

Town of Clifton Park Planning Board
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PLANNING BOARD

DENISE BAGRAMIAN
Chairwoman

ROBERT WILCOX
Attorney

PAULA COOPER
Secretary



MEMBERS

Emad Andarawis
Eric Ophardt
Heather Fariello
Mario Fantini
Jennyfer Gleason
Keith Martin
(alternate) Lisa Westrick

Planning Board Minutes
January 10th, 2023

Those present at the January 10th, 2023 Planning Board meeting were:

Planning Board: D. Bagramian, Chairwoman, E. Andarawis, E. Ophardt, M. Fantini, K. Martin, J. Gleason, L. Westrick

Those absent were: H. Fariello

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

Ms. Bagramian, Chairwoman called the meeting to order at 7:00 p.m. All in attendance stood for recitation of the Pledge of Allegiance.

Ms. Bagramian stated that in the absence of Ms. Fariello tonight, Ms. Westrick would be a voting member.

Ms. Bagramian welcomed the new Board member Mr. Mario Fantini. Mr. Fantini thanked the Board for welcoming him.

Minutes Approval:

Mr. Ophardt moved, seconded by Mr. Andarawis, approval of the minutes of the December 13th, 2022 Planning Board meeting as written. The motion was unanimously carried.

Public Hearings:**#2022-032 Van Patten Drive (Concord Development) Subdivision**

SBL: 265.-1-6.111

20 lot mixed use subdivision, Van Patten DR , Zoned: B2 - Business Non Retail 2, Status: Preliminary
Citizenserve File Number: 22-000020, Application Number: SUB22-000014

Applicant: Concord Development - Chris Myers, Consultant: Brett L. Steenburgh, P.E. PLLC

Last Seen On: 9/27/22

Ms. Bagramian 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. She 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.

Mr. Martin moved, second by Mr. Ophardt, to establish the Planning Board as Lead Agency for this application, a Type I action, and to issue a negative declaration pursuant to SEQRA.

Ms. Bagramian called the public hearing to order at 7:05 p.m. The Secretary read the public notice as published in the Daily Gazette on December 31st, 2022.

Consultant/Applicant Presentation:

Brett Steenburgh – Mr. Steenburgh stated that this application is for a 20 lot subdivision in the business zone. He stated that this is unique as they are proposing to have homes with home offices for non-client based services. Mr. Steenburgh stated that all of the lots would be along the existing frontage on Van Patten Drive and on the south side of the roadway between Carlton Road and La Costa Drive. He stated that all curb cuts will be shared driveways to decrease the cuts on the bike path. Mr. Steenburgh stated that all of the homes would have grinder pumps and the lots would be between 0.92 and 2.49 acres and back up to the railroad tracks. He stated that

they would minimize the disturbance and have the homes fit into the existing vegetation. Mr. Steenburgh stated that the stormwater would be managed on each site with infiltration. He stated there are wetland pockets on the property and that they would not be disturbed even though it is a part of the adjacent stormwater management plan.

Staff Comments:

The Environmental Conservation Commission and issued a memo recommending:

- In keeping with the rural nature of the project area and the recommendations of the Town Comprehensive Plan, the Applicant should retain existing vegetation to the maximum extent practical and use landscaping and grading to provide visual and auditory buffering between the project and the roadway.
- There are wetlands identified on the Site Plans that should be labeled of the regulating authority.
- Item E.2.h.i of the Full Environmental Assessment Form, should be marked yes as this site does contain wetlands on the project site.
- The plan shall include the note This subdivision is in an area which may be impacted by railroad activity. Impacts may include noise or vibration.
- The ECC notes that sensitive environments exist on properties adjacent to the project site (within watershed of Long Kill, Cooley Kill & Dwaas Kill all 303(d) segments impaired by pollutants related to construction activity), thus there is a potential for environmental impacts to these areas in the event that the capacity of the stormwater management system is inadequate. As such the Applicant's Drainage, Stormwater and Erosion Control Plans should be protective of these environments, during construction and occupation of the project. The ECC recommends careful review of these plans by the Town Engineer

Wade Schoenborn, Building and Development issued a memo stating:

- More review and information will be required to determine a plan review and Code Path. (Commercial/Residential code)

John DeSimone, Fire Marshall issued a memo stating:

- Provide existing Hydrant locations and proposed new hydrant locations
- Will this project be built under the 2020 NYS Building Code or 2020 NYS Residential Code. Have Architect or Engineer review before building plans are submitted.

Scott Reese, Zoning Administrator issued a memo stating:

- On Sheet 1 of 12, under Site Zoning - the applicant is requesting a Zone Change from Light Industrial (L1) to B-2. This zone change will need to be applied for and approved by the Town Board.
- Future plans and/or narrative shall describe how the project will meet Town Code Section 208-34 B. Architecture. Within the narrative provide possible minimum / maximum percentages of office space to residential building area.

- Show the existing property boundary between tax map parcels 265.-1-81.1 & 265.-1-72.11
- Label or provide a legend for the building setback lines and other preliminary plat required items

Scott Reese, Stormwater Management Technician issued a memo stating:

1. In addition to MJ Engineering and Land Surveying, P.C. comment letter dated January 6th, 2023 I have the following comments
2. The stormwater management practices need to have a method used to ensure long-term operation and maintenance. It would preferable not to have individual homeowners to be responsible for the long-term maintenance for the stormwater management areas. Other alternatives should be considered.
3. If infiltration trenches are still used, soil test pits and perc test shall be at each location of the proposed infiltration trench location shown on the plans. The depth of the test pits shall exceed three feet past the bottom of each designed infiltration trench. The percolation tests shall be done at the elevation at the bottom of each proposed infiltration trench.
4. The existing wetlands on proposed lot 2 receive runoff from a 32 inch storm pipe. The wetlands are self contained in a depression. The overland outflow of this basin appears to have an elevation of 276+/- . The walkout floor of the proposed home on lot 1 that is in this depression appears to be below the 276 elevation. Concerns during frozen ground conditions and rain events should be considered for the floor elevations and location of the structure on lot 1.

The Trails and Open Space Subcommittee issued a memo stating:

- Please consider extension of multi user trail on Van Patten Drive along Carlton Road. In future it will help us connecting closure to Dwaas Kill nature Preserve and Kinns Road Park

John Scavo, Director of Planning issued a memo stating:

- Add a note to the subdivision plan and each property deed stating, The designated office portion of each structure shall be only used for uses other than residential permitted per Town Code Â§208-32 Permitted Uses designated for the B1 Zoning District.
-
- Under Â§179-11 of the Clifton Park Town Code, the distances for the proposed property lines should be added to the plans.
- Sheet 11 of 12, Town of Colonie Standard Erosion & Sediment Control Notes should be changed to reference Clifton Park in the title.
- Add the following note to the plan, No individual lot driveway access will be allowed from Van Patten Drive on to Lots 1 through 20. A shared driveway entrance shall be constructed by the developer between lots: 1 & 2; 3 & 4; 5 & 6; 7 & 8; 9 & 10; 11 & 12; 13 & 14; 15 & 16; 17 & 18; 19 & 20.
- Add the assigned 911 address to each lot per the attached address assignments from the Towns Fire Marshall.

- Add a note to the subdivision plan stating, These parcels are located adjacent to an active railroad line. Property owners may experience impacts commonly associated with railroad activities, including but not limited to periodic noise, vibration, hours of operation, and other associated railroad maintenance and operations activities.
- Replace Town of Amsterdam on Page 7 Section 3.1, Site Improvements & Environment within the SWPPP, with Town of Clifton Park.
- Replace Town of Amsterdam on Page 9 Section 3.4, Post Construction Inspections within the SWPPP, with Town of Clifton Park.
- Before granting final approval, a sign-off from the Clifton Park Water Authority is required.
- Before granting final approval, a sign-off from Michael OBrien, Clifton Park Sewer District Collection Systems Manager, is required.

Professional Comments:

Walter Lippmann, P.E. of MJ Engineering in a letter had the following comments:

STATE ENVIRONMENTAL QUALITY REVIEW

1. No further comments.

LONG ENVIRONMENTAL ASSESSMENT

2. No further comments at this time.

SUBDIVISION

3. Provide the metes and bounds for all property lines and right of ways.
4. Confirm with the Town of Clifton Park Sewer District that the front porch of Lot 1 appears to be within the existing sewer easement
5. Will easements need to be obtained for the proposed sewer extension for future maintenance by the Town or is permission needed by the Clifton Park Water Authority to share the water easement.
6. Utility Plan – Provide the location of the existing watermain parallel to Van Patton Drive to ensure proper horizontal separation.
7. Provide a sewer engineering report with proposed system (materials, sizes, etc.) and anticipated flows for review.
8. Grading Plans – Lot 7 – Verify grading around house, it appears contours jump from 280 to 288.
9. Grading Plans – Lot 9 – It appears 296 contour connects to the existing 294 contour, revise accordingly.
10. Grading Plans – Lot 11 – Verify the tie in for the 310 contour.
11. Grading Plans – Lot 16 – Verify the tie in for the 304 contour
12. Erosion and Sediment Control Plans – Provide the locations of silt fencing
13. Erosion and Sediment Control Plans – Provide a note stating, “Upstream construction shall be completed and stabilized before connection to a downstream infiltration facility. A dense and vigorous vegetative cover shall be established over the contributing pervious drainage areas before runoff can be accepted into the facility.”

14. Erosion and Sediment Control Plans – Provide erosion control blankets on all slopes greater than 1:3 on Lot 11.
15. Soils test pits and infiltration testing location shall be shown on the plans.
16. Pursuant to Section 3.5 of the NYSSMDM, the proposed stormwater practices need to have a conspicuous and legible sign posted. The plans need to provide the standard sign with the applicable language as well as the location.
17. Indicate how runoff from the new impervious areas will be routed to the infiltration practices. Driveways should be cross sloped to drain to infiltration practices.
18. If the roof leaders are tying into infiltration trenches, these should be shown on the plans.
19. Pursuant to Section 6.3.6 of the NYSSMDM, infiltration practices shall never serve as a sediment control device during site construction phase. In addition, the Erosion and Sediment Control plan for the site shall clearly indicate how sediment will be prevented from entering an infiltration facility.
20. A note should be added to the plans that heavy equipment must be kept off the site where the trenches are to be constructed to prevent compacting the underlying soils.
21. In infiltration trench designs, incorporate a fine gravel or sand layer above the coarse gravel treatment reservoir to serve as a filter layer with fabric separation
22. An observation well shall be installed in every infiltration trench, consisting of an anchored six- inch diameter perforated PVC pipe with a lockable cap installed flush with the ground surface.
23. Water and sewer detail sheets shall be reviewed by the agency under the jurisdiction of Clifton Park Water Authority and Town of Clifton Park.
24. For the shared driveways being proposed, the Planning Board’s legal counsel should be provided with a draft of the shared driveway access and maintenance agreement for review and approval.
25. Any action on the subdivision application should be conditioned upon receipt of plan approval from the Town and SCSD.
26. Identify the date and by whom the wetlands shown on the plat were delineated.
27. The subdivision plat shall be prepared by a surveyor licensed to practice in the State of New York.
28. Subsequent submissions shall include the metes and bounds of the affected lots, easements and right-of-way.
29. Consider hatching the easements on the property for better clarification/visibility.
30. Sheet 11 of 12 references the Town of Colonie Standard Erosion and Sediment Notes, revise accordingly.
31. A note should be added to the plat indicating railroad tracks are located to the rear of the properties.
32. 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, utilities).
33. 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.

34. The SWPPP text needs to provide/list the 24-hour rainfall intensities utilized in the analysis of the 1-year, 10-year and 100-year storm events as well as identifying the source of the data (NYSDEC Manual or Northeast Regional Climate Center's Extreme Precipitation tables).
35. Provide storm data and modeling for the 1-year storm event.
36. Section 2.1 of the SWPPP mentions the USDA soil types without mentioning the in-situ testing completed. The SWPPP text shall summarize the in-situ soil testing completed including infiltration tests and test pits pursuant to Part III.B.2.d and e of GP 0-20-001.
37. The analysis assumes various infiltration rates for the infiltration trenches. In-situ testing shall include the infiltration tests and test pits pursuant to Section 6.3.1 of the NYSSMDM shall be provided as part of the subsequent submission.
38. Provide calculations for pretreatment to each infiltration practice and locations of the filter strip locations on the plans.
39. Provide as summary to better understand how the infiltration trenches in HydroCAD were modeled with the various trench depths, infiltration rates and broad crested weirs.
40. The SWPPP shall include documentation that the project is eligible for permit coverage pursuant to Part I.F.4 of GP 0-20-001 with respect to threatened and endangered species. This includes both listed state and federal species.
41. The SWPPP shall include documentation that the project is eligible for permit coverage pursuant to Part I.F.8 of GP 0-20-001 with respect to historic properties. This includes archeological and cultural resources.
42. Will the stormwater management areas be owned and operated by the applicant or incorporated into the deeds of each individual property owner? A Town of Clifton Park Maintenance Agreement will need to be executed and filed with the Town.
43. Section 3.2 mentioned porous pavement, indicate if any the locations on the plans.
44. Appendix D does not contain any information.
45. A draft eNOI shall be provided for review.

Public Comments:

Pamela Barnes – 2 Cypress Point – Ms. Barnes asked how many parking spaces would be allotted for each home since it would be for business use. She asked if there would be turn arounds so that there would be no backing up into the bike path or the main roadway. Ms. Barnes stated that she has concerns that owners of the property would clear-cut the property after purchase. She stated that there was an article in the local paper about the builder and she has concerns over the property being half developed and asked if there would be anything in place to ensure this project is completed. She stated that she would rather see homes rather than retail. Mr. Steenburgh stated that he does not intend to use this for commercial use and that he has a 100sf room he does business out of as well, and this proposal is to ensure they are complying with the zoning. Mr. Steenburgh stated that he wants to create a community with 2 car garages and enough room for turnarounds. He stated that the intent is not to clear-cut during construction but is unsure what potential buyers would do. Ms. Bagramian stated that she would like the useable office space to be reduced with restrictions. Mr. Steenburgh stated that they looked at

traffic using ITE standards and that an HOA was discussed but he feels a deed restriction would be better to mitigate. Mr. Scavo stated that Mr. Schoenborn stated that one parking spot would be sufficient but there would be a deed restriction but the applicant needs to show this in the proposal. Mr. Martin stated that the allowable home office restriction needs to be legally enforceable and stated that the Board has asked for this at the last meeting.

Madeline Stark – 9 Cypress Point – Ms. Stark stated that she has concerns with tree clearing as she already feels vibrations when the train passes by. She stated that she also has concerns for safety with the railroad tracks backing up to the property. She stated that she echoes the concerns about the developer and the job not being completed.

Craig Masterson – 76 St. Andrews Blvd. – Mr. Masterson stated that he has been in his home for 36 years and it has been a great place to raise his children. He stated that larger trucks coming through due to the commercial development on the road, as well as the increased traffic due to the church, are a concern and that this would add to the traffic. He stated that this would create a bigger problem and asked for signage for the bike path to help ensure safety.

Tiffany Alagora – 7 Bay Hill Court – Ms. Alagora stated that she has reviewed Clifton Park Zoning and referred to Article 4-14 and asked if the purchaser would need an LLC to purchase. She asked about subletting and if the sites would be ADA compliant. She stated that she had concerns with the speed on the road and asked if it would be reevaluated and about the impact on wildlife. She stated that she would like to see the ECC take over the property to maintain the vegetation. Mr. Steenburgh stated that he is working with the Planning Department as well as the Building Department to get some of the HOA/Deed restriction questions answered as well as compliance, and that he does not anticipate the traffic to change.

Bill Cobb – 6 Greensboro Blvd. – Mr. Cobb voiced concerns about commercial vs. residential uses and how handicapped parking would be mitigated and what the traffic study is when taking business use into the mix, not just the residential. Mr. Steenburgh stated that no traffic study has been done, but deed restrictions would help mitigate the traffic flow.

Rosine Leloir – 10a Greensboro Blvd. – Ms. Leloir gave the Board her letter that she read from for the record. She stated that she is also concerned with traffic and safety of the current residents of the area. She stated that Carlton Road is a bottleneck now and feels it will only get worse with this development. She stated that she is concerned with the impact on the water supply and the sewer. She stated if the Town were to purchase the property, it would alleviate the problem of development.

Richard Bennett – 9 Prestwick Ave – Mr. Bennett stated that the posted 40mph is never followed. He stated that his home currently shakes from the trains passing by and stated that many of the trains carry oil which could be dangerous. He asked what would happen to homeowners when the office in their home is no longer needed.

Ben Jacobson – 71 Spruce Street – Mr. Jacobson stated that funeral parlors are not a concern of use for him as he grew up next to one. He stated that he has concerns with global warming and the impacts of development. He asked how the information from the meeting could be obtained. Mr. Scavo stated that they could be obtained by calling or emailing the Planning Department. Mr. Jacobson asked if there could be a tree replacement plan and asked if there would be a separate entrance for the home office. He stated that the concerns with traffic also relate to deliveries as well as school buses that come along with residential development.

Randy Simons – 7 Augusta Court – Mr. Simons stated that she echoes concerns other residents have spoken about tonight. He stated that he has concerns about the Dwaas Kill impact and its preservation. Mr. Jacobson asked for a full GEIS study for this application and stated that this community turnout says a lot about concerns.

Mark Vincegara – Augusta Court – Mr. Vincegara stated that there is trash and an abandoned car on the property in the back of the land and feels that the property should be required to be cleaned up and fines should be enforced. He stated that in 2009 a proposal to add this land to a nature preserve was offered.

Nicole Travis – Hazeltine Lane – Ms. Travis stated that she echoes the concerns of the other residents and stated that she feels the school district does not have full-day kindergarten, and adding more potential children to an already full school seems problematic.

Vicky Rhonda – 6 Greensboro Blvd – Ms. Rhonda stated that when she moved into the area, she believed it to be rural, and now she feels that they are being squeezed by development, and the development in Clifton Park is getting out of control. She stated that she has experienced brownouts before in her home and feels the grid may not be able to handle more.

Shawn Ranigan – Hazeltine Lane – Mr. Ranigan stated that he grew up in his home and that he felt it was a great place to live. He stated that he works for the railroad company and knows how loud it can be. He stated that he lives in the center of the neighborhood and that he can hear the train from his home. Mr. Ranigan stated that the trains, by law have to blow their whistles and feels that this property would be better off as a nature preserve as he feels there are many risks with the trains. He stated that he feels sand berms on the property help with the noise control, and if a train derails, it could harm potential development. Ms. Bagramian stated that the Board and the applicant can look at preserving or requiring the berms to help mitigate noise.

Stewart Pointstein – 11 Torrey Pines – Mr. Pointstein suggested that the applicant look at a service road for the homes instead of cut troughs for the driveways over the bike path and asked what happened to that suggestion from the last meeting. Ms. Bagramian asked about the parallel road from the last meeting. Mr. Steenburgh stated that they can look into it but the environmental impact would be greater.

Wayne Fischer – 5 Augusta Court – Mr. Fischer stated he has concerns with school busses stopping as well and that delivery trucks and mail trucks have no place to pull over and would be parking in the road to make deliveries.

David Miller – 12 Hidden Valley Way – Mr. Miller also stated that he hears noises from the trains on his home and applauded the community for coming out tonight. Mr. Miller asked why the applicant didn't apply to change the zoning.

Pat Fischer – 5 Augusta Court – Ms. Fischer stated that she has lived in her home since it was built. She stated that the vibrations from the trains already have made her pack away her good china and she only takes them out for occasions. She stated that she feels this will only get worse with development.

Bob LaPointe – 11 Briar Brook Court – Mr. LaPointe stated that he feels an HOA would have little impact on people's actions. He stated that he feels the tree-cutting would change the dynamics of the area and there needs to be a way to enforce changes.

Jeannine Guidichi – 17 Firestone Lane – Ms. Guidichi stated that she feels if an access road cannot be built then the bike path would be useless due to traffic concerns. She stated that if an access road were put in if they could put it behind the homes.

Anthony LaFleche – 21 Wheeler Drive – Mr. LaFleche asked how far the home would be from the roadway and how wide the narrowest lot would be. Mr. Steenburgh stated that the homes would be about 150'-200' from the road and all of the homes are compliant for lot size. Mr. LaFleche asked if the garage would be ground level? Mr. Steenburgh stated that it would be. Mr. LaFleche asked if there would be a no-cut buffer between the home and the railroad tracks and asked how wide an access road would be. Mr. Steenburgh stated that there would be a buffer and the road would have to be 26' to meet the code.

Tina Boukowski – 3 Thunderbird – Ms. Boukowski asked who owns the property this proposal is for. Mr. Steenburgh stated Mr. VanPatten.

There being no additional public comment, Mr. Ophardt moved, second by Andarawis, to close the public hearing at 8:42 p.m. The motion was unanimously carried.

Planning Board Review:

Mr. Martin stated that he feels the applicant is looking at creative ways the project. He stated that the front yard setback is 70' and the proposal is 150 so they are to code. He stated that 50% greenspace was calculated and asked if the applicant would accommodate the 70' setback and dedicate some of the greenspace to the Town. Mr. Steenburgh stated that he could look at this as

an option, but the homes were pushed back further to give a curved driveway and vegetative buffers to hide the homes.

Mr. Andarawis stated that he echoes Mr. Martin's concern and would rather see the private Road than 10 curb cuts through the bike path. Mr. Steenburgh stated that the curb cuts are spread put throughout 0.5 miles. Mr. Andarawis stated that he is looking at how to restrict a B-2 zone and make it look like an R-1 and stated he feels there needs to be a site plan and a landscaping plan to go along with the subdivision proposal.

Mr. Ophardt stated that in September, the applicant and the Board talked about a service road and he thought they would come back with this as an option. Mr. Steenburgh stated that this information was not relayed to him but stated that the road could be cost-prohibited and clearing of the site would increase. Mr. Ophardt stated that they would be creating conflict points of 11 instead of 1 or 2 without the road. He stated that there is a lot of open space to the east and asked what the plan was for this. Mr. Steenburgh stated that the land to the east is not a part of this proposal's purchase agreement. Mr. Ophardt stated that he feels that vibration and noise are a major concern and he would like a no cut buffer with signage, but enforcement is also a concern and he would like to see an HOA.

Ms. Westrick asked the applicant if the culvert on the property was coming from the wetlands and if it would need to be maintained. Mr. Steenburgh stated that he is not sure where it is coming from but it does discharge into a swale on the property and they can give an easement for this if needed.

Ms. Bagramian stated that she feels that the structure of the HOA is important and with that, enforcement can take place. She stated that she would like to see verbiage for the deed at the next meeting.

Old Business:

#2022-035 228 Lapp Road 2 Lot Subdivision (Mele)

SBL: 278.17-1-9

2 lot subdivision of parcel, 228 Lapp RD, Zoned: R1 - Residential, Status: Preliminary

Citizenserve File Number: 22-000031, Application Number: SUB22-000008

Applicant: Mele, Consultant: Gilbert VanGuilder Land Surveyor, PLLC

Last Seen On: 12/13/22

Consultant/Applicant Presentation:

Pat Jeroze – Van Guilder – Mr. Jeroze stated that this application is for a 2 lot subdivision of a corner lot with a single family home existing. He stated that lot 1 would be 42,479 sf with the

existing home on it and lot 2 would be 20,000 sf and would have a single family home with public water and sewer. He stated that the existing home would have a well for irrigation only and currently has septic. Mr. Jeroze stated that they would like to keep both driveways for mailbox access.

Staff Comments:

John Scavo, Director of Planning issued a memo stating:

No comments.

Mr. Scavo stated in the meeting that there was a letter of concern written from a resident about the size of the application as it is to make a lot 20,000 sf and the character of the area is 30,000 sf lots. He also stated that there is a wire fence encroaching on the property lines and that it needs to be moved to be fully on the applicants property.

Professional Comments:

Walter Lippmann, P.E. of MJ Engineering in a letter had the following comments:

No comments.

Mr. Lippmann stated in the meeting that the site distance needs to be verified and added to the plan. He stated that the water mains also needs to be verified and added to the plans.

Public Comments:

No public comment.

Planning Board Review:

Ms. Bagramian asked about the entrance to Lapp and possibly eliminating it. Mr. Ophardt stated he feels it is a safety issue because it is close to the intersection. Ms. Gleason agrees with Mr. Ophardt as well as Mr. Martin.

Ms. Westrick stated that she had not heard of any accidents there, but it would be an improvement to the property and the safety of the roadway.

Mr. Jeroze stated that they could cover the driveway section with dirt as Mr. Scavo spoke about at the prior meeting. Mr. Ophardt stated he would like something to cut the drive off, like plantings or fencing, or for the applicant to remove the asphalt.

Mr. Ophardt offered Resolution No. 01 of 2023, seconded by Ms. Gleason to waive the final hearing for this application for the Lapp Road 2 Lot Subdivision (Mele) approval, and to grant preliminary and final subdivision approval condition 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. Removal of the asphalt to the highway right of way leading to Lapp Road or installation of split rail fencing

Roll Call:

D. Bagramian - Yes
 E. Andarawis - Yes
 E. Ophardt - Yes
 H. Fariello - Absent
 K. Martin – Yes
 J. Gleason – Yes
 M. Fantini - Yes
 L. Westrick (alternate) - Yes

Ayes 7

Noes: 0

The resolution is carried.

Old Business:

#2021-069 Boni Wooddale Drive 9 Lot Subdivision

SBL: 259.-2-71

9 lot duplex Cluster Subdivision, Wood Dale Dr Rear , Zoned: B1 - Business Non Retail 1,

Status: Preliminary

Citizenserve File Number: 2021-069, Application Number: SUB22-000013

Applicant: KLB Enterprises, LLC , Consultant: ABD Engineers, LLP

Last Seen On: 8/9/22

Consultant/Applicant Presentation:

Luigi Palleschi – ABD – Mr. Palleschi stated that they have been before the Board a few times for this application. Mr. Palleschi stated that the road would be between 159 and 161 Wood Dale. He stated that they had received comments about the center of the road radius. He stated that many changes have been done, lots have been moved, and the road is meeting Town standards. Mr. Palleschi stated that minimum slopes are being met and homes not changed from 35' from edge of road with a setback of 25' to keep the homes away from the slopes. Mr. Palleschi stated that there were concerns with site distance and they are showing no impacts with a 3rd party review. He stated that the potential road is fully on 161 Wood Dale's property and the applicant is willing to relocate the garage to allow for setbacks. Mr. Palleschi stated that there is an updated radius and 18 lots would be on the cul de sac.

Staff Comments:

The Environmental Conservation Commission and issued a memo recommending:

- Based upon the comments made by the Planning Department Director, dated November 7th, 2022, this project appears to be in violation of Town Code. The ECC supports these comments in this letter. The ECC would like to reiterate its August 2nd, 2022, six comments.

Scott Reese, Zoning Administrator issued a memo stating:

- The applicant's Project Narrative states that the proposed road will be turned over to the Town after projects completion. Per John Scavo's letter to ABD Engineers dated November 7th, 2022, The Town Board has rejected an Offer of Cession request by the applicant to construct a roadway to be offered for Town acceptance and dedication from Wood Dale Drive into the project site. If the Town does not accept the road, the presented subdivision does not meet Town Code.

Scott Reese, Stormwater Management Technician issued a memo stating:

- All of my stormwater comments for this project made on August 2nd, 2022 still stand and will need to be addressed.

The Trails Subcommittee issued a memo stating:

- It will be beneficial to the residences to have side walk (Typical 5 feet) up to Wooddale Drive
- In long run Town may think of having side walk on Wooddale Drive.

Mike OBrien, Sewer Department, issued a memo stating:

- The project lies within the Clifton Park Sewer District #1 and will need to comply with the Town Sewer Use laws.
- Grinder Pumps are required to be exterior and placed within fifteen feet of the driveway.

- Town Sewer Department will need information regarding flows and system design for review. This project discharges to an existing pump station and system capacity to accept this project must be verified. Additionally, detailed information regarding head pressures in relation to this subdivision should be provided.
- The Town of Clifton Park will not own this sewer main until the Applicant meets the dedication requirements used by the Clifton Park Sewer District #1.
- Grinder Pumps shall be owned and maintained by the individual homeowners. It is recommended the Applicant consider automatic standby generators for each home as sewage service will not be possible in the event of a power outage.
- Since this project is within the Clifton Park Sewer District #1, \$1,000 hook up fee per connection (\$18,000 total) shall be paid prior to any work or connection involving a Town sewer main.
- A SCSD#1 grinder pump permit and start up will be required for each connection.
- The Town of Clifton Park Sewer Department is requesting a standard detail for a grinder pump connection and the core connection at the manhole on Wood Dale be placed on the plans for review. If the structure on Wood Dale Drive is deemed to be failing and unable to be cored and sealed, a new structure will need to be installed by your client as part of this project.

Professional Comments:

Walter Lippmann, P.E. of MJ Engineering in a letter had the following comments:

- Mr. Lippmann read from the December 9th, 2022 letter.

Public Comments:

David Miller – Open Space Subcommittee – Mr. Miller read from a memo he wrote to the Planning Board from the Committee and stated that they feel the site was not fit for purchase. Mr. Miller stated that concerns such as erosion, noise, and soil had not been addressed.

Planning Board Review:

Mr. Ophardt asked if the road was upholding Town highway standards. Mr. Lippmann stated that they are but the dead end is a concern as the applicant that 18 plus 2. Mr. Ophardt asked if the Town does not accept the road if it became private. Mr. Lippmann stated it would. Ms. Dana Salizar – attorney – asked why the Town would not accept the roadway. Mr. Ophardt stated that if the Town does not, the applicant still has the right to access Wood Dale.

Mr. Andrawais asked why 161 moved but 159 has not moved for Wood Dale. Mr. Palleschi stated that 159 will still be on Wood Dale and that the Town had a concession and there was litigation for a paper street. Mr. Scavo stated that his concern is the Town does not take the road after an individual purchases of the residences. The private roadway is allowed to go into tax foreclosure by an LLC.

Mr. Martin stated that there is some confusion about who the road would belong to due to the presentation, which needs to be clarified.

Mr. Scavo stated that there could be no motion tonight as SEQRA needs to be done and closed before the public hearing can be held.

Old Business:

#2022-001 1860 Route 9 Warehouse/Office Development

SBL: 265.-1-89 Also includes parcel 266.1-23.1 & 25 in Halfmoon (.16 acre)

Construction of 4 office buildings, 1860 Rt 9 , Zoned: B5 - Corporate Commerce, Status: Final

Citizenserve File Number: 2022-001, Application Number: SPR22-000022

Applicant: Codie Development, LLC , Consultant: ABD Engineers, LLP

Last Seen On: 8/9/22

Consultant/Applicant Presentation:

Luigi Palleschi – ABD – Mr. Palleschi stated that the application is for 4 buildings 15,200 sf each off of Route 9. He stated that they have received comments and concerns are of setbacks from Route 9. He stated that 130' are required but preliminary approval was for 119' from the center line. Mr. Palleschi stated that they shifted the buildings to provide the required 130'.

Staff Comments:

The Environmental Conservation Commission and issued a memo recommending:

- The ECC has concerns with the engineers response #30 where runoff rates and volume are exceeding pre-development rates for the 10 and 100-year storm into a Federal Wetland. Federal Wetlands cannot be used for stormwater management. Furthermore the Dwaas Kill is a 303d protected waterway that has additional protection requirements that the applicant shall address.

Wade Schoenborn, Building and Development issued a memo stating:

- Building Review will be completed during the permit process.
- No further comments

Scott Reese, Zoning Administrator issued a memo stating:

- Parcel is located in the Corporate Commerce District B-5. The proposed use of office space and warehouse are permitted uses in the B-5 zone.

- Per Town Code Chapter 208-98 Special Setback Lines this project that fronts NYS Route 9 requires a 130 foot setback from the center line of the street.

The Trails Subcommittee issued a memo stating:

- It is recommended to have spur pathway from Building 3 towards Senergy Park Drive. This will help for connection to future sidewalk on Synergy Park Drive

Jennifer Viggiani, Open Space Coordinator issued a memo stating:

John Scavo, Director of Planning issued a memo stating:

- A detail on page 4 of 6 shows the placement of the sign posts for mounting the No Parking Anytime sign and Accessible Parking signs. The applicant should verify that the locations of the accessible spaces, striped aisles, and sidewalks allow the signs to be properly located.
- A proposed gas main and water service line cross over a sanitary sewer force main between the proposed buildings. The applicant design professional has verified that adequate separation is achievable where the utilities cross.
- The contractor should be aware that sediment tracking off-site onto adjacent roadways must not occur by utilizing best management practices to avoid safety hazards to public road users.
- The northernmost landscaped berm calls for planting a mix of 19 white pines and Norway spruces; however, only 16 are depicted on the berm. The applicant should reconcile the discrepancy.

Professional Comments:

Walter Lippmann, P.E. of MJ Engineering in a letter had the following comments:

STATE ENVIRONMENTAL QUALITY REVIEW

1. No further comments at this time.

SUBDIVISION

2. The subdivision is no longer proposed as part of this application.

SITE PLANS

3. Pursuant to Section 208.98 of the Town Code the required front setback requirement along Route 9 is 130 feet in nonresidential districts. The drawing indicated 119.1 feet is provided
4. Any action on the application should be conditioned upon receipt of plan approval from SCSD.
5. The erosion and sediment control plan should provide additional silt fence to provide protection of the existing bioretention basin to the north and along the east along Route 9.
6. Wetland protection fencing shall be placed around wetlands to the west to ensure no disturbance will occur.
7. Provide the in-situ test pit information on the plans.

8. Provide details for all the erosion and sediment control measures, such as but not limited to silt fence, construction entrance, inlet protection and concrete washout area.
9. The bioretention system is proposed with a clay liner. It is recommended that an impermeable liner, be utilized as it will ensure that the soil mix will remain segregated from the surrounding soils and ensure high groundwater will not compromise system functions.
10. Show the location of each cleanout noted on the bioretention detail on the site plan.
11. Revise the emergency spillover detail to reflect the proposed light stone fill shown on the plans.
12. Section 6.4.5 of the NYSSMDM requires a dense and vigorous vegetative cover to be established over the contributing pervious drainage areas before runoff can be accepted into the bioretention facility. Sheet 3 of 6 needs to revise the stormwater management area note language to that effect.

STORMWATER MANAGEMENT REPORT

13. No further comments.

STORMWATER POLLUTION PREVENTION PLAN

14. The SWPPP shall include documentation that the project is eligible for permit coverage pursuant to Part I.F.4 of GP 0-20-001 with respect to threatened and endangered species. A copy of the North Country Ecological Services report should be included as an appendix.
15. The SWPPP shall include documentation that the project is eligible for permit coverage pursuant to Part I.F.8 of GP 0-20-001 with respect to historic properties. Once correspondence is received from SHPO, this should be included as an appendix.

TRAFFIC

16. No further comments.

Public Comments:

No public comments.

Planning Board Review:

Mr. Andarawis stated that he has no issues with the 130' setbacks. He stated that Synergy Dive would have been a good connection and thanked the applicant for trying to do so. Ms. Bagramian agreed.

Mr. Ophardt asked about the stormwater retention comment. Mr. Palleschi stated that comment 30 was addressed and unfortunately, that portion of land could not be captured, but there is grass in the portion that was indicated in the comment and stated that it is addressed.

Mr. Ophardt moved, second by Mr. Fantini to waive the final hearing for this application for the site plan review of 1860 Route 9 Warehouse/Office Development and to grant preliminary and

final site plan 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.

Ayes: ___7___

Noes: ___0___

The motion is carried.

New Business:

None

Discussion Items:

None

Mr. Fantini moved, seconded by Mr. Ophardt, adjournment of the meeting at 10:20 p.m. The motion was unanimously carried.

The next meeting of the Planning Board will be held as scheduled on January 24th, 2023.

Respectfully submitted,

Paula Cooper

Paula Cooper, Secretary