – 21 Wheeler Drive – Mr. LaFleche asked the applicant why the existing entrance would be cut off and a new entrance would be made. Mr. Rigone stated that this was a part of an agreement with the neighbor, 900 Route 146. Mr. Scavo stated that this is already approved and just needs paperwork completed.

**Planning Board Review:**

Mr. Andarawis asked why there is an increase in parking above the code. Mr. Rigone stated that there are more employees hired so there needs to be more parking.

Mr. Neubauer asked about the technical comments regarding the fire hydrant. Mr. Rigone stated that there is a hydrant between the two properties and there is 80 feet from the building to a fire truck. Mr. Neubauer stated that his concerns are with the turnarounds and this being a tight site and cannot clearly see this and asked if the building would be sprinklered. Mr. Rigone stated that it is unclear whether the building would be sprinklered or not. Mr. Lippmann stated that if the truck needs to be in the site more than 150 feet, there needs to be a turnaround and would like to see the turnaround or the fire truck location at the next meeting. Mr. Neubauer stated that he liked the renderings and that they look professional and residential and matches well with the existing building and follows what the Town would like to see along Route 146.

Mr. Ferraro thanked the applicant for moving the garage as suggested by the Board at the last meeting and would like to see the building renderings, landscaping plan, as well as clearing boundaries for the next submittal. Mr. Ferraro stated that he would like to see EV charging stations and there are grants for this. Mr. Rigone stated that the paving exists and they are not looking to disturb this but they will look into what can be done without ripping up the existing pavement. Mr. Martin stated that this would need to be addressed eventually, so why not now. Mr. Scavo suggested that the panels and electrical could be run now and hooked up at a later date

**New Business:**

**2021-069 Boni Wooddale Drive 9 Lot Subdivision**

*Applicant proposes to subdivide the 28.6 acres into 9 lots with access from Wooddale Drive. The 9 lots will be for duplex units on a new proposed Town road dead ending into a cul-de-sac. A lot line adjustment is proposed between parcel 259.11-2-99 and 161 Wooddale Drive to allow better access of a new road creating a corner lot which will require a variance for a structure within 50 ft of a front boundary line. Serviced by CPWA and Saratoga County Sewer District via Wooddale Drive, Wood Dale Dr Rear, Zoned: B-1, Status: PB Concept Review*

SBL: 259.-2-71 To be reviewed by: MJE Consultant: ABD Applicant: KLB Enterprises, LLC

Mr. Ferraro stated that SEQR lead agency needs to be established before the ZBA can hear the proposal as well as the Planning Board to move forward with the preliminary review. Mr. Scavo stated that there is an application in with the ZBA but they deferred back to the Planning Board for further review and lead agency establishment before moving forward with the application to them.

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

John Hitchcock – ABD – Mr. Hitchcock stated that this proposal is for a 28.6 acre landlocked parcel to be subdivided into 9 parcels off of a paper street on Wood Dale Drive in an existing subdivision. Mr. Hitchcock stated that this is zoned B-1 and is bordering an R-1 zone. He stated that Ushers Road is to the south and that there is a stream running through the site to the east and has wetlands. Mr. Hitchcock stated that the applicant would like to donate 13.4 acres of this land to the Town with the subdivision if the Town is willing to take it. He stated that the applicant would like to develop the remaining land while conforming to the existing paper street hoping that the Town will take it over and, if so, there would not be a need to seek a variance for a new roadway. Mr. Ferraro clarified that the ZBA may not need to grant a variance. Mr. Scavo stated that Mr. Myers stated that if the Town adopts the paper street then a variance would not be needed, but the applicant would have to pursue this and then it would go before the Town Board. Mr. Hitchcock stated that water and sewer would branch off of Wood Dale Drive. He stated that this application is 60 feet lower than Wood Dale, so force mains and grinder pumps would be required. Mr. Hitchcock stated that there are wetlands to the east on the site and no disturbance is being proposed and this will be shown on later plans. Mr. Hitchcock stated that stormwater will be managed on-site and located on the northeast side of the site between lots 3 and 4.

### **Staff Comments:**

**Steve Myers, Director of Building and Development issued a memo dated 12/1/21 stating:**

- It appears 1 & 2 family dwellings are an allowed use in the B-1 zone\
- Required 40,000 sf minimum appears to be provided on each lot

- ZBA determined the planning board needed to conduct an initial review prior to consideration by the ZBA for proposed variance
- A full SWPPP will be required
- Approval of road geometry by the highway department is required
- Proximity of residences to existing slopes shall be required to meet Section R403.I.7 of the NYS Residential Code
- The required 70' front setback appears to be met by all the proposed residences

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

1. Postal verification

**Scott Reese, Stormwater Management Technician issued a memo dated 12/10/21 with the following comments:**

1. There will be significant grading required for the proposed roadway, driveways, duplexes, and usable front, side and back yards for the duplexes. When preliminary plans are submitted, show detailed grading for all lots. Provide drainage swales between the lots to intercept surface runoff from the higher parcels.
2. With the Stormwater Management Basin being proposed adjacent to the wetlands, provide test pit information indicating the seasonal high-water table.
3. Slope stabilization, open drainage channel stabilization will need to be designed with the appropriate level of erosion and sediment control measures.
4. Show on the plans the information (size, type, condition) of the existing drainage structure (culvert) that collects the stream under the Adirondack Northway (South).
5. The stream that runs along the eastern portion of the site is a Class C – Trout Spawning Stream according to NYSDEC Environmental Resource Mapper. Protection of this stream during construction will be essential.
6. If there are any wetlands that will be impacted, provide plans of the possible mitigation areas that will be on the project site.
7. Show locations of footing drain outlets and elevations for each of the structures.

**The Environmental Conservation Commission held a meeting on 12/7/21 and issued a memo recommending:**

1. The proposed “New Town Road” intersection with Wooddale Drive appears to adversely impact the property owner at 159 Wooddale Drive. Specifically, the road parallels the homeowners existing driveway access.
2. The ECC has concerns with the grading and steep slopes on this site. There are concerns that this project will not meet the Town’s design standards
3. The ECC endorses Town of Clifton Park Planning Director John Scavo’s comment letter dated, December 8, 2021.
4. The ECC is concerned that there will be Federal Wetland impacts in the construction of the structures and useable yard of lots 4, 5, & 6.
5. In general, the ECC is concerned with the traffic noise from the Northway, especially regarding lots 1, 2 & 3.

6. The ECC agrees with the resolution of the Towns Open Space Committee which concluded that the proposed dedication of open space is not in the public interest.

**John Scavo, Director of Planning issued a letter dated 12/8/21 with recommendations he made:**

1. The proposed project is considered a realty subdivision per NYSDOH regulations, and as such, it is considered a Type 1 Action and coordinated review is required. Please submit a Long Form EAF.
2. Involved agencies are expected to include the following: Clifton Park Planning Board – Subdivision Plan Approval; Clifton Park Zoning Board of Appeals – Area Variance; Saratoga County Sewer District – Sewer Connection Permit; Clifton Park Water Authority – Water Connection Permit; NYSDEC – Wastewater Disposal System Approval, SPDES Permit; NYSDOH – Realty Subdivision Approval. One agency includes the Saratoga County Planning Board – Section 239 referral. The Town of Clifton Park Planning Board should vote to declare lead agency status for the SEQR Review Process. The SEQR Review process must be completed before the Zoning Board of Appeals can decide on the area variance request.
3. The sight distance at any new proposed access location on Wood Dale Drive should be verified and shown on the plan.
4. The potential for incremental impacts to the wetlands after the initial construction of the homes should be addressed.
5. The proximity of the home sites to the wetlands will result in drainage problems in the basements of the homes due to high groundwater conditions and reliance on sump pumps.
6. It is recommended that a greater horizontal and vertical separation from the wetlands be provided.
7. Conceptual house locations should be adjusted to provide at least 40’ of useable yard area that should be behind the houses.
8. Pursuant to Section 179-27 of the subdivision code, a certain percentage of open space or park fees should be proposed. This should be addressed with the Planning Board.
9. A typo in the Site Statistics Table should be corrected to read “Rear Yard.”
10. The only access to the lands proposed to be offered to the Town of Clifton Park for donation is shown through the stormwater management area. The applicant should evaluate if such access is adequate.
11. Planning Staff has concerns with the Town accepting the proposed open space since most of the land appears to serve as a wetlands sponge absorbing stormwater runoff from I-87 and the existing Wood Dale Drive neighborhood.
12. Because the subdivision will result in greater than five acres of disturbance, a full SWPPP is required.
13. The stormwater analysis should take into account the stormwater storage provided by the existing wetlands to be impacted and hydrologically modified.
14. The driveway for 161 Wood Dale Drive should be relocated to connect perpendicularly to the proposed new road.
15. The applicant should provide information on the proposed methods and means for wetlands protections during and post-construction.

16. As plans progress, the applicant must demonstrate compliance with the Town's design standards for infrastructure as prescribed by Chapter 86 of the Town Code. I am concerned with the proposed road not exceeding the maximum grade of 7% for a local road pursuant to Section 86-6 of the Town Code.
17. Due to an existing steep slope on Lots 7, 8, and 9, I am concerned with how the applicant will propose to address having the home at the bottom of a steep slope and the slope's stability. The design engineer should pay particular attention to the cut and fill lines for the lots as plans progress and an individual grading plan may be necessary for each.

**Professional Comments:**

**Walter Lippmann, P.E. of MJ Engineering in a letter dated 12/10/21 had the following comments:**

**STATE ENVIRONMENTAL QUALITY REVIEW**

1. 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 Type I actions, a full EAF must be used to determine the significance of such actions. The project sponsor must complete Part 1 of the full EAF, including a list of all other involved agencies that the project sponsor has been able to identify, exercising all due diligence. Coordinated review is required for Type I actions. Under a coordinated review, involved / interested agencies to be engaged may include, but is not necessarily limited to the following:
  - a. Town of Clifton Park Planning Board: Subdivision Plan approval
  - b. Saratoga County Planning: GML §239-m referral is required due to the parcel's proximity to NYS 87
  - c. NY State Historic Preservation Office: Correspondence with SHPO to ensure no archeologically sensitive resources on project site
  - d. NYSDEC: Stormwater permit approval
  - e. NYSDOH: Realty subdivision approval
  - f. Clifton Park Water Authority (CPWA): Connection to municipal water
  - g. Saratoga County Sewer District (SCSD) #1: Connection to public wastewater infrastructure
  - h. Town ZBA: Area Variance

Additional agencies may be identified by the Town during its review of the project.

**SHORT ENVIRONMENTAL ASSESSMENT FORM**

The applicant has submitted Part 1 of the Short Environmental Assessment Form (SEAF), however a Full EAF should be submitted for review. Based upon our review of the submitted Part 1 SEAF, the following comments are offered:

2. Part I.12b – The response indicates that the project site is located within or adjacent to an area designated as sensitive for archeological sites on the NY State Historic Preservation

Office (SHPO) archeological site inventory. The applicant should provide a correspondence letter from SHPO to confirm the presence or absence of archeologically sensitive resources.

3. Part I.13 – The response indicates that a portion of the site or lands adjoining the site of the proposed action, contains wetlands or other waterbodies regulated by a federal, state or local agency. The applicant should provide documentation that confirms the presence or absence of federally regulated wetlands adjacent to the project site. Should this change as the project design progresses, additional approvals and permits may be required.
4. Part I.15 – The response indicates that the project site may contain species of animals or associated habitats, listed by the State or Federal government as threatened or endangered, including the Karner Blue and Frosted Elfin. The applicant will need to provide correspondence from the Permits staff at the NYSDEC Region 5 Office to confirm the presence or absence of the listed species and for any permit considerations. The applicant should also provide correspondence from the NY Natural Heritage Program to confirm the presence or absence of rare plants or animals and significant natural communities as well as the US Fish and Wildlife Service IPaC database.
5. Part I.20 – The applicant indicated that the site of the proposed action or an adjoining property is the subject of remediation (ongoing or completed) for hazardous waste. The applicant should consult the Environmental Site Remediation Database Search provided by the DEC located at [www.dec.ny.gov/cfm/xtapps/derexternal/index.cfm?pageid=3](http://www.dec.ny.gov/cfm/xtapps/derexternal/index.cfm?pageid=3) and provide documentation that describes the type of hazardous waste that was or is on the site, how large of an area it covered and when it was remediated.
6. No further comments at this time.

#### SITE PLANS

7. The project is located within the Town's Business Nonretail District (B-1). The proposal for duplex homes is a permitted principal use within the B-1 District as noted in Section 208-32(A)(14) of the Town's Zoning.
8. In our review of the concept plan submitted, it appears that there are instances where the bulk lot requirements are not satisfying the minimum requirements set forth in Section 208-35 of the Town's Zoning. The potential lot deficiencies identified are as follows:
  - a. Section 208-35 (B) requires a front setback requirement of 70 feet. The plans indicate 44.5 feet on the existing structure.

The applicant indicated they will seek relief from the Town Zoning Board of Appeals for the lot layout as proposed.
9. Provide the proposed locations for the relocated driveways for existing Lots 159 and 161.
10. Show the existing building, driveway, etc. on Lot 159.
11. Subsequent submissions shall include the metes and bounds of the affected lots and right-of-way.
12. Identify the date and by whom the wetlands shown on the plat were delineated.
13. It is unclear from the plan if wetland impacts are proposed. The Town shall be furnished with the appropriate permitting from the USACOA and/or NYSDEC to support any planned wetland impacts (permanent or temporary).

14. At a minimum, the applicant shall provide the peak hour vehicle trips expected from the development, assuming 18 units will be constructed and applying the appropriate land use code (LUC).
15. The proposed point of access to Wooddale Drive should be verified to ensure proper site distance is achieved. There should be indication on the plan what the required and provided turning site distances are based upon the posted speed limit of Wooddale Drive.
16. Any new access proposed onto Wooddale Drive is subject to the review, approval and permitting from the Town of Clifton Park Highway Department. Provide notation on the plat to that effect.
17. Pursuant to Section 86-10 of the Town Zoning, the applicant shall be required to plant two trees per living unit on the street side of new construction sites. Provide planned species to be planted for review
18. There may be a need to provide a drainage culvert at the new driveway to support existing drainage along Wooddale Drive. The applicant will need to coordinate with the Town of Clifton Park Highway Department for any such improvements. If required, show the location, size and materials of construction.
19. The project proposes to service each new lot with public water from the Clifton Park Water Authority via extending a new public water main from Wooddale Road. The applicant shall provide the Town documentation of the CPWA's ability and willingness to service the project with potable water.
20. 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.
21. The project proposes to service each new lot with public sewer from the Saratoga County Sewer District. The applicant shall provide the Town documentation from SCSD#1 ability and willingness to service the project with sanitary sewer.
22. 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.
23. Provide the limits of disturbance on the plans. It appears the project will be subject to the NYSDEC Phase II Stormwater Regulations and General Permit GP-0-20-001. Therefore, a full SWPPP will be required that addressed water quantity and quality controls. As the project proceeds through the Town's regulatory review process, a fully conforming SWPPP shall be provided for review.
24. Based on the placement of the proposed structures, it appears wetlands will be disturbed.
25. Provide notation on the plan as follows:
  - a. No Utilities shall be installed beneath the proposed driveways.
  - b. Any work required within the Town right-of-way shall be subject to any permitting from the Clifton Park Highway Department (driveway, culvert).
26. Provide information on the plans to indicate how potential sump pump laterals may be positioned which shall be in conformance with Section 86-7(A)(6) of the Town Code

27. 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
28. Considering this plan is conceptual in nature, subsequent comments will be provided with a preliminary plan submission.

### **Public Comments:**

James Ruhl – 168 Wood Dale Drive – Mr. Ruhl read from a letter that was distributed to the Planning Board, which included concerns about the noise, drainage, soils, zoning and the access road. Mr. Ruhl stated that this site for the application has many ravines and is difficult and unique. Mr. Martin asked if Mr. Ruhl could site the case that the Town was involved on for the roadway that Mr. Ruhl had brought up as to whom owns the paper street. Mr. Ruhl stated he found this information in the newspaper and does not have the specific other than the paper road property was divided between the 2 adjoining property owners with Town interest.

Mr. Scavo stated that he had spoken to the Town's attorney and that it was determined that the land under the paper road was divided between the property owners at 30 feet each. However, he stated that the overlay of the paper street still belongs to the Town and the Town can execute its legal right to construct a public roadway as an easement over the private land at a future date. He stated that much further than that the property is land locked. Mr. Scavo stated that he also spoke to Mr. Myers and that in the B-1 zone duplexes are allowed as well.

David Miller – 12 Hidden Valley Lane – Mr. Miller stated that he heads the Trails Committee. He stated that he can share the Trails comments at a later date. He stated that the proposal has increased land donation, but it is complicated due to slopes and highland areas being offered. He stated that the land proposed to be donated is wetlands and cannot be used otherwise so his recommendation would be for the Town not to accept the donation unless the applicant is willing to donate all of the land. Mr. Miller stated that he feels that developing the land would affect the slopes and supports Mr. Ruhl's comments, stating that that this development would not be safe for the community and would change the character of the neighborhood and increase the noise.

Raymond Seymour – 7 Nadler Road – Mr. Seymore stated that he does not live near the proposal but have seen non-buildable areas built and stated that this needs care because there is significant difficulty in developing. He stated that historically in Country Knolls South the grinder pumps break down and need repair or replacement at the cost of the Town. He stated that he feels that the property is too close to the Northway for a residential development and is along a Light Industrial Zone as well.

Anthony LaFleche – 21 Wheeler Drive – Mr. LaFleche asked why the proposal is for duplexes and no single-family homes. Mr. Ryan Boni, representing the applicant, stated that the zoning

allows for duplexes as an allowed use. Mr. Boni stated that there would be signage to protect the wetlands but the residents would be able to walk them. Mr. LaFleche asked how close the homes would be to the Northway. Mr. Hitchcock stated that this can be identified more accurately with the next submission. Mr. LaFleche asked if the entire property would be cleared. Mr. Hitchcock stated that the shaded green area on the map shown would be where clearing would take place but it would be minimal so that the residences could have a lawn.

Jack Richieski – 183 Wood Dale Drive – Mr. Richieski stated that behind his home is a significant change in grade and goes down a steep slope and the land in this proposal was used for fill when the Northway was being built. Mr. Richieski invited the Board to his home to hear the current noise from the Northway and stated it will only get worse with tree removal and no sound barrier being proposed.

Frank Berlin – Mr. Berlin asked about the paper street and verification that the land for this was split between the 2 adjacent properties. Mr. Wilcox stated that there are no abandoned road proceedings and it is used as a paper street. Mr. Scavo stated that the dirt on the paper street is divided equally between the two residents but the Town still has a right to build on top of the dirt, a right of way, or abandon it, whichever they choose.

Mr. Ferraro stated that he understands that the residents are allowed to use it but they do not own it. Mr. Wilcox stated that he would like to look at the court documents, Mr. Ferraro stated he would like a legal opinion and all other Board members agree.

### **Planning Board Review:**

Mr. Ferraro stated that the Board is here to give their insight and recommendations but no action will be taken regarding lead agency status for SEQR until clarifications of the court documents are provided.

Mr. Martin asked if there are any noise barriers in Clifton Park along the Northway. Mr. Miller stated that he only knows of Colonie and Latham. Mr. Ferraro stated that this is also a consideration with SEQR and is a concern.

Ms. Bagramian stated that she has concerns with the wetlands and salt runoff from the roadways. She stated that she also has grinder pump concerns and whose responsibility it would be to maintain them. Mr. Hitchcock stated that the grinder pumps would be a homeowner's responsibility. Ms. Bagramian stated that she does not see a benefit for the Trail or Highway department with this proposal as well. Mr. Lalukota stated he agrees with Ms. Bagramian's comments. Ms. Bagramian stated she would like to know a little more of the history of the property and why the plans from 2011 were put on hold. Mr. Ophardt stated he would like to know as well. Ms. Bagramian asked how big the lots would be in this proposal. Mr. Hitchcock stated they are 40,000 sf. Mr. Ferraro stated that with the exception of lot 2 & 3, all the others are

1-2 acres. She asked if a SUP would be needed. Mr. Hitchcock stated no as they meet the code requirements.

Mr. Neubauer stated that he would like to know what happens to this proposal if the Town decides not to accept the donated land. Mr. Hitchcock stated that it would then be developed into more lots with no-cut signage for the protected land.

Mr. Ferraro stated that he has multiple concerns such as noise, locations to wetlands, and stormwater drainage.

### **Discussion Items:**

Referral from Town Board for recommendation

#### **2021-060 Players Park PDD Amendment**

*Applicant proposes amending the current PDD to construct an indoor/outdoor sports field facility on approximately 8.02 acres. Project includes a synthetic indoor turf within a tension fabric structure, an outdoor synthetic turf field and a small turf practice area. The existing uses which include mini-golf and an ice cream stand will continue to be maintained. Project also includes Tax Id 264.-2-6.123, Rt 146A, Zoned: PUD (comm) SBL: 264.-2-6.111*

### **Applicant:**

Paul Rogan – Owner – Mr. Rogan stated that he was here tonight with Mr. Andy Redick from Chazen Engineering and Fernando Bruno also one of the owners from Players Park. Mr. Rogan stated that he is the former owner of the Halfmoon Sportsplex of Halfmoon. He stated that this had to close for business and felt there would be a need for indoor turf space in the Clifton Park area. He stated that this is an opportunity with the miniature golf course and the mini foot golf course. He stated the PDD does include sports fields but an amendment would be needed for an indoor space. Mr. Rogan stated that they would like to take the foot golf space and turn it into an indoor and outdoor field space due to the need in the area.

Mr. Andy Redick showed in the meeting a rendering of what can be done with the property and showed what the current site plan is. He stated that the PDD is for multiple properties but the keyhole lot for the ice cream stand would be eliminated. Mr. Redick stated that the site plan would include an indoor facility of 180x240 feet and a synthetic field that would be 210x330 feet that would be outdoors and allowable for multiple sports. He stated that there would also be a small 60x120 foot area for soccer “pitching”. Mr. Redick stated that the main entrance to the site would remain but be enhanced and parking for the mini-golf would remain. He stated that this facility would be similar to Bethlehem Sports in scale, but it would not be a bubble-like structure but rather a steel frame used for agricultural use and airplane hangars. He stated that this structure would be fabric over steel frame with insulation with 12’ walls and a 12’ pitch. Mr. Redick stated that this would have translucent walls and would have drainage support year round. He stated that the facility would be about 40,000 sf and have an entrance on the opposite side near the outdoor field. Mr. Redick stated that the facility would not be full service as there would not be food served, only vending machines, an office, and restrooms. Mr. Redick stated

that there would be 129 new parking spaces along with the existing 55 as the heavy use of the building in the winter would make up for the parking with the mini-golf in the warmer months. He stated that they plan to use the existing well and replace the sewer. He stated that the ice-cream stand is still in question, the wetlands on the plan are manmade and stormwater will be maintained on-site. He stated that there are plans for outdoor lighting for the field. The field and the indoor facility will have an open-air option, currently being considered. Mr. Redick stated that the vegetation on the rear and side property lines will remain and that they plan to be within the entire setback requirements per code and that he feels that this fits reasonably in the area. Mr. Redick stated that 8 acres would be disturbed for this project.

Mr. Scavo stated that the golf course is a part of the PDD but is not a part of this modification proposal.

### **Staff Comments:**

**Steve Myers, Director of Building and Development, issued a memo dated 12/1/21 stating:**

- Appears to be a significant increase in the intensity of use for the area
- Further comments to follow with future submissions

**The Environmental Conservation Commission held a meeting on 12/7/21 and issued a memo recommending:**

1. The ECC requests that the Planning Board, in making its recommendation to the Town Board, identify the public benefit that this proposed modification to the existing PDD provides (e.g., dedicated open space, multiuse trails, etc.). Given the proximity of this project to the Veteran's Memorial Park and Mooney-Carese Park, this project should incorporate public amenities which integrate with these Town owned properties.
2. Per town code, a PDD should be compatible with the surrounding zoning. This project is within the CR Zone and should to the greatest extent possible ensure compatibility with this area.

### **Professional Comments:**

No professional comments

### **Public Comments:**

Mr. Daniel Mathis stated that he has personal comments. Mr. Mathis stated that he feels that this is not compatible with the CR zone as the density and use of the area is great and if the project were moved to the other side of the street, it would not be allowed. He stated that there is no compatibility with the rest of the PDD except for the shared parking and feels that the lighting in the rear would negatively affect the estate homes. Mr. Mathis stated that there are no other buildings in the area as high as this proposal at 50'. He states that there is no mention of open space donation and that a PDD needs to be 10 acres, and this is only 8. He stated that the owners

of Eagle Crest Golf Course have said they would like to make changes to the PDD as well and would like to see all of this considered simultaneously.

### **Planning Board Review:**

Ms. Bagramian asked if the legislation would be needed for the building size. Mr. Scavo stated that it would not as long as the building size remains at 40,000 sf. Mr. Redick read from the PDD to explain further. Ms. Bagramian asked if the the building is considered permanent and if so what would the fire code require. Mr. Redick stated that the fire code does not require it to be sprinklered but it is permanent, as the foundation, and the building would be insulated from the ground.

Mr. Ferraro asked if the Town Park is connected to the PDD. Mr. Scavo stated that it is not as it is on the other side of the street so there is no direct connection.

Mr. Ophardt asked about the lighting at night as it could become a glare problem for neighbors. Mr. Redick stated that the park could be lit until about 10 p.m. Ms. Bagramian stated that a lighting plan needs to be established. Mr. Ophardt asked the traffic generation would be since this is a quiet part of Town. Mr. Redick stated that it would be about 40 at the highest and the parking proposed to be in the rear should help. Mr. Rogan stated that there is currently a foot-golf facility operating with lights as well as the mini-golf and that the turf field would generate more people. Still, the addition of lights would be better as they would be updated to meet current technology and industry standards. He stated that the project proposes a 1 story building to meet a public need. He stated that he is a coach with Clifton Park Soccer and now has to travel outside of the Town to practice multiple times per week. He stated that there may be tournaments in the future but there would only be one field and that turf rentals are popular and similar fields are seeing 80-90% weekday field rentals for practice.

Mr. Lalukota asked why if there is such a need the proposal is small in comparison and if there were future plans to expand. Mr. Rogan stated that this project is at its maximum financially and trying to find room for something like this in Clifton Park is difficult. He stated that the project indoor is about 2/3 the size of a football field but can be divided into 2 smaller fields.

Mr. Neubauer referred to the ECC comments that the PDD is in the CR zone and should comply and asked if it is in fact complying and staying within the intent of a passive recreational use. Mr. Neubauer stated that the visual impact will be great and with the setbacks of 125 feet, he suggested keeping the tall pine trees as a buffer. Mr. Neubauer asked if the ECC and Open Space have reviewed this and what their input is. Mr. Ruhl (Friends of the Open Space) stated that the Open Space has not reviewed this and that the Friends of Open Space feels there is connectivity to Town land and that this would interrupt this. Mr. Neubauer stated that he agrees with

comment #2 from the ECC and if it fits or not into the CR zoning and he is unsure this project fits into the area.

Mr. Andarawis stated that he has the same concerns as this is in the middle of a large green area in the Town and can change the area significantly. He stated that the parking being kept to the rear is a big help. Mr. Andarawis asked the applicant to try not to over park the area as he feels that there is a lot of parking being proposed.

Mr. Martin asked if there would be a buffer in front of the proposal. Mr. Rogan stated that the buffer in front would remain and be enhanced as well. Mr. Martin stated that a PDD has carve-outs such as Druthers next to a senior living community. Mr. Martin stated that this needs to be considered and worked out and looked at as a whole with the golf course. Mr. Rogan stated that he has been in touch with the golf course owners and they hope to put in a deck and expand their restaurant and keep the course open.

Mr. Ophardt stated that he feels this would be a major impact to the area as well, and agrees with the ECC comments that the project does not seem to fit into the place. Mr. Ferraro stated in addition to the visual impacts, he feels that the proposed uses in the amended PDD are active recreational versus passive and he is also concerned about its impact on the surrounding area that is zoned CR. He also agreed with the concern that this proposal is only for a small portion of the existing PDD and other changes may be forthcoming in the future further impacting the character of the area.

The Planning Board agreed that John Scavo prepare a letter expressing our concerns, and upon review by the Planning Board, submit it to the Town Board as part of their review and consideration of the proposed amendment to the existing Eagle Crest Plantation PDD.

Mr. Martin moved, seconded by Mr. Lalukota, adjournment of the meeting at 10:10 p.m. The motion was unanimously carried.

The next meeting of the Planning Board will be held as scheduled on January 11<sup>th</sup>, 2022.

Respectfully submitted,

*Paula Cooper*

Paula Cooper, Secretary