

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

ROCCO FERRARO  
Chairman

ANTHONY MORELLI  
Attorney

BETSEY SNYDER  
Secretary



MEMBERS

Emad Andarawis  
Denise Bagramian  
Jeffery Jones  
Andrew Neubauer  
Eric Ophardt  
Greg Szczesny

*(alternate)* Teresa LaSalle

**Planning Board Minutes**  
**January 8, 2019**

Those present at the January 8, 2019 Planning Board meeting were:

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

Those also present were: J. Scavo, Director of Planning  
J. Bianchi, M J Engineering and Land Surveying, P.C.  
A. Morelli, Counsel  
B. Snyder, Secretary

Those absent were: None

Mr. Ferraro, Chairman, called the meeting to order at 7:02 p.m. All in attendance stood for recitation of the Pledge of Allegiance.

Mr. Ferraro welcomed aboard the new Planning Board Secretary, Betsey Snyder.

Mr. Ferraro congratulated Mr. Neubauer on being reappointed to a seven year term and to Ms. LaSalle being reappointed as Alternate Member. He also congratulated the Planning Board members on continually doing an outstanding job and pointed out that all the members are voluntary.

Mr. Ferraro asked the Planning Board members to please complete the Saratoga County Planning and Zoning Conference sheets and give to Ms. Snyder. Town of Clifton Park Director of Planning, John Scavo, will be a presenter at the conference. The registration forms must be turned in by January 23<sup>rd</sup>.

Chairman Ferraro asked anyone who will be speaking during the Public Comments to please use the sign in sheets at the podium.

### **Minutes Approval:**

Mr. Ophardt moved, seconded by Mr. Neubauer, approval of the minutes of the December 11, 2018 Planning Board meeting as written. The motion was carried. Mr. Szczesny and Ms. Bagramain abstained.

### **Public Hearings:**

#### **2018-064 Standish Estate 2 Lot Re-Subdivision**

*Applicant proposes to reestablish a 13.05 acre parcel of land previously owned by Robert and Mary Standish as conveyed in Book 1004 of Deeds at Page 546 that was merged with the lands of the Robert C. Standish Family Trust in 2003. The only improvements on the entire 95.06 acres are entirely on the 13.05 acres to be reestablished. The intent of this action is to satisfy and settle the terms of the Standish Family Trust, 552 Waite Rd, Zoned: CR, Status: PB Prelim Review - Poss. Determination SBL: 270.-1-65*

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.

Mr. Ophardt moved, seconded by Ms. Bagramian, to establish the Planning Board as Lead Agency for this application, a two lot subdivision action, and to issue a negative declaration pursuant to SEQRA. The motion was unanimously carried.

Mr. Ferraro, Chairman, called the public hearing to order at 7:10p.m. The Secretary read the public notice as published in The Daily Gazette on December 28, 2018.

**Consultant/Applicant Presentation:**

Mr. Duane Rabideau, P.L.S. of Gilbert VanGuilder Land Surveyor, PLLC consultant for applicant Bernice Gardner on behalf of the Standish Family Trust. The parcel is located at 552 Waite Road, which is on the left side of Waite Road just north of where the National Grid power lines cross Waite Road. Mr. Rabideau noted Lot #1 and #2 were separate parcels prior to 2003. They were merged to satisfy the requirements for the Standish Family Trust. Lot #1 has all the existing improvements on that parcel and Lot #2 is vacant. The intent of the proposed subdivision is to satisfy and settle the terms of the Standish Family Trust. At this point in time one of the sisters' lives in one house and the other two sisters own the second parcel. There is no further action at this time on the parcels that are being proposed. Mr. Rabideau acknowledged receipt of John Scavo's comments and still need 911 numbers to be assigned to these parcels. GVG did add Note #11 to the map regarding the one time family member exemption in the CR Zone. Contours were also added to the subdivision map.

**Staff Comments:**

**Environmental Conservation Commission held a meeting on January 2, 2019 and issued a memo stating:**

The ECC had no comment at this time.

**Scott Reese, Stormwater Management Technician issued a memo dated 01/04/2019 stating:**

There are no stormwater related comments at this time.

**Sheryl Reed, Chief of the Bureau of Fire Prevention issued a memo dated 01/04/2019 stating:**

Provide location of proposed driveway.

Driveway must meet the requirements for emergency services access road per IFC.

Provide postal verification.

*We now have verification that Lot #1 will be #552 Waite Road*

*Lot #2 will be designated as #540 Waite Road.*

**Steve Myers, Director of Building and Development issued a memo dated 12/20/2018 stating:**

There is no record of an underground house as noted on plans.

There is no delineation of the wetlands on the proposed parcel, which are significant.

The parcel is zoned CR.

If this parcel is created and if it has the structures shown, the driveway will have to be improved to comply with the fire code.

*Mr. Ferraro commented that for clarification, the applicant could build a single family home on the new parcel without Planning Board approval assuming that it does not go through wetlands.*

*John Scavo, "Correct. They would still need a building permit and the Building Department, as part of their due diligence, would require confirmation of the wetlands boundaries."*

**John Scavo, Director of Planning read a letter dated 12/27/2018 with recommendations he made to Mr. Duane Rabideau from GVG Land Surveyors stating:**

Show assigned 911 address on the plat, prior to final stamping.

Note #11 has been added to the plan to allow for the one time family member exemption pursuant to the CR Zoning District, which states:

"A one-time, single-lot exception is allowed, meaning a subdivision of one parcel, as it existed as of January 1, 2005, into a maximum of two lots to be used for single-family residential purposes only shall not be required to follow the conservation approach, although it is highly encouraged to be protective of the natural and cultural resources of the community. This shall only be permitted for parcels greater than 10 acres and shall only be allowed if both of the newly created lots will be initially owned by family members, at the discretion of the Planning Board. The newly created lot shall be a minimum of two acres, and all principal buildings shall have a minimum setback of 50 feet from all property lines."

The Saratoga County Planning Board issued a decision that the project will have, "No significant County-Wide or Inter-Community Impact."

**Professional Comments:**

**MJ Engineering/Joel Bianchi, P.E. issued a letter dated 01/03/2019 stating:**

**State Environmental Quality Review**

No additional comments

**Subdivision Plan**

As noted in Comment 4 of our November 23, 2018 review, since no improvements are proposed on the remaining lands defined as Lot 2, the Planning Board may entertain a note to be placed on the plat for Lot 2 indicating that it has not been approved for any construction or other appropriate notation that would require review by the Town should any improvements occur on that lot sometime in the future.

As noted in Comment 6 of our November 23, 2018 review, prior to approval or filing of the subdivision plat with Saratoga County Clerk, the appropriate 911 emergency response number must be obtained for and assigned to Lot 2 created and placed on the filed plat.

**Public Comments:**

None

There being no additional public comment, Chairman Ferraro moved, seconded by Mr. Szczesny to close the public hearing at 7:17 p.m.. The motion was unanimously carried.

**Planning Board Review:**

Mr. Ophardt discussed the IFC driveway issue. The consultant said there should not be an issue since it is a pre-existing condition. Mr. Ophardt asked if it would be a burden to upgrade the driveway? Mr. Scavo stated he would notify the Building Department if the Planning Board approves the subdivision. If the Building Department wants to enforce the widening of the driveway as a result of the subdivision, so be it, but does not think the Planning Board can put that as a reasonable condition to the applicant as a subdivision requirement. Mr. Scavo also noted the applicant is not proposing any addition or expansion to the dwelling. Expansion is really beyond our subdivision review, it is really a Building Department issue.

Mr. Ferraro had one minor observation, the plan identifies in Lot #1 the approximate location of an underground house. Mr. Ferraro asked the consultant to correct that notation to reflect the location of the existing home and garage.

Mr. Neubauer offered Resolution No. 1 of 2019, seconded by Ms. Bagramian to waive the final hearing for this application for the two lot subdivision 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.

**Roll Call:**

D. Bagramian -aye

E. Andarawis - aye

E. Ophardt - aye

J. Jones -aye

A. Neubauer -aye

G. Szczesny -aye

R Ferraro aye

Ayes: 7 (seven)

Noes: 0 (zero)

The resolution is carried.

**2018-049,2018-050 Solitude Solar Community Solar Array Site Plan & SUP**

*Applicant proposes construction of a 7MW photo-voltaic community solar project. An existing access drive off of Sugar Hill Road will be used to access the area of the PV solar array in the back part of the property. The electrical interconnect from the PV solar array is proposed to be an overhead line connecting to existing lines along Riverview Road. Also involves Parcel 282.-1-28.12, 160 Sugar Hill Road, Zoned: CR, Status: PB Preliminary Review*

SBL: 282.-1-30.11

To be reviewed by: MJE Consultant: CT Male Applicant: Solitude Solar

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 and site plan. Should it be determined that additional environmental review is required, SEQRA discussions will be reopened and a decision rendered when deemed appropriate.

Mr. Ophardt moved, seconded by Mr. Neubauer, to establish the Planning Board as Lead Agency for this application, Solitude Solar Special Use Permit and Site Plan located at 160 Sugar Hill Road, and to issue a negative declaration pursuant to SEQRA. The motion was unanimously carried.

Mr. Ferraro, Chairman, called the public hearing to order at 7:25 p.m. The Secretary read the public notice as published in The Daily Gazette on December 28, 2018.

**Consultant/Applicant Presentation:**

Mr. Michael Fingar, Project Engineer for Solitude Solar, LLC consultant for the applicant stated the project is approximately 7 megawatt photovoltaic array located at 164 Sugar Hill Road in Clifton Park. It is proposed to be approximately 20,000 panels spread out on roughly 40 acres of land with electrical interconnects proposed down to Riverview Road on an existing National Grid circuit. The applicant has completed the utility process and plans to proceed with the construction plan and site plan approval. Any electricity generated from this facility will be available to the community. This project is proposed to meet part of the New York State Community Solar Program. The applicant is in agreement with the Town to offer a 30 day exclusivity period to all Clifton Park residents. Anybody who lives in Clifton Park and has a National Grid bill is welcomed to participate in this solar array and off-take the energy that is produced on site.

Mr. Ferraro advised he did receive a letter speaking to the exclusivity of a 30 day enrollment period prior to the open enrollment for the general public. Mr. Ferraro spoke to Mr. Scavo and it will be posted on the Town of Clifton Park website to make the community aware of this opportunity. Mr. Fingar stated the applicant will work with the Town to develop a plan to

improve the existing access road from Sugar Hill Road and will be expanding on the widths. The entire array will be fenced in.

**Staff Comments:**

**Environmental Conservation Commission held a meeting on January 2, 2019 and issued a memo stating:**

The ECC had no comment at this time.

**Scott Reese, Stormwater Management Technician issued a memo dated 01/04/2019 stating:**

The NOI response 40 will need to address the permit required for disturbing within the 100 foot adjacent area of NYS wetlands.

Provide testhole for seasonal highwater elevations/percolation test results at the locations of the proposed bioretention ponds and dry swale locations.

In the HydroCAD calculations the time span should be increased to get the runoff and volume calculations (i.e. Depth should = not have a > sign).

**Sheryl Reed, Chief of the Bureau of Fire Prevention issued a memo dated 01/04/2019 stating:**

Provide postal verification.

*John Scavo believes he has received that information and will verify.*

Provide adequate turning arounds for Emergency Services at the Electrical Equipment area.

Provide adequate turning around radius for the emergency access roadway.

Specify a “Knox” lock for the gate.

**Steve Myers, Director of Building and Development issued a memo dated 12/20/2018 stating:**

A fire code compliant turnaround will be required at the Electrical Equipment Pad at the center of the array.

Access road turns need to meet the town’s turning radius requirements. They appear to be deficient.

Permits will be required for the wetland disturbances.

Knox padlock for gate must be keyed to match the fire district’s key.

I do not agree with the statement in the SWPPP “The solar cells are not considered impervious surface”. How can installation of thousands of panels over 27 acres not be considered impervious? The concentrated flow from one I wouldn’t expect a runoff issue but this is different.

Actual test pits shall be completed prior to acceptance of the SWPPP.

Further SWPPP comments are expected from Scott Reese.

**John Scavo, Director of Planning** advised he had no additional comments relative to the application; as a condition of the approval the Town attorney has requested a finalized PILOT agreement prior to the building permit to be put into the records. Mr. Scavo also advised he met with Joel Bianchi and Scott Reese relative to the stormwater comments to ensure they had been substantially addressed. Mr. Scavo stated he and Steve Myers met with the applicant to address the New York State fire code requirements and the plans appeared to reflect those conditions.

**Professional Comments:**

**MJ Engineering/Joel Bianchi, P.E. issued a letter dated 01/03/2019 stating:**

Full Environmental Assessment Form

1. No additional comments.

**Site Plans**

2. In response to Comment 3 of our December 7, 2018 review, the applicant has provided in narrative form a description of how the project complies with Section 208-69.3 of the Town's Zoning. The Planning Board shall review the applicant's response for concurrence.
3. On Sheet C-105, show the location of the proposed stone diaphragm (pursuant to detail 1/C-502).
4. On Sheet C-502, Detail 2/C-502 identify the bio-retention soil composition. It is recommended that the NYSDOT soil mix be utilized as the mix provided in the NYSSMDM has proven to be ineffective.
5. On Sheet C-502, Detail 2/C-502 show the 2 to 3 inches of mulch pursuant to Figure 6.19 of the NYSSMDM.
6. On Sheet C-502, Detail 3/C-502 indicates to utilize the on-site soil for the top 12-inches. Provide material requirements associated with this soil such that unsuitable material (high clay content or other deleterious materials) are not included to ensure the dry swale functions as intended.
7. 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.

## **Stormwater Pollution Prevention Plan**

Section 2.1.1 listed site soils pursuant to the USDA Soil Survey. With the inclusion of the required stormwater management practices (i.e. bioretention and dry swales), a site-specific soil investigation is required to identify any boundary conditions that may exist such as seasonal high groundwater. Once complete, the SWPPP shall include the test results and the plans shall show the location of the tests completed.

9. Section 2.1.3 of the SWPPP shall also list any federally listed threatened and endangered species as may be identified via a review of the USFW Ipac database.
10. Section 3.1.1 notes that soil restoration will be included with the project. Provide a summary of the required restoration based upon the site soils that will be encountered.
11. Section 3.6 refers to an “infiltration basin” which is not one of the listed stormwater practices for the project. Correct as necessary.
12. Appendix E, Bioretention Worksheet notes that each of the three bioretention systems have been designed for infiltration. Site specific soil testing will be required to ensure the assumed design infiltration rate as well as adequate separation to seasonal high groundwater is provided. Once an in-situ infiltration rate has been established, a factor of safety of 2 shall be applied for design purposes.

## **Decommissioning Plan**

13. As noted in Comment 17 of our September 7, 2018 review, Section 3.2 should note that any surface restoration may require permit coverage for soil disturbance in effect at the time of decommissioning, whether it be Town or State level.
14. In response to Comment 19 of our September 7, 2018 review, it was requested that the decommissioning costs listed in

Section 4 be adjusted to the size of the facility being proposed (6.5 MW as opposed to 4.75 MW). The text of this section references the correct facility size, but the restoration costs remain the same as the August 2018 report. Confirm that the costs states are accurate for the facility size.

## **Operation and Maintenance Plan**

15. While not a requirement, it is suggested that any site-specific stormwater management inspections be included. They would be the exact same requirements found in the site-specific stormwater management operation and maintenance manual required in the project SWPPP.

**Public Comments:**

Robert Voelker – 10 Stratford Drive, resident of Clifton Park for over 25 years, asked:  
How is snow removal from the array accomplished?

*Applicant advised they let the snow melt off the panels.*

How do you control the weeds that will grow around the array?

*The operations and maintenance plans include annual mowing, will visit the site 3 to 4 times per year.*

Mr. Voelker wanted verification that no herbicides would be sprayed at the site.

*Mr. Fingar advised they would not.*

A resident from 205 Sugar Hill Road, asked if there was anything inside of the solar panels that if and when they break will leach into the ground? *Mr. Fingar advised no and they also perform annual operations and maintenance, as well as periodic visits throughout the year to review and replace any broken panels.* The resident from 205 Sugar Hill Road stated his question was what is inside of the panels? *Mr. Fingar stated there are various materials including polycrystalline silicone.* Resident of 205 Sugar Hill Road wanted to verify there are no liquids or gels in the solar panels. Resident asked then when a panel breaks everything can be picked up by rakes and shovels with no gels inside? *Applicant answered no gels inside the panels.*

Mr. Ferraro asked a follow-up question in terms of environmental hazards that would be a result of one of the panels breaking? *Mr. Fingar stated the panels are not any hazards that would cause panels breaking short of significant sized hail and it is also tempered glass, therefore it is unlikely that pieces of the panels would fall to the ground. It is in the applicant's best interest to make sure the panels are maintained properly.*

Mr. Jeff Jones asked, “okay let’s assume they do break”. *Mr. Fingar said if they were to break in their annual visit they would replace that module and take that module off-site.* Mr. Jones stated he wants to know what is in these panels when they break? *Mr. Fingar stated the outside layer is a piece of tempered glass with laminate over the glass and this would maintain somewhat of a layer keeping whatever is inside of it from falling outside to the ground. He said he can provide an MSDS sheet.*

Ms. Bagramian would also like to see a copy of the MSDS/SDS sheet. Mr. Ferraro would like the MSDS/SDS and cut sheet data provided to Mr. Scavo, Director of Planning for dissemination to all the Planning Board members. *Mr. Fingar advised the solar panels are rated to at least 90 mph winds and this site has a very large perimeter of trees that protects the panels from wind.*

Anthony LaFleche – 21 Wheeler Drive wanted to know how long it would take to install and be operational? *It would take 3-4 months to be fully operational.* Mr. LaFleche wanted to know

when you buy into the system do you buy a specific panel? *Mr. Fingar you are not purchasing a panel, you would receive a credit in terms to what your electric usage is.*

Robert Voelker – 10 Stratford Drive - asked if the Town has a policy on how many solar arrays can be installed? Mr. Voelker feels that the installation of these arrays has a big impact on the Open Space and quality of life in the Town.

Mr. Ferraro stated, that is correct, three solar array plans have been proposed to the Town. One has been approved and tonight we are hearing the other two. The question as to how many solar arrays can be installed is a question that was brought up at the last Planning Board meeting and that the Planning Board members would like to have a conversation with the staff to discuss that very issue. Chairman Ferraro commented about an article he recently read and one of the recommendations of the article was to allow for solar arrays in order for the agriculture community to maintain their other agricultural businesses since it provides them with a revenue stream making it less likely they would have to sell off their land for development.

Mr. Neubauer talked about the western part of Clifton Park and has a lot of the same concerns regarding this solar array project. This process is a good example of the Planning Board looking at an individual project on its' merits. This particular parcel is strategic in the conservation plan that the Town has. The applicant engaged the Town Open Space Committee and the Open Space Committee did respond positively to what the applicant is proposing.

Mr. Andarawis stated this is an extremely complex issue – clean energy and open space do compete. His concern is what happens over time with projects such as this? Does worry about the practical limits today, as limits will change over time.

Mr. Ferraro stated we need to have a Planning Board discussion on solar arrays. Within the last six months we have had 3 solar array projects. The Planning Board wants to be proactive. The Planning Board has done their due diligence with the tools they have at hand.

Anthony LaFleche asked how many homes can be powered by this project? *Applicant responded up to 500 homes, dependent upon the usage of the individual homes.* Mr. LaFleche wanted to know if you can use regular overhead lines? *Applicant responded they are connecting to the distribution network, which is what you see running along the street. They are proposing to put as much of the cable as possible underground to minimize the disturbance to the wetlands.*

There being no additional public comment, Mr. Ophardt moved, seconded by Mr. Neubauer to close the public hearing at 8:15 p.m. The motion was unanimously carried.

**Planning Board Review:**

Mr. Jones has concerns about any solar project and concerns about the panel make-up. He is not against solar arrays at all, but wants to know the panel make-up. Ms. Bagramian expressed the same concern. Mr. Fingar said he could provide a cut sheet that would identify the materials inside as a multi-crystalline glass-like material with tempered glass outer layer and aluminum frame, which are all laminated together. The likelihood of shattering is very low. It is solid material, silicon and not a gel. It is similar to glass, it is a wafer material.

Mr. Andarawis lent his expertise saying it is a solid state material, tightly bound. He can comment on technical prospective, but cannot comment on any health claims.

Mr. Jones concerned about the panel shattering and material leaching out. Mr. Fingar advised it is a solid state material and nothing to leach out.

Ms. Bagramian asked if the wafers are dipped in chemicals?

Mr. Andarawis responded, it is a diffusion process that you are going to put the silicon into. All the impurities are diffused at a high temperature, so at a conventional temperature these materials do not move.

Mark Richardson, CEO of Unisite Energy – Said in terms of the materials that go into these, they are constructed at very, very high temperatures. The wafers are shaped into an ingot and are cut with lasers so they are thin. It is the same material that goes into semi-conductors and storage devices in your computer. They are silicon wafers and are more or less inert. There have been cases where they broke down under extremely high temperatures. In the past there have been modules that have contained heavy metals, such as mercury. They are no longer manufacturing those types of wafers and are not even on the market. Primarily aluminum based with no lead solder, mercury or cadmium used. The newer generation of modules are essentially inert. There are layers underneath the silicon that have some conductive materials, but primarily aluminum based. Their circuits are aluminum, not copper. No on-site soldering or manufacturing of any kind.

Mr. Jones said his concern is approving these projects when he does not feel he is being given a straight answer as to materials used and is concerned about the Town's residents drinking contaminated water.

Mark Richardson stated that the concern over any kind of leaching would be increased if the panels or waste materials from broken modules were actually buried on site. These panels are stored in a rack, several feet above ground level and would not leach out contaminated materials over the natural course of their life. Data sheets, cut sheets can be provided to show these are not hazardous materials.

Mr. Ferraro asked about the longevity? Is the system compromised over time?

Mark Richardson said the life span of these projects is at the minimum 25 years. Twenty-five years is the term that the Public Service Commission has implemented for the revenue structure. The base agreement with landowner is for 25 years, contingencies can be put in for an additional 15 years potential for a total of 40 year use. There are solar modules in service today that were installed in the 1970's in Japan and are still functional, still producing electricity. Solar panels were originally developed for space exploration. They do not deteriorate, the materials are primarily aluminum and glass.

Mr. Ferraro asked what type of community oversight does the Town have in terms of these solar arrays?

Mr. Scavo said it is considered a commercial structure, therefore it would be part of the inspections cycle by the Building Department and Fire Bureau. They would also have annual SWPPP inspections.

Mr. Ferraro asked if the Board is ready to take action on this project. There are two actions that need to take place, one for the Special Use Permit approval and one for Site Plan.

If approved, Mr. Ferraro suggested the following conditions for approval:

- An executed PILOT agreement before any building permits are issued.
- Exclusivity period of 30 days offered to the Town residents in written form.
- It is contingent upon any issuances of permits by DEC and/or ACOE
- There shall no clearing, grading, construction, or disturbance of soil and/or native vegetation until the final site plan has been approved, stamped, signed and all fees have been paid, and an irrevocable letter of credit or surety bond has been posted for the decommissioning.
- Town Planning Board will be provided MSDS data sheets.

Mr. Szczesny asked who with expertise is going to review the MSDS sheets? Can we get an expert? Do we have somebody on staff? Mr. Ferraro stated that on the Planning Board, based on tonight's discussion, we have Mr. Andarawis and Ms. Bagramian. In addition we have the Town's professional staff and consultant team.

Mr. Richardson will provide every piece of information that they can on what is contained within the modules, but there may not be a SDS or MSDS sheet on the panels because it is already manufactured. Mr. Richardson stated a decision has not been made on the specific company that they are going with. They are going to put it out to bid. They will keep the Board apprised of any changes if the equipment actually changes. They will know before they apply for the building permits what modules they are going to use.

Mr. Ferraro re-iterated that Mr. Richardson will provide the specs and information for the review from the Town that is necessary to make sure the conditions that the Planning Board set forth are being met relative to this particular proposal.

Mr. Ophardt offered Resolution No.2 of 2019, seconded by Mr. Jones to waive the final hearing for this application and to grant preliminary and final approval of the special use permit, conditioned upon satisfaction of the comments offered by the Planning Board, Planning Department, and the Town Designated Engineer, including submitting the landscaping plan for approval to the Planning Director prior to the stamping of the Special use Permit.

**Conditions(s):**

- An executed PILOT agreement before any building permits are issued.
- Exclusivity period of 30 days offered to the Town residents in written form.
- It is contingent upon any issuances of permits by DEC and/or ACOE
- There shall no clearing, grading, construction, or disturbance of soil and/or native vegetation until the final site plan has been approved, stamped, signed and all fees have been paid, and an irrevocable letter of credit or surety bond has been posted for the decommissioning.
- Town Planning Board will be provided MSDS data sheets.

**Roll Call:**

D. Bagramian - aye

E. Andarawis - aye

E. Ophardt -aye

J. Jones - aye

A. Neubauer - aye

G. Szczesny - aye

R. Ferraro -aye

Ayes: 7 (seven)

Noes: 0 (zero)

The resolution is carried.

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Mr. Neubauer moved, seconded by Mr. Jones, to waive the final hearing for this application for the site plan review of the Solitude Solar Array located at 160 Sugar Hill Road, 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 listened in the final comment letter issued by the Planning Department.

Condition(s): Same conditions as the Special Use Permit resolution

Ayes:7 (seven) Noes:0 (zero). The motion is/is not carried.

## **Old Business:**

### **2017-049 Earl Route 146 PDD (aka Park West)**

*Applicant proposes the construction of a Planned Development District that will include 14 single family condominium buildings, 5-2 unit condominium buildings(10 condominium units), 27- 4 unit condominium buildings(108 condominium units), and club house associated parking. The overall PDD size approximately 23.5 +/- acres and is predominately wooded. Stormwater will be managed on-site in accordance with NYSDEC requirements. The proposed sewer connection is located along Route 146 and the water connection is located along the Route 146A entrance. The PDD encompasses 23.5. In addition, a 4.19 acre parcel is being offered in a dedicated conservation area. Acres. The PDD was approved on August 20, 2018 by the Local Law No. 200 of 2018 of the Town of Clifton Park Town Board Rt 146 & 146A, Zoned: PDD, Status: PB Prelim Review - Poss. Determination*

SBL: 271.-1-16

Mr. Ferraro advised the PDD on the 23.5+ acre parcel was approved on August 20, 2018. This proposal was last seen by the Planning Board on September 25, 2018 and being presented tonight is a revised conceptual review of the proposed PDD. There will be public comments after the presentation, it is not a public hearing.

Mr. Scott Lansing with Lansing Engineering, representing consultant for the applicants, Mr. Scott Earl and Mr. Gerald George. Mr. Lansing presented a revised concept for the Board to consider. At the last meeting there were a number of comments and the plan that have been addressed. Mr. Lansing stated the overall project is still consistent with the PDD. Mr. Lansing met with Steve Myers and Sheryl Reed regarding compliance with the NYS Fire Code and compliance with that code. The buildings will be “sprinklered”. The applicant reached out to NYS DOT regarding a four way pedestrian crossing at the roundabout. Mr. Lansing stated the applicant has provided plans for perpendicular access to Route 146A and provides full access to Route 146, showing an in and out. Mr. Lansing anticipates that it will be a right in and right out and has been reviewed by their traffic engineer. Mr. Lansing reviewed the re-positioning of the central park area and on-street parking in the new concept plan. The Route 146 entry way will be the main access point and on-street parking, coupled with street lights, trees street side and sidewalks will create a street scape that will tie in with the park area. The same street scape is also applied to the outer units. The central road that will be going through the site as a main street. Traffic flow will be controlled with 4-way and 3-way stop signs to help control this development from being a cut-through. For pedestrian traffic there is a sidewalk going south to Route 146. There is a sidewalk system around the project that will tie in access to the Dwaas Kill and sidewalks on both sides of the road on the main street area. The outside perimeter sidewalks were removed because the type of unit on the outside is not what was originally proposed. The new design will have the garages on the front which would result in multiple outside walk curb cuts. Therefore, from a cost and function stand point, the outside sidewalks were removed from the plan. Mr. Lansing stated the applicant is working with a potential builder for this project and that builder has provided sketches/hand drawings of buildings.

**Staff Comments:****Environmental Conservation Commission held a meeting on January 2, 2019 and issued a memo stating:**

Recommendations:

1. The ECC requests a ROW trail and trail improvement plan for the Dwaas Kill ravine to connect to existing trails and sewer service dirt roads to the north of the ravine.
2. The ECC recommends the applicant to dedicate the 13-acre Arnold Drive parcel to the Town of Clifton Park in order to facilitate access to the Dwaas Kill Park.

**Scott Reese, Stormwater Management Technician issued a memo dated 01/04/2019 stating:**

Project is presented as a Concept Plan. Stormwater management comments will be given when plans progress.

**Sheryl Reed, Chief of the Bureau of Fire Prevention issued a memo dated 01/04/2019 stating:**

- Provide postal verification and proposed street names.
- Specify on the plans the width of the roads.
- Post “No Parking Fire Lanes” on all roads.
- Will the proposed roads be private or Town roads?
- Specify the location of the proposed hydrants.
- Has the gate for emergency services at the South exit/entrance been eliminated?

**Steve Myers, Director of Building and Development issued a memo dated 12/20/2018 stating:**

Road widths are not shown on the provided documents so it is unknown if latest meets the fire code requirements. There was a meeting to discuss the road widths but it cannot be confirmed if the agreed to widths were incorporated into the plans.

All roads will be posted as fire lanes and no parking on the roads will be allowed.

Access issues from the south seem resolved, since it appears a full road will be installed except for the intersection at Route 146. Right in/Right out seems to defeat the purpose of the turning median. It will also effect both the new residence traffic and current businesses present since it appears left turns in or out of this road will not be allowed.

**Jennifer Viggiani, Open Space Coordinator commented via an email dated 01/07/2019:**

Connect pedestrians to NYS Route 146. Continue the sidewalks all the way south to reach NYS Route 146, the public frontage, and not end them abruptly at the Ravenswood driveway intersection. This should be possible as the owner – fully owns this strip of driveway all the way to NYS Rte. 146.

Ideally, this project should also include a sidewalks pedestrian connection along NYS Route 146 north side, from the driveway to the new sidewalks/crosswalk proposed by the NYS DOT roundabout project.

Connect pedestrians to NYS Route 146A. Continue the sidewalks from the proposed park – westerly along the driveway access to NYS Route 146A located on the west side of the project. This will enable residents to have a route to the west and north – a direction of movement that also may be of interest as there are neighborhoods in that direction.

Provide a cross walk across the internal road to connect to internal sidewalks loop.

Amend a sidewalk route through the park – to include providing a route from one street to the other street through the park – in a direct route that does not force the pedestrian to have to walk through the building – you should be able to walk outside the building.

The last set of proposed plans, previously showed additional sidewalks on both sides of the perimeter street. Was there a reason that the perimeter street lost a whole side of sidewalk?

**John Scavo, Director of Planning read a letter dated 12/26/2018 with his recommendations to Mr. Scott Lansing stating:**

I have reviewed the revised conceptual plan for the Park West Site Plan. The revised plan appears to still meet the intent of the Planned Unit Development, previously approved by the Town Board. In addition, the current layout and configuration appears to substantially address the concerns related to design of the private roadway network to meet NYS Fire Building Code regulations.

**Professional Comments:**

**MJ Engineering/Joel Bianchi, P.E. issued a letter dated 01/03/2019 stating:**

**Site Plans**

1. The project is located within a specific zoning district created through the PDD process. In reviewing the revised project arrangement, the setbacks established within the PDD are being satisfied.
2. The Route 146 entrance is shown as a two-way entrance, whereas the prior concept showed a boulevard entrance.
3. The Route 146 entrance no longer shows a sidewalk along one side of the roadway, which could have ultimately connected to the existing multi-use path located on the west side of Rte. 146.

4. The outer most loop road shows a sidewalk along one side of the roadway, whereas the prior concept showed a sidewalk along both sides. Most notably, the single-family home section to the north shows only four units with sidewalks along their frontage.
5. The relocated clubhouse and parking create an unusual access condition at the “T” intersection at the Route 146 access. The access into and out of the parking lot are too close to the “T” intersection. It is suggested that the parking lot be rearranges such that the exit/entrances are at least 100-feet away from the “T” intersection. Alternatively, the intersection could become a four-legged intersection with a single entrance to the parking lot.
6. Considering the plans are concept in nature, additional comments will be provided with the preliminary plan submission.

### **Stormwater Pollution Prevention Plan**

7. An updated SWPPP has not been provided with the revised site layout which is understandable considering the extent of changes to the site layout. Upon submission of an updated SWPPP, additional comments will be provided.

### **Public Comments:**

Anthony LaFleche – 21 Wheeler Drive wants to thank the applicant for the 90 degree angle at Route 146A. He asked if it could be further north of the roundabout?

*Mr. Lansing stated it is as far north as it can be.*

Mr. LaFleche had a question concerning the right in/right out on Route 146, wanted to know if the developer has considered the current businesses access requirements?

*Mr. Lansing stated that those properties do have rights to access and will work with the NYS DOT.*

Mr. LaFleche asked is there a reason why the storm sewage is going to be brought down to Route 146A as opposed to go east to the current trunk line in the woods?

*Mr. Lansing stated there is a line generally in that area and he recalls that is the main connection for the project.*

Mr. LaFleche asked about the trails that are basically foot paths in the reserve and asked if they could be left as is? Asked about where on the northeast side of the project would be the trail.

*Mr. Lansing indicated on the map the area for the trail.*

Mr. LaFleche asked about the proximity of the existing trail and advised there is a wide ravine on the southeast section beyond the existing trail.

Discussion between Mr. Lansing and Mr. Ferraro ensued about the exact location of the ravine on the map. Mr. Ferraro wanted clarification as to what disturbances would be done in that area? The disturbances would take place between buildings #21 and #14. Mr. LaFleche raised concerns about connections that are naturally there not be disturbed. He also thanked the consultant for the re-design of main street traffic flow and parking area in the center and is a better layout. Mr. LaFleche is concerned about the grading of the terrain.

*Mr. Lansing stated there will be cutting and filling on the site. Mr. Lansing stated they provided a full grading plan the last time this project was presented.*

Mr. LaFleche brought up his concern with clear cutting of trees. He questioned the street width and asked for the street width to be the standard street width.

Bob Voelker – 10 Stratford Drive in Sherwood Forest – asked for sidewalk removal clarification.

Resident who presently resides at 25 Woodside Drive is considering purchasing a house in the Sherwood Forest development and is concerned with the density of this proposed project and the potential future need for a Town police force. Resident is concerned about how such services as a Town police force would increase property taxes. Resident had questions regarding building in phases.

*Consultant stated the units would build in phases. Units would not be constructed sporadically and it would not be economically feasible to construct sporadically. Phasing would have to have infrastructure built first.*

A discussion concerning market analysis ensued. There is an increase of empty nesters who wish to stay in Clifton Park, leaving the single family detached structure and moving into something more compact with less outside maintenance and close to services.

Mr. Ferraro discussed the proposed intersections within the NYS DOT routes 146/146A roundabout. He stated the NYS DOT has included four crosswalks in the design. He encouraged the public to speak out about the need for pedestrian activated crosswalks.

### **Planning Board Review:**

Ms. Bagramian asked about Ravenswood and other commercial properties having access. Mr. Jones also questioned the right turn out only access with a left turn in and access to Ravenswood. Mr. Ophardt is concerned with left turn stacking. Mr. Jones wanted to know if a traffic study of the area had been done?

Mr. Scott Earl, Developer, stated they have had preliminary talks with NYS DOT about the roundabout and left access. Mr. Earl owns the entire access road and has asked for full access with a left in/left out. Once NYS DOT constructs the roundabout there is no control stoppage without stacking occurring.

Mr. Neubauer commended the new direction of the design and concept of plan. He agrees with the internal sidewalk and park access. Mr. Neubauer added that Jen Viggiani's comments do hold merit, specifically regarding pedestrian access to Route 146. He wants to see detail in landscaping and development of elevations/architecture.

Mr. Neubauer, Mr. Ophardt and Mr. Jones had discussions regarding what material that would be used in the alleyways and the proposed dimensions. Discussion ensued about parking of recreational vehicles on-site. Ms. Bagramian asked about street and monument signage.

Mr. Lansing anticipates monument signage outside the clubhouse and other signage identifying the project.

In summation the following needs to be done:

- Explore a right turn out only versus a right in/right out only from Route 146.
- Extend sidewalk to Route 146 and sidewalks on portion of the exterior road network.
- Wants applicant to meet with Rocco Ferraro, John Scavo and Jen Viggiani regarding sidewalk connections.
- Show pedestrian scale lighting, landscaping for streetscape with 5' concrete sidewalks – conceptual image.
- Take a look at cuts, fill and grading, especially the area between buildings #9, #14 and #21 and the environmental impacts of gradient changes.
- A T-intersection at the clubhouse entrance.
- Keeping as many trees along Route 146A as possible.

Mr. Ferraro explained that, since the following two agenda items relate to the same parcel and project, they will be reviewed concurrently. The Public Hearing for the Special Use Permit was held on November 14, 2018.

**2018-045, 2018-046 \_ Grooms Large Scale PV Facility Site Plan & SUP**

*Applicant proposes construction of a 9.2 MW ground-mounted solar energy generating facility. The facility will cover approximately 33.09 acres, and be surrounded by a 7' fence. Associated road will cover approximately an additional 1.4 acres, 753 Grooms Rd, Zoned: R-1, Status: PB Prelim Review - Poss. Determination*

SBL: 276.-2-30.1

To be reviewed by: MJE Consultant: Borrego Solar Applicant: Lindsay

**Consultant/Applicant Presentation:**

Ms. Lindsay McIntyre and Mr. Dean Smith from Borrego Solar met with Steve Myers and Sheryl Reed to discuss fire access to the site and outlined 20' of space between the modules and the fence and added four pull-offs to the site. In addition to that they added landscape screening in the area on the east near the residential road. They submitted revised stormwater calculations and draft SWPPP document. They are still working on comments by MJ Engineering. They have filed a joint wetland application with the NYS DEC and ACOE.

**Staff Comments:**

**Environmental Conservation Commission held a meeting on January 2, 2019 and issued a memo stating:**

The ECC has no comments at this time.

**Scott Reese, Stormwater Management Technician issued a memo dated 01/04/2019 stating:**

Response / approvals from the NYSDEC shall be forwarded on the disturbance and work within the NYSDEC Wetland Adjacent Area. The Full EAF Section E.1.b indicates that the project will have 2 acres less wetlands than the current acreage. Verification from ACOE if the wetlands shown on the plans being impacted are isolated and non-jurisdictional.

**Technical SWPPP Comments:**

1. Section 3.4 Construction Sequencing description in the SWPPP and reference to the Erosion and Sediment Control Plans is a little open for Phase II with the removal of trees exceeding 5 acres and reversing crop areas to seeding for meadows. The phase's boundaries should be shown on the plans so the developer knows to stay under the 5 acre threshold of disturbance at one time.
2. Section 3.5.1 Soil Types – Correct County location. – Correct all other locations in SWPPP to match current project.
3. Section 3.5.2 Stormwater Runoff Characteristics – The NYS Stormwater Management Design Manual – Chapter 4 requires Water Quality Volume calculations, Runoff Reduction Volume calculations, Channel Protection Volume (1 year storm), Overbank Flood (10 year storm) and Extreme Storm (100 year storm). Rainfall amount sources shall also be included in this section.
  - a. The applicant needs to address how the water quality volume treatment is met for the surface of the solar panels and access roadway.
4. Section 3.5.5 Drainage Patterns – The design points should be prior to the wetland boundaries as runoff should be treated and controlled prior to entering the wetlands.
5. Section 3.6 Construction Site Estimates there appears to be both row crops and pastures on the existing property. On the Pre-Development Watershed Plan the different fields should be shown on the plans and labeled.
6. In the HydroCAD calculations the time span should be increased to get the runoff and volume calculations (ie. Depth should = not have a > sign).
7. The Town is concerned of the construction process when disturbance and limited ground cover will be at its maximum. The SWPPP should discuss in detail on how erosion control will be handled when large areas are being disturbed. Applicant shall describe in detail on how previous projects of this size were handled and how the protection of the existing wetlands will be maintained.
8. The SWPPP should address how the individual panels will be arranged to allow the following:
  - a. Allow the passage of runoff between each module thereby minimizing the creation of concentrated runoff.

- b. Allow the growth of vegetation beneath and between the panels.
  - c. Allow the preservation of existing vegetation by minimizing the construction equipment to disturb the earth.
9. The details show a Typical Rack Section, noting that actual rack size may vary. The Stormwater runoff calculations should address the tilt angle and length of run it will have over the panels.

**Sheryl Reed, Chief of the Bureau of Fire Prevention issued a memo dated 01/04/2019 stating:**

Specify the width of the emergency access roads which meet the IFC requirements.

**Steve Myers, Director of Building and Development issued a memo dated 12/20/2018 stating:**

Access roads widths are not detailed on the plans and they appear to vary.

The minimum width of 12' noted in the entrance detail is not acceptable.

The SWPPP only addresses "runoff during construction". It does not discuss the significant runoff that will be produced by the installation of the many solar panels.

The SWPPP notes additional earth disturbance during screw anchor installation. It will have to be determined during construction if this method will cause enough disturbance to require additional soil and erosion control measures not currently in the SWPPP.

Test Pits are required for acceptance of the SWPPP. County soils map alone is not acceptable.

Further SWPPP comments are expected from Scott Reese.

**John Scavo, Director of Planning read a letter dated 12/26/2018 with his recommendations to Mr. Dean Smith of PV Engineering stating:**

1. The Decommission Plan has been reviewed and appears to adequately assign a decommissioning value for a Surety Bond based on a 20-year life expectancy for the equipment.
2. My prior comments requesting modifications to the O & M Plan, appear to have been addressed.
3. The Town is in receipt of documentation demonstrating that there are no records or field evidence of rare or state-listed animals, plants or significant natural communities at the project site or in its immediate vicinity.
4. As a condition of approval, the Planning Board should consider, "There shall be no clearing, grading, construction, or disturbance of soil and/or native vegetation until the

final site plan has been approved, stamped, signed, and all fees have been paid, and an irrevocable letter of credit or surety bond has been posted for the decommissioning.”

**Professional Comments:**

**MJ Engineering/Joel Bianchi, P.E. issued a letter dated 01/03/2019 stating:**

- Plans entitled, “Special User Permit and Site Plan Review – 9,192.690 kW DC STC Rated Solar Electric System”, 12 total sheets, as prepared by as prepared by PV Engineers P.C., last revised November 29, 2018;
- Stormwater Pollution Prevention Plan, as prepared by PV Engineers P.C., and dated November 29, 2018;
- Stormwater Memo as prepared by Borrego Solar, dated September 11, 2018;
- Full Environmental Assessment Form, dated October 19, 2018; Correspondence regarding threatened and endangered species as prepared by Shumaker Consulting
- Engineers and Land Surveying, D.P.C. and dated September 24, 2018;
- Decommissioning Estimate / Plan, as prepared by Borrego Solar and dated November 30, 2018.
- Annual Site Inspection Protocol, undated;
- Visual Simulation, undated;
- Response to comments dated November 29, 2018;

Based upon our review of the above documents, we offer the following comments for consideration.

**Full Environmental Assessment Form**

1. No additional comments.

**Site Plans**

2. As noted in Comment 21 of our August 10, 2018 review, it was suggested that a Knox box be installed on the site access gate and the applicant has agreed to provide this. Provide notation on the plans indicating that the Knox box will be installed.
3. On Sheet C-2.0 provide notation regarding limitations on the time frame to clear trees consistent with the Shumaker habitat report dated September 24, 2018.
4. On Sheet C-3.2 identify the species, spacing and installation size for the proposed plantings shown adjacent to the existing home.
5. Provide a standard detail for the culvert crossings shown along the access roads. This include pipe bedding, pipe cover requirements and any pipe end treatments.

**Stormwater Memo**

6. As noted in Comment 15 of our November 9, 2018 review, the historic tilling of the soil usually creates a hard pan layer just below the surface, limiting and/or prohibiting infiltration. The response indicates that the CN under existing conditions was adjusted upward. However, the proposed conditions still utilize a lower CN value without clear description to support this decrease. In our opinion and based upon how the project’s

description has been presented, the only changes in surface cover would be the loss of woodlands

- a. with a subsequent change in ground cover and the conversion of other existing ground cover to the gravel roadways or gravel pad areas. Further justification is necessary in regard to the substantial change in ground cover, applied CN values and the total expected area of disturbance for the project.
7. Under proposed conditions, there is 45.78 acres of grass with a reduced CN value (both Table 1 and HydroCAD model match). In order for this to be accurate, the total area of disturbance would need to be much greater than the 7.2 acres of disturbance noted in Question 4 of the NOI. Further clarification as to how such a substantial change in ground cover type in the proposed conditions over a 45 acre area is being accomplished with only 7.2 acres of disturbance occurring is needed.
8. In reviewing Table 1 in comparison to the HydroCAD output, there appears to be some inconsistencies as follows:
  - a. Table 1 indicates a decrease in building/structures from existing to proposed conditions (15,323 s.f. to 2,439 s.f.), whereas the model indicates no change (15,323 s.f.)
  - b. Table 1 indicates an increase in the woods from existing to proposed conditions (2,216,791 s.f. to 2,740,039 s.f.), whereas the model indicates a decrease (2,216,791 s.f. to 1,971,019 s.f.).
  - c. Table 1 indicates a total proposed water shed area of 4,623,349 s.f. but the sum of the individual areas adds up to 3,439,333 s.f.
9. In response to Comment 16 of our November 9, 2018 review, the applicant referenced the NYSDEC memorandum specific to solar projects and how stormwater management for these projects are to be permitted. While we agree that the NYSDEC has provided guidance on how to handle the solar panels themselves, it does not exempt other ancillary improvements associated with these projects, such as roadways from needing to comply with the General Permit. The only exceptions from needing to provide water quality and quantity controls is (1) if the project reduced impervious by 25% or more or (2) does not discharge offsite for up to the 100-year storm event, options which does not exist for this project. Since
  - d. there is an increase in impervious surfaces associated with the new access road, the stormwater pollution prevention plan (SWPPP) shall provide post construction stormwater management practices in accordance with Part I.C of the General Permit. Additional technical data is required for the stormwater management approach to be considered complaint with the NYSDEC and Town of Clifton Park stormwater management regulations specific to water quality (WQv) and run off reduction (RRv).

### **Stormwater Pollution Prevention Plan**

10. As noted in Comment 18 of our November 9, 2018 review, the final SWPPP shall include documentation that indicates the project is eligible for permit coverage with respect to cultural or archeological resources pursuant to Part I.F.8 of the General Permit. It is understood the applicant is working with their consultant to obtain the “no effect” letter from the NYS Office of Parks, Recreation and Historic Preservation.

11. Section 1.0 indicates that the post development CN number is less than the predevelopment CN for the site.
  - e. We do not believe this to be the case pursuant to Comment 6 above.
12. Section 3.5.2 provides basic runoff calculations for the project site. These calculations are then appearing to be superseded by the HydroCAD Model. The SWPPP shall discuss the results of the HydroCAD Model.
13. Section 3.5.2.3 is no longer applicable since a HydroCAD model has been developed for the project site as required by the General Permit.
14. The submitted NOI shall be updated based upon the project providing the requisite stormwater management controls.

### **Decommissioning Plan**

15. No comments.

### **Annual Site Inspection Protocol**

16. While not a requirement, it is suggested that any site-specific stormwater management inspections be included. They would be the exact same requirements found in the site-specific stormwater management operation and maintenance manual required in the project SWPPP.

### **Threatened and Endangered Species Correspondence**

17. The habitat assessment determined that there was no evidence of wild lupine or the Karner Blue butterflies within the project site and there will be no adverse impact on the species or its habitat. The habitat assessment further noted that the trees to be cleared are suitable for roosting of the Northern Long Eared Bat (NLEB). To avoid direct impacts to the NLEB, the project proposed to conduct all tree clearing between November 1 and March 31. The project plans shall note the limitations on tree clearing.
  - f. Visual Simulation
18. It is unclear from the simulation where the prospective views are being taken. Provide a key plan that orients the views provided.
19. Each view should be prepared from where the average user may see the solar arrays. As provided, they appear to be a substantial height above grade and may not be a realistic depiction of the proposed conditions from the selected vantage points.

### **Public Comments:**

Anthony LaFleche – 21 Wheeler Drive had the following questions:

- How many homes will this project power?
- How long will the construction take?
- Would the Town residents be given first opportunity to buy in?
- Do residents buy an individual panel?
- What is the size of a single module?

The consultant stated 1200 homes maximum can be powered by this project. The construction would take 3 to 4 months. The consultant would talk to the Town Planning Board about exclusivity of purchase and would definitely consider it. A resident buys kilowatt hours' usage and not panels. The dimensions of the modules are about 3' X 6'.

### **Planning Board Review:**

Mr. Andarawis questioned the fence footprint and stated the fence detail is not showing wildlife gaps. Mr. Jones asked for a materials data sheet to be provided to the Planning Board. Mr. Jones asked for an explanation of the detail map that was provided. Applicant passed out new updated detail maps and stated they would be adding a key map. Mr. Ferraro asked about the proposed landscaping and the visual impact on Grooms Road. He would like to see blue spruce landscaping along Grooms Road to screen visual impact. There was discussion pertaining to the issue of imposing visual screening on Grooms Road. Planning Board felt additional buffering other than what was proposed was not necessary along Grooms Road. However, a more detailed landscaping plan identifying the type and number of trees along the proposed buffer areas as noted on the submitted plans is needed. Ms. Bagramian has concerns about the wetlands on the application. The applicant applied for the wetlands permit and what they have proposed is allowed under the ACOE permitting criteria. Applicant is not purposing grading or looking to change the hydrology of the areas. The applicant is in the process of negotiating the final permit conditions with the NYS DEC. The applicant is not going to change surface elevations, it is a change in land cover. Mr. Ferraro stated the plan drawing C 2.0 the key is not accurate, the symbols for tree cutting only vs. tree cutting and stumping are reversed. Applicant will correct.

Mr. Ferraro would like the following conditions outlined in the resolution for this project:

- An executed PILOT agreement before any building permits are issued.
- Exclusivity 30 day period to be offered to Town residents in written form.
- Contingent upon any issuances of permits by the NYS DEC and/or ACOE.
- There shall be no clearing, grading, construction or disturbances of soil and/or native vegetation until the final site plan has been approved, stamped, signed and all fees have been paid, and an irrevocable letter of credit or surety bond has been posted for the decommissioning.
- The Town Planning Board will be provided with a material product data sheet.
- The technical issues are adequately addressed relative to SWPPP.

Mr. Ophardt offered Resolution No. 3 of 2019, seconded by Mr. Neubauer to waive the final hearing for this application and to grant preliminary and final approval of the special use permit, conditioned upon satisfaction of the comments offered by the Town Planning Board, including submitting to the Town Designated Engineer, and all items listened in the final comment letter issued by the Planning Department.

### **Conditions:**

- An executed PILOT agreement before any building permits are issued.
- Exclusivity 30 day period to be offered to Town residents in written form.
- Contingent upon any issuances of permits by the NYS DEC and/or ACOE.

- There shall be no clearing, grading, construction or disturbances of soil and/or native vegetation until the final site plan has been approved, stamped, signed and all fees have been paid, and an irrevocable letter of credit or surety bond has been posted for the decommissioning.
- The Town Planning Board will be provided with a material product data sheet.
- The technical issues are adequately addressed relative to SWPPP

**Roll Call:**

D. Bagramian - aye

E. Andarawis -aye

A. Neubauer -aye

G. Szczesny - aye

J. Jones - aye

Mr. Ophardt - aye

R. Ferraro - aye

Ayes: 7

Noes: 0

The resolution is carried.

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Ms. Szczesny moved, seconded by Mr. Ophardt, to waive the final hearing for this application for the site plan review of the Grooms Large Scale PV Facility located at 753 Grooms Road, 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 listened in the final comment letter issued by the Planning Department.

Condition: same conditions as the Special Use Permit.

Ayes: 7 Noes: 0.

The motion is carried.

**New Business:**

**2018-067 Majid/Merral Drive In Law Apt SUP**

*Applicant requests SUP approval for conversion of a single family home to a 2 family per section 208-10(9)[7] for an R-1 zone. Note: Construction shall meet the building code requirements for a 2 family home if the SUP is approved, 4 Merrall Dr, Zoned: R-1, Status: PB Concept Review SBL: 283.19-1-29*

**Consultant/Applicant Presentation:**

Mr. Tahseen Majid owner of 4 Merrall Drive, a raised ranch home. Applicant wants to change the 660 square foot garage into a living space for his parents. The applicant showed a small sketch to the Planning Board of his house. Mr. Majid stated the total square foot of the house is 2,167 and the total square feet of the garage is 660. Applicant said the square footage of the garage will remain the same.

**Staff Comments:****Environmental Conservation Commission held a meeting on January 2, 2019 and issued a memo stating:**

The ECC has no comments at this time.

**Scott Reese, Stormwater Management Technician issued a memo dated 01/04/2019 stating:**

There are no stormwater related comments at this time.

**Sheryl Reed, Chief of the Bureau of Fire Prevention issued a memo dated 01/04/2019 stating:**

No comments at this time.

**Steve Myers, Director of Building and Development issued a memo dated 12/20/2018 stating:**

All the current building code requirements will apply if approved.

It does not appear the lot size meets the requirements of the recent changes to the zoning law. The Planning Board need to approve this proposal as an “in-law” apartment or a variance will be required, which brings up the question as to what will be the Planning Board stance on variances that are requested to the change to the zoning law?

*Town Planning Board is reviewing this as an in-law apartment and not a 2-family based on new Town regulations.*

**John Scavo, Director of Planning read a letter dated 12/27/2018 to Mr. Tahseen Majid with his recommendations:**

1. Since the project is within 500’ of CR-92 (Crescent Road), a referral to the Saratoga County Planning Board is required in accordance with §239 (m) of General Municipal Law. The County Planning Board will consider the application at their January 24<sup>th</sup> Planning Board Meeting. The applicant is not required to be present for the referral to be considered by the County Planning Board.

2. Pursuant to the attached legislation adopted by the Town Board on December 10, 2018, the applicant should provide measurements to verify the size of the in-law apartment does not exceed 30% of the gross floor area of the principal dwelling unit.
3. It appears the lot is approximately .70 acres in size which exceeds the minimum 20,000 sq. ft. requirement for an in-law apartment within the R-1 Zoning District.
4. The applicant should be aware the Planning Board will schedule a public hearing for final consideration of the Special Use Permit once it has received the County Planning Board's recommendation for the application. The applicant will have to provide documentation that the required 500' notifications to property owners within the vicinity of the proposed project have been sent.
  - a. Mr. Scavo advised the Planning Department will give the applicant the mailing labels and instructions on the mailing. The Public Hearing will then be able to scheduled.
5. As a condition of the SUP, the applicant should agree that any additional parking needed for the in-law apartment shall be accommodated outside of the public right-of-way. Additional vehicles customarily associated with an in-law apartment shall be prohibited from parking parallel to the paved public roadway within the Town's right-of-way.
6. The applicant should confirm if the existing building footprint, including the attached garage, will remain the same or if a building expansion is desired.

**Public Comments:**

None

**Planning Board Review:**

Mr. Scavo gave clarification regarding what the definition of an in-law apartment is as it pertains to the new code that was adopted by the Town in December. Mr. Ferraro advised the applicant that this project was being reviewed as an in-law apartment. John Scavo will verify with the Assessor the overall square footage of the structure. There is no variance requirement if this is indeed an in-law apartment conversion.

Mr. Neubauer asked if the existing house has another garage?

*The applicant stated there is only one garage.*

Mr. Jones asked if the applicant could build a garage in the future? Mr. Scavo replied yes, if the set-back requirements are met.

Ms. Bagramian asked if there will be a deed restriction put onto the property? Mr. Scavo advised the deed carries with the property and the in-law apartment could be modified or incorporated back into the main house at any point. The Assessor will track that it is not a 2-family and cannot be sold in the future as such. Mr. Scavo stated there are triggers for tracking, such as an insurance company inquiring about the property when someone is seeking renters insurance. It was mentioned by Mr. Scavo that both Connecticut and Massachusetts mandated statewide their communities adopt an in-law apartment law. The Town of Clifton Park based their recent decisions on best practices from Massachusetts and Connecticut.

Mr. Ferraro asked the applicant what the façade design changes would be? It was determined there would façade changes because the garage door will be removed and windows installed. The Town Building Department will verify the project conforms to code. Mr. Ferraro wants to see a preliminary architectural drawing/design to make sure the design will not be out of character with the single family housing.

Mr. Neubauer stated since the Planning Board is being asked to approve a Special Use Permit that could impact the character of the neighborhood, we need to see a visual of the façade design. Mr. Ferraro stated the applicant would be able to submit a preliminary plan prior to the second Planning Board meeting in February.

**2018-069 Stewart's Grooms Shop #296**

*Applicant proposes construction of a new 3,675 Sq ft Stewart's Shop. Upon completion of new building, existing building to be razed and new gas tanks and canopy to be installed, 641-645 Grooms Rd/307,309 Vischer Ferry Rd, Zoned: B-3, Status: PB Concept Review*  
SBL: 277.13-4-26

Marcus Andrews of Stewart's Shop Corporation said Stewart's wants to re-develop the existing Stewart's Shop. Mr. Andrews stated a previously approved new rental building is currently under construction. Once the new rental building is constructed, the old rental building will be demolished and the new Stewart's shop will be constructed. The old Stewart's shop will remain in operation until the new shop is completed. The existing Stewart's retail shop will be demolished to make room for a new gas canopy area, with additional parking along the front. All lighting will be changed to LED. Stewart's will extend the existing bike path to the corner of Grooms and Vischer Ferry Roads. The building is similar to other new Stewart's design construction, with the exception of the stone that runs along the bottom of the building will be brick to match the other rental buildings in the grouping. The existing SWPPP for the site will be revised. The two current monument signs will be reduced in size to 63 square feet each. Previous variances that were granted to the site should carry over. There is an easement in place to the Boni land. Stewart's would like to construct parking in that area and would relinquish the parking in the event that development happens on the Boni land.

**Staff Comments:****Environmental Conservation Commission held a meeting on January 2, 2019 and issued a memo stating:**

The ECC requests applicant to submit stormwater management design with their next submittal.

**Scott Reese, Stormwater Management Technician issued a memo dated 01/04/2019 stating:**

The plans show filling the existing stormwater management area, but do not propose any new stormwater management practices. Future submittals will need to address on how stormwater runoff will be managed.

**Sheryl Reed, Chief of the Bureau of Fire Prevention issued a memo dated 01/04/2019 stating:**

Has no comments at this time.

**Steve Myers, Director of Building and Development issued a memo dated 12/20/2018 stating:**

Signs are not part of any Planning Board approval.  
It is expected a full SWPPP will be required.

**Jennifer Viggiani, Open Space Coordinator commented via an email dated 01/07/2019:**

I reviewed the concept plans presented for the Planning Board, and observed that the new Stewart's Shop's front entrance is oriented directly to Vischer Ferry Road (Saratoga County Road 90).

I respectfully recommend that Stewart's Shops "close the gap" in the pedestrian/bike facilities on the east side of Vischer Ferry Road, between the intersection with Grooms and where the "macadam bikepath" depicted that ends before this intersection.

**John Scavo, Director of Planning read a letter dated 12/28/2018 to Mr. Marcus Andrews of Stewart's Shops Corporation with his recommendations:**

1. In accordance with GML §239(m), a referral to the Saratoga County Planning Board has been made since the project is adjacent to County Routes 90 & 91.
2. The applicant may need approval from the Saratoga Co. Department of Public Works (SCDPW) to conduct construction activities within the public right-of-way. The applicant should contact Mr. Gary Mier from SCDPW at 518-885-8809 to determine if a permit is necessary.
3. It appears the new store will be served by an existing grinder pump. The applicant should confirm if all buildings on the parcel are serviced from the same grinder pump and

demonstrate the existence of adequate capacity of the grinder pump. Ultimately, Saratoga Co. Sewer District #1 will need to issue an approval.

4. The following area variances that carry with the land were granted by the ZBA on August 17, 2004, and should be depicted on the plan:
  - a. 130' front yard setback from the center line of Grooms Road is required – the proposed setback was 105' resulting in a variance of 25';
  - b. 130' front yard setback from Vischer Ferry Road is required – the building setback was 97' resulting in a variance of 33';
  - c. 100' buffer from the property line with an adjacent R-1 residential zoning district was granted.
5. Prior to granting site plan approval, the Planning Board may wish to require submission of a stormwater management report for the entire site that demonstrates compliance with NYS DEC regulations for redevelopment sites.
6. The lighting plan should identify the pole heights that will be used.
7. In 2014 the Clifton Park Planning Board approved a site plan for an office building for an adjacent property owned by Boni Enterprises, LLC. Ingress/Egress to that adjacent site was shown by way of an easement through this property to be secured by Boni Enterprises, LLC from Stewart's Corporation. Please provide clarification if such easement exists. It appears parking is shown where the ingress/egress to the adjacent parcel was previously shown on the office building site plan approved for Boni Enterprises, LLC (see attached).

**Professional Comments:**

**MJ Engineering/Joel Bianchi, P.E. issued a letter dated 01/03/2019 stating:**

MJ Engineering and Land Surveying (MJ) has reviewed the submission for the above referenced site plan application within the Town of Clifton Park. Documents received for our review included the following:

- Site plans entitled, "Proposed Stewart's Shop 307 Vischer Ferry Road" nine sheets in total, as prepared by Stewarts Shops and dated December 6, 2018;
- Town of Clifton Park Planning Board Application for Site Plan Review, and;
- Short Environmental Assessment Form, dated December 14, 2018.

Based upon our review of the above documents, we offer the following comments for consideration.

## General Comments

1. The site plan indicates the project will be provided public sanitary sewer by way of connection to the Saratoga County Sewer District No 1 sewer system. The Town shall be furnished with documentation that the SCS D is willing and capable of servicing this project.
2. The applicant has indicated water service will be provided by the Clifton Park Water Authority. The Town shall be furnished with documentation that the CPWA is willing and capable of service this project.
3. The project proposes improvements to the existing access points to Vischer Ferry Road (Co Rte. 90). This proposed work is subject to the review and approval of the Saratoga County Dept. of Public Works. The applicant shall coordinate with the Saratoga County Dept. of Public Works and obtain permitting in advance of construction.
5. Need to seek coverage under GP 0-15-002.
6. Under Part 1.3.b, it is identified that the project disturbance will be 1.5 acres. As such, a project specific SWPPP will be required that addresses storm water quality and quantity controls.
7. Under Part 1.15, please also indicate a listing of a search of the USFW Ipac database for federally listed threatened and endangered species. Demonstrating that there are no adverse impact to state of federally listed threatened and endangered species is a requirement of GP 0-15-002.

## Site Plans

8. The project is located within the Town's Neighborhood Business District (B-3) Zoning District. The proposal for a convenience food store is a permitted principal use within the B-3 District pursuant to Section 208-37(B) of the Town's Zoning.
9. 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 Sections 208-38 and 208-98 of the Town's Zoning. The potential lot deficiencies identified are as follows, noting that there are existing area variances in effect for the lot that have not be identified:
  10.
    - a. Section 208-38(D) of the Town Zoning indicates that no automobile parking spaces shall extend nearer to a side property line than 20-feet. The plan appears to show parking spaces within 20-feet of the side yard property line near Lands of Boni Enterprises and Lands of Ashman.

- b. Section 208-98 of the Town Zoning indicates that 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 130 feet. The proposed building is within the stated front setback of Vischer Ferry Road and gas canopy is within the stated front setback of Vischer Ferry Road and Grooms Road.
11. On Sheet S-1 identify the individual completing the site survey and the date in which it was completed.
12. The plans indicate the extension of the existing multi-use trail along Vischer Ferry Road along the project frontage. This extension may require an easement to be conveyed to the Town of Clifton Park. As the project design advances, the final placement of the trail and form of easement shall be coordinated with the Town of Clifton Park.
13. Provide a delineation of the area of expected disturbance associated with the project along with the numerical value, which shall include both on-site and off-site improvements.
14. For any existing utilities that are to be abandon, there location shall be noted, and the extent of removals/abandonment identified in accordance with authorities having jurisdiction.
15. There needs to be indication whether the building will be provided with an automatic sprinkler as a result of proposed building materials and occupancy type. Depending on whether the building is sprinklered will dictate if an on-site hydrant is required.
16. Indicate on the plans the locations of the Knox Box and fire department connection or provide a note on the plans indicating final location is to be determined as part of the building permit process and is subject to the Town of Clifton Park's review and approval.
17. It is suggested that cross lot access easements be considered to the adjacent parcels to the north (Lands of Carota or Lands of Boni Enterprises) to promote future connectivity.
18. Considering this plan is conceptual in nature, subsequent comments will be provided with a preliminary plan submission.

**Public Comments:**

A resident from 205 Sugar Hill Road asked if the fuel system would be changed?  
*Applicant stated the present tanks will be removed and new tanks will be installed, a 15,000 and a 12,000 split into two sections. There will be low flow diesel, that is not currently offered.*

Mr. Anthony LaFleche – 21 Wheeler Drive wanted clarification as to where the proposed gas canopy would be on the map. Mr. LaFleche asked for clarification as to the path placement.

*Applicant stated the gas canopy would be moved back 30' to 40'.*

### **Planning Board Review:**

Mr. Jones asked for clarification on the curb-cuts. There will be no change to the present curb cuts.

Ms. LaSalle asked what vegetation would be retained? The mature trees would be retained and will clean up the existing shrubs.

Ms. Bagramian asked what is the present square footage? The applicant stated it is approximately 2400 sq. ft..

Mr. Jones asked about left and right turns out of the curb cuts? The applicant stated yes there will be full in/out access.

Mr. Neubauer and Mr. Jones expressed concern about the layout of the new retail shop and gas canopy. Mr. Neubauer stated he feels the design of the gas station runs counter to what this particular intersection should look like. Mr. Jones was concerned with the Planning Board approving the present design solely because the existing retail shop is to remain open while constructing the new shop. Mr. Neubauer thinks there is a happy medium and is not ready to support the site plan until all other options specific to this particular corner are exhausted. Mr. Jones would also like other options to look at and asked how many new building footprints does Stewart's have? It was agreed that Planning Board members, Mr. Jones and Mr. Neubauer and Director of Planning, Mr. Scavo would meet with Mr. Andrews and explore other options for configuration.

### **2018-070 1902 Route 9 Commercial Site Plan**

*Applicant proposes to construct a 100,00 square foot office/warehouse building which is a permitted use in the L1 & L2 zone pursuant to Section 208-64B of the Town Zoning code. The building may be developed in phases, 1902 Rt 9, Zoned: L 2, Status: PB Concept Review*

SBL: 259.-2-47

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

Mr. Scott Lansing , P.E. of Lansing Engineering consultant for the applicant MJ Properties 1902 Route 2 parcel is 84.43 total acreage, split between the Town of Clifton Park and the Town of Halfmoon. Rucinski parcel on the south is approximately 52.78 acres in the Town of Clifton Park, the Martin parcel on the north side is approximately 20.56 acres. Both parcels are zoned light industrial. Applicant is proposing a lot line adjustment to square the parcels, about a 1.31 acre adjustment. Lot #1 would be created to retain the existing house and ancillary buildings, which is 5.45 acres, with 3.58 acres in the Town of Clifton Park. Lot #2 is the proposed site plan

parcel development which consists of approximately 12.66 acres, 12.3 of which is in the Town of Clifton Park. On Lot #2 the applicant is proposing a 100,000 sq. foot office/warehouse building, which is a permitted use in the zone. 90,000 sq. feet would be warehouse and 10,000 sq. feet would be office. There would be loading docks and overhead doors. There will be 123 spaces of employee parking. There is 56% green space on Lot #2. Lot #3 is approximately 41.14 acres, about 40 acres is in the Town of Clifton Park. Lot #3 is for potential future expansion, there are no definitive plans for Lot #3 at this time. Access point would be off Roberts Lane, which is in the Town of Halfmoon. Plan for potential future extension of the roadway. Applicant understands they have to provide a full build-out of the conception for the balance of the parcel so a full environmental assessment form, update the topography, update the wetland delineation, do an endangered species study, an archeological study and a traffic study. Applicant is looking for initial feedback on the overall plan.

### **Staff Comments:**

#### **Environmental Conservation Commission held a meeting on January 2, 2019 and issued a memo stating:**

The ECC is concerned about the potential impacts on the environmentally lands and waters, in particular the Dwaas Kill Corridor.

The ECC reserves the remainder of its comments until such time as the pending Notice of Violation is resolved.

#### **Scott Reese, Stormwater Management Technician issued a memo dated 01/04/2019 stating:**

The future plans shall indicate how stormwater treatment of the roof runoff along the northern portion of the building will be treated and controlled before discharging into the Dwaas Kill.

1. The stormwater report predevelopment conditions will reflect the mature woodland growth that existed prior to the logging of the site.
2. The applicant may need to show stormwater management controls for the proposed drive in the Town of Halfmoon.
3. The plans should show the 100' LC Zone along the Dwaas Kill.
4. This site is part of Notice of Violation (NOV) that was issued on November 5, 2018 to the applicant. An estimated area of ten acres was disturbed on the property without any permits and the Town is working with the applicant to resolve the outstanding issues outlined in the NOV. This plan is part of addressing one of the listed required corrections in the NOV.

#### **Sheryl Reed, Chief of the Bureau of Fire Prevention issued a memo dated 01/04/2019 stating:**

1. Is the access from Route 9 "Roberts Lane" a Town Road or a Private Road?
2. Provide postal verification.

3. Rectify the Notice of Violation on the property.
4. Clarify the use of the open permit for the “residential” pole barn.
5. Provide code compliant fire access roads to lot #2 per IFC, including the entrance as well as bridge from Route 9.
6. Specify the location of the required hydrants to the proposed warehouse.

**Steve Myers, Director of Building and Development issued a memo dated 12/20/2018 stating:**

- Note that property is actually owned by MJ Properties, not Rucinski, and the property is currently under a Notice of Violation due to all the clearing that was completed without the proper approvals or permits. Any action by the Planning Board would seem premature until the NOV is resolved.
- The property is located in the LI-2 zone and warehousing is an allowed use.
- The existing roadway and bridge will require significant improvements to be able to handle the expected traffic to this facility.
- A full SWPPP will be required.

**John Scavo, Director of Planning read a letter dated 12/28/2018 to Mr. Scott Lansing of Lansing Engineering with his recommendations:**

1. Part I of the EAF notes 14.7 acres to be physically disturbed. The proposed project will involve physical alteration of 10 acres or more, as such it will be considered a SEQR Type 1 Action pursuant to §617.4(b)(5) of the SEQR Regulations and will require coordinated review with all involved agencies. A Full Environmental Assessment Form (FEAF) will be required for review, and drafts of a FEAF should be provided as soon as possible so the SEQR process can be initiated. The involved agencies are anticipated to include the following:
  - a. Town of Clifton Park Planning Board – Subdivision Review, Site Plan Review
  - b. Town of Halfmoon – A portion of the project is located within the Town of Halfmoon
  - c. Saratoga County Planning Board – Section 239 referral
  - d. Saratoga County Sewer District No. 1 – Sanitary Sewer Extension and Connection
  - e. Town of Clifton Park Water Authority – Water Supply Service
  - f. NYS Department of Health – Public Water and Sanitary Sewer Extensions
  - g. NYSDOT - Curb Cut Permit for NYS Route 9
  - h. Saratoga County DPW - Curb Cut Permit for Kinns Road
  - i. OPRHP – State Office of Parks, Recreation & Historic Preservation – Review of Archeological Survey
  - j. NYSDEC
    - i. Wetland/Stream Disturbance Permit
    - ii. Sanitary Sewer Service Approval

- iii. Water Supply Service Approval
  - iv. Water Quality Certification
  - v. SPDES General Permit for Stormwater Discharge
2. It is important for the applicant to demonstrate how the design layout minimizes the potential impacts to environmentally sensitive features of the site. Specifically, the scope of the proposed project and existing conditions of the site as they relate to topography, wetlands, and the Dwaas Kill with associated LC Zone Buffer.
  3. I anticipate the project will be reviewed and as a Commercial Subdivision with the creation of commercial lots, roadways and utility infrastructure. Individual site plan review and approval is being request for Lot #2 by the applicant. Additional site plan reviews will be provided as lots 1 and 3 are developed.
  4. The Full EAF and supporting materials should specifically address the following issues, potential impacts and mitigation methods:
    - a. Traffic impacts for project's full build out, including Lots 1 & 3 with a potential tie in to Synergy Tech Park. A traffic study should be provided that, at a minimum, analyzes the cumulative impacts to Route 9/ Kinns Road intersection, the Route 9/Ushers Road Intersection and the proposed site access points. It is recommended that an early coordination meeting be scheduled between the Town, NYSDOT, MJ Engineering and the applicant's consultant to discuss access and potential traffic impacts that may be identified beyond those previously noted under the Synergy Tech Park Site Plan.
    - b. Threatened or endangered species. A detailed site investigation is recommended.
    - c. Archeological/Historical resources. An Archeological Survey is recommended.
    - d. Impacts and proposed mitigation of state and federal wetland areas.
    - e. Impacts and proposed mitigation of the Dwaas Kill and tributaries.
    - f. Impacts and proposed mitigation of the Land Conservation Zone (L-C).
    - g. Potential visual impacts should be addressed from Route 9 and I-87.
  5. Assuming the potential impacts and mitigation measures are sufficiently documented in supporting plans and reports, an Environmental Impact Statement may not be required. That plan should minimize impacts to topography, wetlands, the Dwaas Kill, and include substantial greenspace and areas for stormwater management.
  6. A wetlands validation letter should be provided from both NYSDEC and ACOE. Documentation of when and by whom the wetlands delineation was completed should be added to both the subdivision and site plan.
  7. Future submission should include a sheet that depicts the boundaries of environmental areas to be left undisturbed and/or protected through deed restrictions, conservation easements or other agreements.

8. A Site Analysis Map should be submitted depicting contours, wetlands, streams and other drainage corridors, steep slopes – greater than 15%, flood hazard areas [from a Federal Emergency Management Agency (FEMA) flood insurance rate map – GIS mapping shows a 100 year flood plain within the project limits], groundwater aquifers and/or recharge areas, Town L-C Zones, ponds & reservoirs, areas of rare, threatened or endangered species, and significant forested areas and any other important environmental features such as historic preservation.
9. Documentation from the Clifton Park Water Authority stating that the existing water supply system has sufficient capacity to support this proposed project should be provided . A plan should be provided depicting the existing water supply system adjacent to the project site and an evaluation of the potential for providing additional connections to nearby municipal systems. Any proposed offsite water main improvements to connect the project site should be included in the environmental review of the project.
10. Documentation stating that the existing sewer system has sufficient capacity to support this proposed project should be provided as plans progress through the review process.
11. Documentation stating that the existing electrical supply system has sufficient capacity to support the proposed project should be provided.
12. The Planning Department is supportive of the development of privately owned and maintained roadways with common rights of access to the commercial lots using the model that was followed under the adjacent Synergy Tech Park.
13. It should be noted on the subdivision plan, that primary access for Lot #3 shall be from the proposed privately owned and maintained roadway servicing Lots #1 & #2. Due to environmental constraints (wetlands), it is unlikely a future owner for Lot #3 will request an additional curb-cut to Route 9 along the parcel's frontage, but it should be addressed as a condition under this subdivision request.
14. Emergency Services and the Bureau of Fire Prevention should review the plan. It should be verified that adequate emergency access is provided to each building.
15. A name for the private roadway should be provided.

**Professional Comments:**

**MJ Engineering/Joel Bianchi, P.E. issued a letter dated 01/03/2019 stating:**

MJ Engineering and Land Surveying (MJ) has reviewed the submission for the above referenced site plan and subdivision application within the Town of Clifton Park. Documents received for our review included the following:

- Map entitled. “Rucinski Site Plan Phase I”, as prepared by Lansing Engineering and dated December 17, 2018;
- Project Narrative, as prepared by Lansing Engineering and dated December 17, 2018;
- Town of Clifton Park Planning Board Application for Subdivision Review form;
  - Town of Clifton Park Planning Board Application for Site Plan Review, and;
- Short Environmental Assessment Form, dated December 17, 2018.

Based upon our review of the above documents, we offer the following comments for consideration.

### **General Comments**

1. 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.
2. 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.
3. The project will disturb more than 1-acre of land. As such, it will be subject to the NYSDEC Phase II Stormwater Regulations and General Permit GP-0-15-002. Therefore, a full 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.
4. The project narrative indicates that federally regulated wetlands are located within the project limits and adjacent to the Dwaas Kill. The boundary of the noted wetland shall be noted on subsequent plan submissions. Any impacts to regulated wetlands are subject to appropriate permitting. Any action on the subdivision application should be conditioned upon receipt of the appropriate NYSDEC/ACOE wetland permits.
5. The project narrative indicates that portions of the site are within the 100-year flood plain, adjacent to the Dwaas Kill. Depending upon the extent of upgrades to the bridge along Ruchlicki Road it may be necessary to complete a flood analysis to confirm that the upgrades do not result in an adverse impact.

6. It is recommended that a traffic impact study be completed that assesses peak hour vehicle trips, site distance at the project entrance as well as accident data within the project vicinity. The findings of the study should be provided to the Region 1 office of the NYSDOT for input.
7. The project proposed work to Ruchlicki Road and the existing bridge crossing the Dwaas Kill. In our review of the Saratoga County GIS database, portions of Ruchlicki Road appear to be a public right-of-way owned by the Town of Halfmoon. Any improvements required to the public roadway as well as any other 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.

### **State Environmental Quality Review**

1. Based upon our review of Part 617 of NYS Environmental Conservation Law (ECL) and the submitted Short Environmental Assessment Form, the project will involve activities other than the construction of residential facilities and will include the physical alteration of 10 acres or more. Pursuant to Part 617.4(b)(6)(i.) of ECL the proposed project is considered a Type I action.
2. Assuming the Clifton Park Planning Board is to request Lead Agency status under SEQRA, a 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. Clifton Park Water Authority – Request for service extension.
  - b. Town of Halfmoon Planning Board – Site Plan review/approval for activities proposed within the Town of Halfmoon
  - c. Saratoga County Planning Board – 239m referral due to the parcel’s proximity to U.S. Route 9.
  - d. Saratoga County Sewer District No. 1 – request for reserve sewer capacity.
  - e. NYS Department of Transportation – entrance improvements at U.S. Route 9
  - f. NYS Dept of Environmental Conservation –permit coverage under stormwater SPDES, identification of threatened and endangered species, potential joint permit application for disturbances within regulated waters of the U.S.
  - g. NYS Office of Parks, Recreation and Historic Preservation – identification of cultural or historic resources.
  - h. United States Army Corps of Engineers – potential joint permit application for disturbances within regulated waters of the U.S.

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

### **Short Environmental Assessment Form**

3. Based upon a review of the project metrics, it appears that it is a Type I action. The Short Environmental Assessment Form (SEAF) may be utilized for Unlisted SEQRA actions, however all Type I SEQRA actions require the submission of a Full Environmental Assessment Form (FEAF). Submit a FEAF for review as part of the Town's SEQRA evaluation.

### **Site Plan**

4. The project is located within the Town's Light Industrial District (LI-2). The proposal for storage warehousing is a permitted principal use within the LI-2 District as noted in Section 208-64(B)(3) of the Town's Zoning.
5. The project proposes a subdivision and lot line adjustment. The subdivision will affect Lands of Rucinski identified as Tax ID 259.00-2-47 and 260.00-1-49. These two separate Tax IDs are representative of the parcel being bisected by the municipal boundary between the Towns of Clifton Park and Halfmoon. The subdivision will ultimately create six lots from these two lots. It would appear that upon creation of the new parcels within the Town of Clifton Park, each would have frontage along U.S. Route 9, but none will have legal frontage on a public street within the boundaries of the Town of Clifton Park as required by Section 208-101 of the Town's Zoning. This matter should be discussed further with the Town's Chief Zoning Officer to determine whether relief from the Town Zoning would need to be requested.
6. Subsequent plans shall delineate the extent of the Town's Land Conservation (LC) District. For this parcel the LC boundaries within the Town of Clifton Park will include a 100-foot buffer from each side of the outer banks of the high-water mark of the Dwaas Kill as well as the mapped floodplain that is associated with the Dwaas Kill.
7. In a review of Section 208-65 of the Town's Zoning, the proposed lots and placement of the building structures general appear to meet the minimum bulk lot requirements of the LI-2 District. The concept plan submitted does not show the extent of the Town of Clifton Park's LC District. As such it cannot yet be determined whether any lots contain the LC district and if those lots conforms to the bulk lot requirements of Section 208-70 of the Town's Zoning. As the project design advances, and a project specific subdivision plat is prepared, the bulk lot requirements will be further reviewed for compliance with the applicable provisions of the Town of Clifton Park Zoning Code.

8. Subsequent plans shall describe or illustrate the project's proposed landscaping to ensure conformance with Section 208-66(B) of the Town Zoning. The overall intent of this section is to promote and achieve, where possible, a well-landscaped site that takes into consideration the surroundings and the total environment. Consideration shall be given to preservation of natural and existing vegetation as well as new plantings throughout an entire site.
9. Subsequent submissions shall include building elevations to demonstrate conformance with Section 20866(C) of the Town Zoning.
10. The existing topography to the north shows steep slopes with the warehouse building being placed within the upper portions of the steep slopes. A site-specific geotechnical investigation may be warranted to ensure that construction on the slope would not result in an adverse soil condition, compromising the building structure.
11. Subsequent plans shall show how Section 503.1.1 of the International Fire Code (IFC) is being satisfied which requires a fire apparatus access to extend within 150-feet of all portions of the facility and all portions of the exterior walls of the first story of the building. It should be noted that depending upon what type of materials are planned for storage within the warehouse, it may require additional measures be included as part of the project's fire service features as may be required by the IFC.
12. The project narrative indicates a future connection to the Synergy Tech Park to the south. It is suggested that a potential alignment for this planned connection be shown to demonstrate that it is technically viable. Without knowing if this secondary connection can be made, the site would only have one access point. 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).
13. The concept plan shows areas set aside for stormwater management. Given the conceptual nature of the plan, the type of practice has not yet been determined. The applicant should be aware that the Town prohibits the use of a P-5 practice and in the event it is determined that the P-5 practice is the only viable option, supporting materials will need to be submitted to the Town for review before it will be deemed acceptable for use. As the project proceeds through the Town's regulatory review process, it is urged that the applicant meets with the Town's Stormwater Management Officer to review any proposed green infrastructure practices to avoid those that may be deemed undesirable.

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

### **Public Comments:**

Anthony LaFleche – 21 Wheeler Drive –Where would the connection be from Synergy Drive to Roberts Lane? Is the existing crossing bridge up to traffic standards?

### **Planning Board Review:**

Mr. Ophardt wanted to know why keep the old farmhouse and other existing structures?

Mr. Jones asked for clarification regarding the connection with Synergy Tech Park.

Mr. Ferraro wished to clarify that there has been no discussion pertaining to the area designated as Synergy Tech Park, which previously was designated as Country Club Acres. Mr. Ferraro has overall concern with the significant environmental features on the site. Given the topography that exists between the parcels not sure how connectors can be accomplished. Mr. Ferraro stated the first step should be an environmental features analysis and how Lot #2 development relates to adjacent sites. He stated there is a Notice of Violation on the site and very significant land disturbance on the site. Mr. Ferraro wanted to stress his concern on how the area is going to be developed and the inter-connection that is being proposed given the environmental constraints that exist.

Mr. Jones wanted to know if the Planning Board is “hamstrung” until the NOV is settled?

Mr. Neubauer thinks it would behoove the applicant to provide an overall master plan of all the parcels together so the Fairchild process can be avoided.

Ms. Bagramian said the map is reading warehouse/retail on the map. The type needs to be corrected to read warehouse/office.

Mr. Andarawais has concerns with the grading of the area and wants applicant to take into account the existing features, working within the constraints of the topography. He does not want to see the area flattened out.

Mr. Scavo stated this project will require a Saratoga County referral. Mr. Scavo did send the project to the County and the Town of Halfmoon for the purpose of obtaining any initial comments from both. The applicant will have to go to the Town of Halfmoon for subdivision approval. The

Town of Halfmoon will be an interested agency, but they will defer to the Town of Clifton Park as the lead agency for SEQRA. The Town of Halfmoon will be bound by the SEQRA determination of the Town of Clifton Park Planning Board.

**Discussion Items:**

None at this time

Mr. Jones moved, seconded by Mr. Ophardt, adjournment of the meeting at 11:44 p.m. The motion was unanimously carried.

The next meeting of the Planning Board will be held as scheduled on January 22, 2019.

Respectfully submitted,

Betsey Snyder, Secretary

