

**Town of Clifton Park Planning Board**  
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PLANNING BOARD

ROCCO FERRARO  
Chairman

ROBERT WILCOX  
Attorney

PAULA COOPER  
Secretary



MEMBERS

Emad Andarawis  
Eric Ophardt  
Heather Fariello  
Andrew Neubauer  
Denise Bagramian  
Keith Martin

*(alternate)* Jennyfer Gleason

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

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

Planning Board: R. Ferraro, Chairman, E. Andarawis, D. Bagramian, A. Neubauer,  
E. Ophardt, K Martin

Those absent were: H. Fariello, J. Gleason – Alternate Member

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 the recitation of the Pledge of Allegiance.

**Minutes Approval:**

Ms. Bagramian moved, seconded by Mr. Ophardt, approval of the minutes of the January 11<sup>th</sup>, 2022 Planning Board meeting as written. The motion was unanimously carried.

**Public Hearings:**

**2022-003 977 Main Street 2 Family SUP**

*Applicant proposes rehabilitation of an existing 2 family home that is recorded as a single family home. Applicant is seeking a Special Use Permit in order to have the proper zoning attached to the parcel, 977 Main St, Zoned: R-1, Status: Possible Final Determination SBL: 259.9-3-10 To be reviewed by: N/A  
Consultant: N/A Applicant: M. Santos*

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 Special Use Permit application. Should it be determined that additional environmental review is required, SEQRA discussions will be reopened and a decision rendered when deemed appropriate.

Mr. Andarawis moved, second by Mr. Neubauer, 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 passed.

Mr. Ferraro, Chairman, called the public hearing to order at 7:03 p.m. The Secretary read the public notice as published in the Daily Gazette on January 19<sup>th</sup>, 2022.

**Consultant/Applicant Presentation:**

Manny Santos – applicant – Mr. Santos stated that he is here tonight with his wife Tracy and they live locally on Denhelder Drive which is a 2-3 minute drive from the address of the application. He stated that they have been developing properties for many years, and most of the work has been done in Cohoes. He stated that they establish rental properties which they then manage. Mr. Santos stated that this is a 2 family home but is not zoned as such. He stated he would like to keep this property as a 2 family and bring the zoning up to date. Mr. Santos stated that he still needs to go to the ZBA for approval, but he has spoken to Mr. Frank Berlin, a neighbor to this property and he stated that he feels this would be an improvement and has no issues with his project. Mr. Santos stated that his plan is to remove the stone front and replace it

with siding as well as a new metal roof. Mr. Santos stated that this would also be an improvement to the neighborhood and that he has been permitted demolition already and is ready to move forward with this application.

**Staff Comments:**

**Steve Myers, Director of Building and Development issued a memo dated 1/24/22 stating:**

- No documents, no comment.

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

1. Postal verification
2. A fire separation will be required and will be addressed during the permit process

**Scott Reese, Stormwater Management Technician issued a memo dated 1/21/22 with the following comments:**

1. The project has the Long Kill that traverses along the rear of the property. The Long Kill is a trout spawning stream. There is an overlay Land Conservation Easement that extends 50 feet from the stream banks of the Long Kill where no grading or disturbance can take place without prior town approvals. If the applicant plans on any land disturbances, silt fence shall be placed on top of the slope or at a minimum 50 feet from the stream's banks.

**The Environmental Conservation Commission held a meeting on 1/18/22 and issued a memo recommending:**

1. No comments were offered regarding environmental concerns.

**John Scavo, Director of Planning issued a letter dated 1/21/22 with recommendations he made:**

1. Real property records show the original dwelling was constructed circa 1850 and predated the Town's Zoning Code.
2. The Town's Historic Preservation Commission offered support for the proposed exterior improvements to the existing structure and landscaping.
3. Town Staff has worked with the applicant to develop an application to complement the existing historical architecture found within Jonesville.
4. The Saratoga Co. Planning Board noted the project would have no significant county-wide or intercommunity impact.

Mr. Scavo stated in the meeting that he liked the applicant's idea to keep the historical features and architecture in Jonesville. Mr. Scavo stated that the examples of other restores the applicant did in Cohoes are great examples of what the applicant would like to do.

**Professional Comments:**

No professional comments.

**Public Comments:**

Mr. Scavo stated that there was a written letter of concern from a resident of Clifton Park and it was shared via email with the Planning Board.

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

**Planning Board Review:**

Ms. Bagramian asked if this was a 2 family or multifamily. Mr. Scavo stated it is a 2 family home and it is a pre-existing, non-conforming use. Mr. Santos stated that there are other multifamily homes in the area, such as the home across from Classic Crust. Ms. Bagramian asked if the plan was to redo the outside of the home and fully gut the inside. Mr. Santos stated that the plan is to make the left side a smaller living space and the right side bigger. Mr. Santos stated that the layout of the home is from 1850 so some things may be moved but nothing loadbearing. He stated that it would be multilevel as well. Mr. Santos stated he still needs to confirm with Mr. Myers so see if a fire separation is required in the basement of the building.

Mr. Ferraro asked if this was built before codes were established. Mr. Scavo stated that it was pre-existing the code, the electric- also predates the current NYS Building Code requirements. Mr. Ferraro asked if this was grandfathered in and Mr. Wilcox stated yes. Mr. Scavo stated that he spoke to Mr. Myers and this is the best route to take since the home predates the code. Mr. Scavo stated that coming to the Planning Board for a SUP would help establish the property to code for this owner and future owners going forward. The ability to eliminate the pre-existing non-conformance status of any property that predates the zoning code and bring it into compliance is a good practice.

Mr. Martin asked if the application was certified. Mr. Scavo stated that he has the notary signature and proof of mailings by the applicant.

Mr. Andarawis stated that he feels the building now is not enhancing the neighborhood. He stated that the alternative is to demolish the building and construct new, which he does not prefer over the renovation option that the applicant is proposing. He stated that the home preexisted the code and though non-conforming, it was not done out of code as the letter of concern from a resident stated and this Board is not rewarding construction out of zoning.

Mr. Ferraro asked Mr. Andarawis if there are any exterior improvement concerns with the Historic Preservation Committee that he sits on. Mr. Andarawis stated that there are no concerns as the stone façade was put on after the original construction and is not historic and the applicant is taking a step in the right direction to keep historical features. Mr. Andarawis stated that the Town has no historical record of the original home façade but would like the applicant to keep the Preservation Committee in the loop as the project progresses. Mr. Santos stated that the plan now is to add dormers and a metal roof in addition to other features as well as adding insulation. Mr. Scavo stated that Mr. Myers issued a permit already to start demolition to help bring the home up to code.

Mr. Neubauer stated that he feels this is an appropriate use for the location and feels the proposal is comprehensive and good as well. He stated that Main Street in Jonesville is different than other parts of the Town and this application fits.

Mr. Ferraro stated that he would like to see some improved landscaping but reminded that applicant to be aware of the stormwater comments when doing so.

Mr. Neubauer offered Resolution No. 02 of 2022, seconded by Mr. ~~Andarawis~~Andarawis to waive the final hearing for this application and to grant preliminary and final approval of the special use permit, condition upon satisfaction of all comments, provided by the Planning Board, Planning Department, and Town Designated Engineer, including submitting the landscaping plan for approval to the Planning Director prior to the stamping of the Special Use Permit.

Conditions:

None

**Roll Call:**

D. Bagramian - Yes

E. Andarawis - Yes

E. Ophardt - Yes

H. Fariello - Absent

A. Neubauer - Yes

R Ferraro - Yes

K. Martin – Yes

J. Gleason – Alternate Member - Absent

Ayes   6  

Noes:   0  

The resolution is carried.

### **Old Business:**

#### **2020-018 Woodin Road 5 Lot Subdivision**

*Applicant proposes to subdivide the 8.97 acre parcel into 5 single family building lots. There are 2.35 acres of Federal wetlands on-site which the applicant proposes to disturb less than 1/10th of an acre for construction of driveways. Woodin Rd, Zoned: R-1, Status: PB Preliminary Review w/possible Final Determination SBL: 278.-1-7 To be reviewed by: MJE Consultant: ABD Applicant: E. Kim Last Seen on: 10-13-21*

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

John Hitchcock – ABD – M. Hitchcock stated that last time they were before the Board this was a 6 lot subdivision. Mr. Hitchcock stated that it is now a 5 lot subdivision per this Board's prior comments and the ECC recommendations to decrease the number of lots. He stated that the curb cuts have been reduced from 6 to 3, with some of the lots sharing a driveway. Mr. Hitchcock stated that the wetland disturbance has also been decreased to .04 acres, the minimum lot size required is 40,000 sf due to septic and individual wells serving the properties and the smallest lot size is 64,000 sf and 40,400 of buildable land. Mr. Hitchcock stated that they have received the necessary letter from DOH and they have no issues with the site and they are just requesting test pits to be updated in the spring.

### **Staff Comments:**

**Steve Myers, Director of Building and Development issued a memo dated 1/25/22 stating:**

- Changed to 5 lots from 6
- Proof of viable water supply and septic design for each lot will be required prior to the issuance of a building permit
- Test pits should be completed prior to clearing of the site to ensure viability of design

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

1. No comment

**Scott Reese, Stormwater Management Technician issued a memo dated 1/21/22 with the following comments:**

1. Note that TP#4 is 5 feet deep where 2 feet below the proposed Basement Finished Floor is 11 feet deep below the surface. This information should be known prior to subdivision approval as it may affect the grading and limits of disturbance.
2. Note that TP#6A is 6 feet deep where 2 feet below the proposed Basement Finished Floor is 12 feet below the surface. This information should be known prior to subdivision approval as it may affect the grading and limits of disturbance.

**The Environmental Conservation Commission held a meeting on 1/18/22 and issued a memo recommending:**

1. The ECC continues to recommend reducing the number of lots for the following reasons (wetlands, density, lack of public water, and sewer connections).
2. The subdivision is located in an area that may be impacted by vehicle activity from Interstate 87. Impacts may include noise and vibration.
3. Tree clearing should be minimized to the greatest extent practical to reduce visual and auditory from Interstate 87.

**John Scavo, Director of Planning issued a letter dated 11/18/21 with recommendations he made:**

1. I appreciate the applicant's design professional providing a written response to all comments offered by Town Staff and various advisory boards.
2. While the project meets the bulk and setback requirement of the Town Code, the Planning Board must evaluate practical access to the five proposed lots with the presence of significant wetland water bodies. The applicant's responsibility is to adequately identify and accommodate a house, septic system, and a drinking water well source on dry areas between the driveways and federally regulated wetlands.
3. Permit coverage for proposed wetland disturbance is subject to approval by the Army Corps of Engineers.
4. Before granting final approval, the applicant must reconcile the mandate from Steve Myers, Director of Building & Development, requiring public sewer hook-ups under Town Code § 169-11 to 169-13.
5. Based on the Town Boundary Line, it appears a curb-cut permit for the proposed driveways is required from the Town of Halfmoon Highway Superintendent prior to the commencement of any construction activities.

Mr. Scavo stated in the meeting that when the new test pits are completed, the applicant may be remitted back to the Town Planning Board based on the outcome. Mr. Scavo stated that a majority of his concerns from this letter dating 11/18/21 have been addressed.

**Professional Comments:**

**Walter Lippmann, P.E. of MJ Engineering in a letter dated 1/21/22 had the following comments:**

**STATE ENVIRONMENTAL QUALITY REVIEW**

1. No further comments.

**SITE PLANS**

2. Addressing all comments from the regulatory agencies (DEC, ACOE, DOH) should be conditioned upon receipt of each approval.
3. Confirm all driveway culverts have proper coverage. The western most culvert on Lot 5 appears to only have 8-inches of cover.
4. On sheet 4 of 5, a septic design has been provided for both a 3-bedroom and 4-bedroom house, however the site plan indicates all are 3-bedroom.
5. On sheet 4 of 5, the sewer system design provides two alternatives for trench lengths. The site plan shall show the alternative that utilizes the most area to ensure that all components will fit with proper setback requirements.

**STORMWATER POLLUTION PREVENTION PLAN**

6. Provide clarification as to the exfiltration rate utilized in the model for each of the driveway culverts. The culverts are mainly to interconnect the existing wetlands on site, therefore no infiltration should be expected.
7. The storage modeling of culvert #1 should be limited to the 340 contour as the 341 is not shown on the plan.

**Public Comments:**

Anthony LaFleche – 21 Wheeler Drive – Mr. LaFleche asked the applicant if lots 3,4, and 5 would be built on the natural ridge. Mr. Hitchcock stated they would be. Mr. LaFleche thanked the applicant for decreasing the number of lots by one and asked if the driveway of lot 5 would be along the side of the wetland and suggested that the driveway be moved to branch off of lot 4's drive. Mr. Hitchcock stated that this would create almost a road in front of lot 4 and the slopes would be crossed. Mr. Scavo stated that the side of the driveway is not filled due to possible standing water on either side of the drives. Mr. Hitchcock stated that he would add signage to the plan. Mr. LaFleche asked how far the home on lot 3 is from the road. Mr. Hitchcock stated it is about 100 feet. Mr. LaFleche asked if lots 1-4 could have a stub street and form a court rather than shared driveways. Mr. Scavo stated that the minimum for a town road is 500 feet. Mr. Hitchcock stated that the land requirements would be too great and take too much land and the cost would increase.

**Planning Board Review:**

Mr. Ferraro stated that Ms. Fariello sent an email in her absence with her concerns about the project. He stated that he said the environmental assessment has an error on it stating this is a 6

lot subdivision when it is now a 5 on D-5 on EAF under D-3. Mr. Ferraro stated that the email said this project is on septic systems and a box was checked for force mains as well. Mr. Scavo stated that the project has changed from 6 lots to 5 and that the form is snapshot of when the paperwork was done initially. He stated that Part I can be amended but the full record indicates the changes.

Mr. Martin stated that he would like to see the wetlands avoided. He stated that the .04 acres is for one driveway and that if it can be avoided he would like to see this. Mr. Hitchcock stated if this is done, then lot 4 would need to be pushed closer to the northwest, more fill would be needed, and the tree clearing would be increased to accommodate this.

Mr. Ferraro stated that the project could be decreased to 4 lots as to disturb less.

Ms. Bagramian asked what the red lines on the map indicated. Mr. Hitchcock stated that they indicated where the wetlands were being disturbed. Ms. Bagramian asked if the pavement for the driveways would be a mix. Mr. Hitchcock stated that they would be standard blacktop but they may do gravel to blacktop on lot 5. Ms. Bagramian stated that she does not like lot 5 in this proposal.

Mr. Ophardt asked if both water and sewer were declined. Mr. Scavo stated they both were. Mr. Hitchcock stated that the water would have been from the Town of Halfmoon but they said do not take outside users, and that the sewer is privately owned. He stated if they could, they would hook up.

Mr. Andarawis stated that he likes the consolidation of the driveways but he is concerned about the driveway for lot 5 and the standing water. He stated that someone may drop sand every so often to help with the pooling. He stated that he appreciates the signage and thinks that the wetlands can be protected while the construction occurs but there are no guarantees later.

Mr. Neubauer stated that he agrees with Mr. ~~Andarawis's~~ Andarawis's comments and likes the decrease in the number of lots and feels that the wetland crossings are problematic. He stated that the wetlands come up to the roadside.

Mr. Ferraro stated that he agrees with the concerns brought up tonight as well as the prior comments. He stated that he feels that there are many environment s constraints and appreciates the applicant's willingness to decrease by one lot and the shared driveways. Mr. Ferraro stated that he is reluctant to support the 5 lots in this location, especially lot 5 for the reasons already stated and that he would be more supportive of a 4 lot subdivision. Mr. Ferraro also stated that lot 4 has no signage in the rear of the property. Mr. Ferraro asked if there was a trail easement for this application. Mr. Scavo stated there is none as the right of way belongs to Halfmoon and not Clifton Park. Mr. Hitchcock stated that the applicant is not willing to decrease the number of lots any further and that all of the lots currently meet standards and criteria.

Mr. Ferraro stated that if the application were approved, he would like the condition to be that the plot plan, subdivision plan, and the site plan include a statement about the noise from the highway.

Mr. Ferraro stated that with the numerous concerns as well as the wetland disturbance, he is not in support of this application. Mr. Martin stated that he does not support this application as well. Mr. Hitchcock stated that the density has been decreased and that the Board did not specify the number of lots previously.

Mr. Andarawis stated that he understands that the application is meeting the size requirements but his concern is with the driveways and the wetland impacts. Ms. Bagramian stated that she agrees with Mr. Andarawis and feels there will be a resident complaint down the road for the standing water on a driveway.

Mr. Neubauer asked if it was viable to consolidate driveways. Mr. Hitchcock stated that the drive will cross a lot and may not be amenable to the homeowner.

Mr. Ophardt stated that he feels that the applicant has been amenable and that .04 disturbance is not a lot and that usually he likes to see under 0.1 and feels this is a small impact. He stated that he feels that 3 homes on one driveway are not practical and he understands this. Ms. Bagramian stated that she feels a precedence would be set if the Board allowed the applicant to cut through wetlands. Mr. Ophardt stated that it is done all the time. Mr. Ophardt stated that water and sewer should not be an issue for this project as it is unavailable and meets all the requirements.

Mr. Ferraro stated that cutting along the entire wetland and signage along the drive is not always effective and that there is a salt runoff concern as well that was brought up at the prior meeting.

Mr. Martin stated that he feels that the engineer has done a good job with the challenges on the site but that he feels the site is constrained in many ways.

Mr. Ophardt offered Resolution No. 03 of 2022, seconded by Mr. Neubauer to waive the final hearing for this application for the Woodin Road 5 Lot Subdivision approval, and to grant preliminary and final subdivision approval conditions 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.

Conditions:

1. Revised EAF to reflect changes
2. Environmental signage to be added to lot 4
3. Statement for highway noise to be on the plan as well as plot plans and deeds.

**Roll Call:**

D. Bagramian - No  
 E. Andarawis - No  
 E. Ophardt - Yes  
 H. Fariello - Absent  
 A. Neubauer - No  
 R Ferraro - No  
 K. Martin – No  
 J. Gleason – Alternate Member – Absent

Ayes: \_\_\_\_\_ 1 \_\_\_\_\_

Noes: \_\_\_\_\_ 5 \_\_\_\_\_

The resolution is not carried.

**New Business:****2022-001 1860 Route 9 Warehouse/Office Development**

*Applicant proposes construction of four 15,000 sf office buildings. Each building will have 12,000 sf of warehouse space and 3,000 sf of office space. The project will disturb 6 acres and construction will be phased. Also includes parcel 266.1-23.1 & 25 in Halfmoon (.16 acres), 1860 Rt 9, Zoned: B-5, Status: PB Concept Review SBL: 265.-1-89 To be reviewed by: MJE Consultant: ABD Applicant: Codie Development, LLC*

**Consultant/Applicant Presentation:**

John Hitchcock – ABD – Mr. Hitchcock stated that he was here tonight on behalf of Codie Development. He stated that the location of the application is at 1860 Route 9, is zoned B-5, and is a 8.08 acre lot made up of 3 parcels, 2 of which are in the Town of Halfmoon. He stated that there would be no improvements in Halfmoon. Mr. Hitchcock stated that to the west of the property is Synergy Technology Park and the park’s entrance is to the north. Mr. Hitchcock stated that there is currently a masonry business on the property and that it is looking to further develop the site. He stated that the proposal is for four 15,000 sf buildings with 3,000 sf to be used for office space and this project is not dependent on a tenant. Mr. Hitchcock stated that there will be water and sewer hookups from Synergy Park Drive and that there will be an easement for sewer and water which currently exists on the site. He stated that an existing storm

water basin will remain and be expanded to accommodate the development and is located at the northwest side of the site. Mr. Hitchcock stated that the existing building is currently running on septic but will hook up to sewer. Mr. Hitchcock stated that he has met with Mr. Myers and those accesses around the buildings were requested so there will be a gravel drive around them. He stated that the proposal has 70 parking spaces being provided and an additional curb cut is proposed on Route 9.

**Staff Comments:**

**Steve Myers, Director of Building and Development issued a memo dated 1/24/22 stating:**

- Is property to be subdivided?
- Appears to be an allowed use in the B-5 zone
- Access to Synergy Park Drive should be encouraged
- Green space appears to be insufficient in the site specifics table (50% required)
- Buildings should be sprinklered since the required access (150' max) may be difficult to prove (300' with sprinklers)
- Minimum required road width is 26' (not 24' as shown off Route 9)

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

1. Postal verification
2. Provide fire apparatus access plan
3. Will these buildings be sprinklered?
4. Specify hydrant locations

**Scott Reese, Stormwater Management Technician issued a memo dated 1/21/22 with the following comments:**

1. When plans progress a FULL SWPPP will need to be submitted for review and approval.
2. Provide deep test hole information and percolation rates if required for the proposed stormwater management practices.

**The Environmental Conservation Commission held a meeting on 1/18/22 and issued a memo recommending:**

1. The ECC recommends the applicant complete a Long Form Part I EAF to fully access the details for potential environmental impacts of the project.
2. ECC requests the applicant provide a plantings plan that provides screening along route 9 for visual and auditory buffering.
3. Existing topography will likely necessitate an extensive grading and excavation plan, with steep slopes within the project site and proximity of the Dwaas Kill.
4. To protect public health and safety, the Planning Board should require the applicant to provide a traffic analysis on the potential impacts of the proposed curb cut.
5. The applicant should provide a construction phasing plan that outlines a mechanism to stabilize disturbed soils before commencing successive phases.

6. The ECC will provide additional comments as more detailed engineering and site analysis information is made available by the applicant for review.

Mr. Scavo stated in the meeting that due to the proximity of the project to the Dwaas Kill that the ECC is requesting the long form to be filled out and not the short form for the EAF even though it is not required.

**John Scavo, Director of Planning issued a letter dated 1/21/22 with recommendations he made:**

1. Since the project proposes less than 10 acres of physical disturbance, it appears to be an Unlisted Action under SEQRA. Therefore, a coordinated review is optional.
2. As plans advance, the applicant should provide additional construction phasing details regarding timeline, sequencing of soils disturbance, construction access, equipment storage, and materials stockpiling.
3. I recommend the applicant coordinate with the staff from the Town's of Halfmoon, Clifton Park, and MJ Engineering to develop the scope for a traffic analysis.
4. Pursuant to §208-55 of the Town Code:

Ingress/egress. There shall not be more than one curb cut per lot unless the Planning Board finds that traffic safety will be improved with the addition of another curb cut. Such curb cut shall be wide enough to accommodate safely and in accordance with accepted traffic control standards approved by the Town's engineer the type of traffic to be generated by the use and shall meet all of the fire safety requirements of the Town of Clifton Park. The distance between curb cuts on two separate parcels shall be a minimum of 100 feet measured from the center line of the curb cut. Design should take into consideration the possibility of shared curb cuts with adjacent properties. In the case of a corner lot, no curb cut shall be located closer than 100 feet to an intersection.

The applicant should provide the Planning Board with justification for a second curb cut within the traffic analysis. In addition, as plans advance in design the applicant must demonstrate compliance with all development standards prescribed by §208-55. The building facades fronting Route 9 may have to have a front building treatment to comply with the standards of §208-55(c).

5. Coordination with the Donald Austin, Clifton Park Water Authority and Michael O'Brien, Clifton Park Sewer District should occur early for input on the proposed utility connections.
6. The applicant should provide evidence for compliance with the special setback requirement prescribed under §208-98 Special Setback Lines:

On the streets and roads listed below, no building or part of a building, other than steps, eaves and similar fixtures, shall extend nearer to the center line of the street or road than 100 feet in the case of a building in a residential district or 130 feet in the case of a building in any other district.

New York - U.S. Route 9...

7. The applicant should show the approximate locations of new mechanical systems and trash containers for the proposed buildings. Screening may be necessary.

**Professional Comments:**

**Walter Lippmann, P.E. of MJ Engineering in a letter dated 1/21/22 had the following comments:**

**STATE ENVIRONMENTAL QUALITY REVIEW**

Based upon our review of Part 617 of NYS Environmental Conservation Law, the project appears to be an "Unlisted" action. If the Planning Board is to request Lead Agency status under SEQRA, the need to undergo a coordinated review is optional. Under a coordinated review, involved / interested agencies to be engaged may include, but is not necessarily limited to the following:

- a. Town of Clifton Park Planning Board: Plan approval
- b. Saratoga County Planning: 239m referral is required due to the project proximity to Route 9
- c. New York State Department of Environmental Conservation: Stormwater permit approval
- d. New York State Department of Transportation: Proposed curb cut access
- e. Saratoga County Sewer District #1: Connection to public wastewater infrastructure
- f. Clifton Park Water Authority: Connection to municipal water

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

1. Part 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.

2. Part 1.15 - 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.
3. Part I.17 – The response indicates that the proposed action will create stormwater discharge. A Stormwater Pollution Prevention Plan SWPPP may be required.
4. General – Name of Action or Project: Inconsistent between Project Site Plan, Narrative, and Application
5. No further comments at this time.

#### **SITE PLANS**

6. The project resides within the Town's B-5, Corporate Commerce District. In our review of Section 208-53(9) of the Town's Zoning in its entirety, it appears that the proposed warehouse/office facility is a permitted use within the B-5 District.
7. Update the site statistics table to account for the special setback requirements from NYS Route 9 as defined in Section 208.98 of the 'Town's Zoning. It would appear that the building placement meets the noted setback of Section 208.98.
8. Provide contour lines at two-foot intervals, minimum United States Geological Survey datum.
9. Provide a narrative as to how the number of parking spaces was determined for the use proposed.
10. Identify the date and by whom the wetlands shown were delineated. Based on the date of the delineation and/or prior NYSDEC correspondence, the wetlands may require a re-delineation if expired.
11. It appears a portion of site work maybe within the public right-of-way owned by the Town of Halfmoon. Any improvements planned within the Town of Halfmoon are subject to the review and approval by the Town of Halfmoon Planning Board and other Town departments.
12. The project will disturb more than 1-acre of land. As such, it will be subject to the NYSDEC Phase II Stormwater Regulations and General Permit GP-0-20-001. 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.
13. The project proposes to provide potable water to the buildings from the Clifton Park Water Authority's (CPWA). The applicant shall provide the Town documentation indicating CPWA's ability and willingness to provide potable water to the project.
14. The project proposes to provide sanitary sewer service to the site from the Saratoga County Sewer District No. 1 (SCSD). The applicant shall provide the Town documentation indicating the SCSD's ability and willingness to provide additional sewer service to the project.

15. This project may have a cumulative impact on the level of service of the adjacent roadways. As such, it is recommended that a traffic impact study be completed that assesses peak hour vehicle trips, site distance and accident data. Give the proximity to NYS Rt 9, the findings of the study should be provided to the Region 1 office of the NYSDOT for input.
16. Should any work occur within the NYS Rt 9 right-of-way, approval and permitting from the NYSDOT will be required. For any work proposed within the Miller Road right-of-way approval and permitting from the Clifton Park Highway Department will be required.
17. The following comments are relative to the site plan and its conformance to the NYS Fire Code. 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. Determine if a Knox Box is required based upon the building arrangements, occupancy and materials of construction. If one is required, its location is subject to the review and approval of the Fire Chief.
  - d. Section 503.1.1 of the International Fire Code (IFC) requires an approved fire apparatus access road be provided for every facility, building or portion of a building and shall extend to within 150 feet of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building. Confirm that there is adequate fire access being provided.
  - e. Identify the actual height of the buildings. If greater than 30-feet in height above the average grade plan, aerial apparatus access shall be provided that is between 15 and 30 feet of one entire side of the building in accordance with Appendix D105 of the IFC. If aerial apparatus access is required, its location shall be identified on the plans.
  - f. Pursuant to Section D104 of the IFC, commercial or industrial buildings that are exceeding 62,000 sq. ft. shall be provided with two separate and approved fire apparatus access roads unless equipped with automatic sprinklers (this exemption is permissible up to 124,000 sq. ft. of building area).
  - g. Provide a turning template analysis for the largest emergency vehicle that may respond to an event at the site.
18. Subsequent plans shall show how the project will satisfy the requirements of Section 208-55(B) of the Town's Zoning are being satisfied with respect to lot landscaping.
19. Elevations and materials of construction for the proposed building should be submitted to the Planning Board for review to ensure the requirements of Section 208-55(C) of the Town's Zoning are being met.
20. Subsequent submissions shall include information as outlined in Section 208-115 of the Town zoning specific to lighting, site grading, landscaping, erosion control and

stormwater management to fully assess the design and its compliance to the applicable standards.

**Mr. Martin moved, second by Mr. Ophardt to declare the Town Of Clifton Park Planning Board to take lead agency for the coordinated review associated with the 1860 Route 9 Site Plan.**

**Public Comments:**

Anthony LaFleche – 21 Wheeler Drive – Mr. LaFleche asked the applicant if the side of the building that is to face Route 9 be dressed up. He asked the applicant how far from Route 9 the closest part of the buildings would be. Mr. Hitchcock stated that the front 2 buildings would be over 100 feet from Route 9. Mr. LaFleche asked for the buildings to be placed as far back as possible for the applicant to leave an easement past the drainage ditch as well. Mr. LaFleche asked if the applicant would move the new entrance closer to Kinns Road further north as to allow for more distance from the intersection. Mr. LaFleche asked if there were slopes on the property. Mr. Hitchcock stated there were slopes to the south side going towards Synergy Park.

**Planning Board Review:**

Mr. Neubauer stated that he feels that the architecture is critical here as it is close to Route 9. He stated that this plan conforms but that the warehouses are set back from Route 9 and he is unsure of what part of the tree line would stay. Mr. Ferraro stated that he supported the visual concerns and stated that the existing topography and foliage along Route 9 may provide some visual screen but an architectural review is recommended.

Mr. Andarawis stated that he supports the concern to have the architecture and landscaping worked on and asked if the setback should be greater if possible.

Ms. Bagramian asked if the rear of the building would face Route 9 and if there would be windows to dress up the rear. Mr. Hitchcock stated that the loading docks for the buildings would be in the front of the building so only the rear of the building would face Route 9 and this should fit in with Synergy Park. Ms. Bagramian stated that she would like to see the rear of the buildings fronting Route 9 look like the fronts of the buildings. Ms. Bagramian asked how big the overhead doors are. Mr. Hitchcock stated that they would be 16-20 feet however the actual elevation is unknown at this time

Mr. Neubauer stated that he respects having the buildings fit in with Synergy Park but he feels that the extra curb cut is a large impact. He stated that he feels that the buildings cannot be large flat metal long-faced; Mr. Ferraro agreed.

Mr. Ophardt asked if there could be a connection to the private drive to the rear of the site. Mr. Hitchcock stated that they would need permission to use it as there is a different owner for that. Mr. Hitchcock stated that if the Board requests, the applicant can ask the neighbor for access. Mr. Ophardt, Mr. Neubauer, and Mr. Andarawis agreed that access should be from Synergy Drive. Mr. Ophardt asked if the stormwater basin would encroach the wetlands. Mr. Hitchcock stated that it did not and indicated on the map the locations of each.

Ms. Bagramian stated that shared access may be beneficial to tenants as well as the owners. Mr. Martin stated that there are swales in the area to connect but stated he feels it could be done. Mr. Andarawis stated that shared access would help with setbacks and the properties are compatible.

Mr. Ferraro stated he would like the applicant to incorporate EV charging stations in the plan.

**Discussion Items:**

None

Mr. Neubauer moved, seconded by Ms. Bagramian, adjournment of the meeting at 9:07 p.m. The motion was unanimously carried.

The next meeting of the Planning Board will be held as scheduled on February 8<sup>th</sup>, 2022.

Respectfully submitted,

*Paula Cooper*

Paula Cooper, Secretary