

Town of Clifton Park Planning Board
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PLANNING BOARD

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Jason Beach
Andrew Neubauer
Eric Ophardt
Greg Szczesny

(alternate) Ram Lalukota

Planning Board Minutes
January 28th, 2020

Those present at the January 28th, 2020 Planning Board meeting were:

Planning Board: R. Ferraro, Chairman, E. Andarawis, D. Bagramian, J. Beach, A. Neubauer, E. Ophardt, G. Szczesny
R. Lalukota – alternate

Those absent were:

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

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

Minutes Approval:

Mr. Ophardt moved, seconded by Ms. Bagramian, approval of the minutes of the January 14th, 2020 Planning Board meeting as written. The motion was unanimously carried.

Public Hearings:

None

Old Business:

None

New Business:**2020-001 Schreifels Waite Road 2 Family SUP**

Applicant proposes constructing a 2-Family home. Water will be provided by an existing on-site well and wastewater will be handled by a new raised-bed septic system. The parcel located at 563 Waite Road lies in the R-3 Residential zone which allows multi-family residences with the approval of a Special Use Permit, 563 Waite Rd, Zoned: R-3, Status: PB Concept Review SBL: 270.-1-23.3

To be reviewed by: MJE

Consultant: ABD

Applicant: Scott Schreifels

Mr. Ferraro stated that a variance from the ZBA will be required for this application since the minimum area requirements are not met. However the applicant will hear feedback on the application with the understanding that the ZBA needs to approve the variance before the Planning Board can make a decision on the Special Use Permit.

Consultant/Applicant Presentation:

John Hitchcock – ABD Engineers – Mr. Hitchcock stated that a variance is needed due to the Zoning Code requirement that 200,000 sq.ft. is needed for a 2 family in the R-3 zone since it is served by a septic system and well; 100,000 sq. ft. per unit. The applicant has 191,000 sq. ft. of land. Mr. Hitchcock stated that there will be a raised septic system; the access to the building will be off Waite Road. He stated that there will be no cutting of trees, and the well which is existing will be on site. Mr. Hitchcock stated that they are confident that the raised septic system will need to be utilized due to the existing soil types present. Mr. Ferraro asked if this would be determined before the approval. Mr. Hitchcock stated that typically at the building permit process it would be determined and the applicant must comply with all applicable regulations for septic design.

Staff Comments:**Steve Myers, Director of Building and Development issued a memo dated 1/16/2020 stating:**

- Two family dwelling proposed in R-3 zone. Each dwelling unit requires 100,000 sf without public water and sewer per 208-11. 4.84 acres or 210,830 sf available, appears compliant.
- Viable well and septic design will be required prior to the permit issuance.

(Note: the acreage was inaccurately reported by the applicant. The actual lot size is 4.39 acres).

The Environmental Conservation Commission held a meeting on 1/21/2020 and issued a memo recommending:

1. A review of the Saratoga County Tax Records indicates that the lot size is 4.39 acres. The project lot size is incorrectly recorded in the Site Data on the project plan. Furthermore, Town Code 208-10 B. (9)(a)[7] states that 2 family dwellings shall be considered the equivalent of two dwelling units. Each structure shall conform with the minimum land area requirements per dwelling unit as prescribed by Section 208-11. The minimum square footage for this project must be 200,000 square feet per Town Code. The actual square footage of the lot is 191,228 square feet.
2. The amount of fill to implement this project is significant if not prodigious. The negative environmental impact of this project is to produce a leach field approximately 35 feet from a

Federal designated wetland. The elevated leach field also creates a downhill flow to the wetland. It should be noted that this Federal Wetland is part of the Dwaas Kill Watershed. NOTE: If this was NYSDEC Wetland, the Minimum Horizontal Separation Distance (in feet) of an Absorption Field or Unlined Sand Filter (Including Replacement Area) is 100 feet (per the “NEW YORK STATE DESIGN STANDARDS FOR INTERMEDIATE SIZED WASTEWATER TREATMENT SYSTEMS” dated MARCH 5, 2014.

Roy Casper of the Trails Subcommittee submitted the following comments for the Planning Board to consider in its decision making:

- A 15 ft. ROW/Trail Easement should be provided on the property boundary line along Waite Rd. for a future multi-use path and utility realignment.
- Note: The Town of Clifton Park Trails Concept Plan proposes a future multi-use path along Waite Rd. between Miller Rd. and NYS Route 146 where this property is located.

John Scavo, Director of Planning issued a letter dated 1/24/2020 with recommendations he made:

1. The minimum land area per dwelling until is 100,000 sq. ft. without central water or sewer. Since the parcel is 4.89 acres (213,008 sq.ft.) in size it meets the minimum density requirement for a two-family dwelling within the R-3 Zoning District.
2. Section §208-79E(1)[i] of the Town Code states:

Before granting approval to any special use, the Planning Board shall determine whether the proposed special use will, among other things, satisfy the following conditions:

- (i) The availability of adequate and proper public or private facilities for water and for the treatment, removal or discharge of sewage, refuse or effluent (whether liquid, solid, gaseous or otherwise) that may be caused by or as a result of the proposed use.

Approval of the septic design and sizing will be required prior to the issuance of a Building Permit but it appears adequate area is present on site to accommodate the septic infrastructure.

3. While it is understood the applicant also owns the adjacent parcel to the south with an existing trucking business and office it should be noted on the site plan and within the special use permit that the 2-family dwelling is adjacent to an industrial operation and may experience noise, odors and vibrations from operations of heavy machinery and vehicles commonly associated with industrial uses.
4. Pursuant to Note #7 on the plan, a highway work permit for the construction of the driveway within the Town’s ROW is required to be obtained from the Town’s Highway Superintendent. Attention should be paid to the construction of the 12” HDPE culvert to ensure stormwater runoff is not inhibited along the ditch line adjacent to Waite Road.
5. A public hearing will need to be scheduled for preliminary review of the Special Use Permit.

Mr. Scavo commented that a wetland liner from the leach field may be an acceptable, if the applicant is willing.

Mr. Scavo also suggested that a lot line adjustment to alleviate the need for the area variance as the applicant owns the neighboring piece of land.

Professional Comments:

No professional comments.

Public Comments:

No public comments.

Planning Board Review:

Mr. Szczesny asked Mr. Scavo if there are any foreseeable issues with the leach field. Mr. Scavo stated that so far there are no issues seen, however no permits will not be issued until all areas of the Code are met.

Mr. Szczesny asked if there are any elevations available for the Planning Board to review. Mr. Hitchcock stated there are none available currently. Mr. Scavo stated it can be required for a SUP approval.

Mr. Ferraro stated that he is looking for a more modern style rather than a traditional side by side duplex. Mr. Hitchcock stated that it will be an upstairs/downstairs two family, with one shared driveway with shared parking in the front of the home.

Mr. Ophardt asked if the applicant has spoken to neighbors and gotten feedback. Mr. Hitchcock stated that there are not many neighbors, , but is not sure if the applicant has spoken to the neighbor across the street which is the closest. Mr. Lalukota asked if notifications to neighbors have been sent out yet. Mr. Hitchcock stated not yet, Mr. Ferraro stated that notification to surrounding neighbors within 500 ft. needs to be given via mail before the public hearing.

Mr. Ophardt asked about garages and the overall look of the property. Mr. Hitchcock stated that before the public hearing the architect will have the elevations, driveway layout, and possible garage plans.

Ms. Bagramian asked about the split level layout that has been brought up instead of the traditional side by side, and why the applicant chose this. Mr. Hitchcock stated the applicant is not present tonight and he is unsure.

Mr. Neubauer asked for verification that the adjacent property owner is the same as the property owner of this proposal. Mr. Scavo stated that it is the same property owner and that on the adjacent property is a small office and the VanAuken Trucking, Inc. business, which previously had also been used for tree cutting/clearing operation. Mr. Scavo stated it can be busy; the trucking business has been grandfathered into the area and the wood chipping processing has ceased.

Mr. Andarawis stated that he suggests a lot line adjustment instead of a variance if the property owner is the same. He also stated that he would like to see an alternate layout for the leach filed to help keep

separation from the leach fields to the wetland. Mr. Hitchcock stated that he does understand, he can see what can be done. He also noted that the well is pre-existing to this project.

Mr. Lippmann asked for the set back of the raised septic to the wetlands. Mr. Hitchcock stated they are 100 ft. from the wetlands. Mr. Lippmann stated that they are within the required 100 ft. setback. Mr. Lippmann clarified that the setback requirement is 100 ft. per the state requirement; the federal wetlands have no buffer requirement. Mr. Lippmann stated that the 100ft buffer for the separation of leach field to the well is for both federal and state code. Mr. Hitchcock stated that the separation from the well to the leach field is 35 ft. Mr. Lippmann stated that the separation needs to be 100ft. Mr. Lippmann did state that since the septic is raised it does need to be 100 ft. from the wetlands.

Mr. Ferraro stated that this is not an isolated wetland and it is part of the Dwass Kill watershed, so there are some environmental issues that he feels needs to be addressed possibly by using a filtration system. Mr. Ferraro asked why the parking was in the front of the building. Mr. Hitchcock stated that it is due to keep from lights shining on the neighbor's property. Mr. Ferraro suggested moving the parking from the north to the south and/or using plantings to hide the parking.

Mr. Ferraro asked why there are so much topography changes in the application. Mr. Hitchcock stated that it is assumed to be high water and if the builders intend to put in a basement, which is not yet decided. Mr. Hitchcock stated the grading should not impact the wetlands.

Mr. Ophardt asked for the width of the driveway. Mr. Hitchcock stated that it is 24 ft. wide. Mr. Ophardt suggested cutting down on the width as it seems wide and does not fit in the area.

Mr. Ferraro asked why there is an existing well on the property. Mr. Hitchcock stated that there was a previous proposal to subdivide the property and he believes it may be from that.

Mr. Ferraro asked the applicant to put in an easement for possible future trails.

New Business:

2020-002 DeForest Horse Barn – Site Plan

Applicant proposes to construct a 60'X160' (9,600 sf) Horse Barn and a 80'x200' (16,000 sf) indoor riding stable on a lot located at 753 Grooms Road. The existing lot consists of grass fields, wetlands and a cellular communications tower. Also, a portion of the lot has been previously approved for a 10,344.360 kW DC STC Rated Solar array, 753/765 (solar) Grooms Rd, Zoned: R-1, Status: PB Concept Review SBL: 276.-2-30.1

To be reviewed by: MJE

Consultant: ABD

Applicant: Sara DeForest

Consultant/Applicant Presentation:

John Hitchcock – ABD Engineers – Mr. Hitchcock stated that the applicant is proposing an 80x200 ft. riding stable and a 60x180 horse barn, wash bay/hay storage building with restrooms this building will have a raised septic and well. Mr. Hitchcock also stated that there will be trees around the solar panel farm and they will work with the solar panel company to adjust the tree line to enable a roadway for horse trailers.

Staff Comments:

Steve Myers, Director of Building and Development issued a memo dated 1/16/2020 stating:

- Proposal is to construct a horse barn and a separate riding stable in a R-1 zone. Per Section 208-85, Planning Board review is required.
- 753 Grooms Road is 127 acres so 10 acre minimum is met. Proposed structure is 50' from lot line is required.
- Note: a large solar farm is currently under construction on the same parcel and access road to the solar farm and existing cell tower is the proposed entrance to the riding stable. The parcel owned by Duane Lindsay is 753 Grooms; the solar farm is 765 Grooms. The riding stable is also listed as 753 Grooms but beyond the solar farm entrance. The house in front of the riding stable is 771 Grooms. Possible confusion in 911 addressing may need to be looked at.

Mr. Scavo had requested clarification from the Chief Zoning Officer on his second comment regarding the setback since it is contradictory to the ECC's comment. He is waiting for clarification, but stated he believes that it is not treated as a front setback since that portion of the project lot lies behind an existing parcel. .

The Environmental Conservation Commission held a meeting on 1/21/2020 and issued a memo recommending:

1. The ECC recommends that the Planning Department review the standards for accessory buildings. It appears that no detached barn or other accessory should be placed closer to a front property line than 80 feet. The plans show the building to be 50 feet from the front property line.
2. The setback requirements referenced on the plans appear to be incorrect.
3. Per Town Code 208-85(B) In passing upon any application for a stable or riding academy, the Planning Board shall consider the drainage, percolation, and topography, of the proposed site and its proximity to public or private water supplies. The ECC notes that there is an existing and a proposed well site within close proximity to the proposed stables and riding facility. The plans do not indicate if the proposed well is for human consumption.

Roy Casper of the Trails Subcommittee submitted the following comments for the Planning Board to consider in its decision making:

- A 15 ft. ROW/Trail Easement should be provided on the property boundary line along Grooms Rd. for a future multi-use path and utility realignment.
- Note: The Town of Clifton Park Trails Concept Plan proposes a future multi-use path along Grooms Rd. where this property is located. See the attached Trails Concept Plan.

John Scavo, Director of Planning issued a letter dated 1/24/2020 with recommendations he made:

1. Pursuant to §208-10B.(1)(a)[1] Residential District (R-1) – Permitted Uses - Keeping livestock or poultry, such as hogs, cows, horses, goats or chickens is allowed on parcels greater than five acres.
2. The use, while permitted, is subject to Planning Board Site Plan approval in accordance with §208-85 titled, Stables & Riding Academies within the Town Code (a copy of this section was given to the Board and applicant for consideration for review of the site plan).
3. Based on the parcel size of 127 acres, the applicant can accommodate a maximum of 63 horses per the Town Code.

4. Pursuant to the Town Code, any outdoor lighting to include exterior wall mounted lighting against the barn, is required to be directed downward and not directly illuminate any adjoining property, nor shall any beam of light cross the property line.
5. The Planning Board and applicant should discuss the applicability for the following code requirement since the adjacent property owner residing in the existing home south of the barn is also the applicant:

Unless specifically decided otherwise by the Planning Board, screening shall be required between such use and any other nonagricultural use.

6. It appears the existing well for 771 Grooms Road is more than 100' from the proposed Raised Septic System and Horse Barn Restroom & Wash Bays.
7. A detail for the striping and signage for the accessible parking space and access isle should be added to the site plan.
8. The applicant is responsible for ensuring the necessary permission, if any is required, from Borrego Solar to relocate the location of blue spruce plantings. The Planning Board can modify the planting locations based on this site plan but does not have the authority to supersede any other agreements outside of the site plan approval that the property owner may have with Borrego Solar.

Professional Comments:

Walter Lippmann, P.E. of MJ Engineering in a letter dated 1/24/2020 had the following comments:
State Environmental Quality Review

1. Based upon our review of Part 617 of NYS Environmental Conservation Law, the project appears to be an "Unlisted" action. If the Planning Board is to request Lead Agency status under SEQRA, the need to undergo a coordinated review is optional. Under a coordinated review, involved / interested agencies to be engaged may include, but is not necessarily limited to the following: a. Saratoga County Planning: GML 239m referral due to parcel's location within the Consolidated Agricultural District #2 b. NYS Dept of Environmental Conservation: permit coverage under stormwater SPDES
2. Part I.2 – List the Saratoga County Planning Department as an additional approval being required.
3. Part I.3b – The response indicates that more than one acre of land will be disturbed. The project will require a stormwater pollution prevention plan (SWPPP) to ensure there will be no adverse impacts to adjacent or down gradient properties.
4. Part I.17 – The response indicates that the proposed action will create stormwater discharge. A stormwater analysis should be conducted to ensure there will be no adverse impacts to adjacent or down gradient properties.

Site Plans

5. The project is located within the Town's Residential 1 Districts (R-1) Conservation Zoning District. The proposal for an accessory building(s) (stables and riding academies) are a permitted use within the R-1 District as noted in Section 208-12 of the Town's Zoning.
6. In reviewing the proposed lot layout in comparison to Section 208-11 and 208-85 of the Town's Zoning, it would appear all minimum bulk lot requirements are satisfied.
7. A portion of the project as shown on the plans appears to be within the L-C boundary (landscaping/grading), should the proposed improvements reside within the L-C district, the applicant shall provide sufficient data to demonstrate that the proposed activity will not result in any of the changes noted in Section 208-69.3 of the Town's Zoning.
8. Applicant should notify the Town Planning Department regarding altering the previously approved solar array landscaping plan project #2018-045.
9. What is the proposed timing of this project relative to the solar array project?
10. Provide the turning template for an emergency vehicle to verify adequate space is provided for the turning radius around the building.
11. Identify the date and by whom the wetlands shown were delineated. Based on the date of the delineation and/or prior NYSDEC correspondence, the wetlands may require a re-delineation if expired.
12. The site contains substantial wetlands which may or may not be impacted as a result of the planned improvements. Placement of the proposed stormwater facilities will need to be closely examined considering what may be a shallow groundwater table.
13. The short environmental assessment form submitted indicates that more than one acre of land will be disturbance. As such, a stormwater pollution prevention plan (SWPPP) addressing water quality, quantity and green infrastructure is required. It is noted that the activities associated with the roadway and solar farm construction currently have a SWPPP. Confirm whether this application will be a stand along SWPPP or an amendment to the existing SWPPP. Notwithstanding, this may be considered a larger common plan of development which may dictate how this project is handled from a permit standpoint.
14. It is unclear from the submitted plans what the expected area of disturbance will be. The EAF indicates 2.27 acres, however no disturbance line is provided. Subsequent plans need to delineate the extent of land disturbances.
15. The project does not have access to a public water supply, the proposed project will be serviced by an on-lot well for drinking water. Section 507.2 of The New York Supplement to the FCNYS allows the fire code official to approve the use of NFPA 1142, in rural and suburban areas in which adequate and reliable water supply systems do not exist. The applicant shall discuss with the Town's emergency response agencies whether NFPA 1142 will be applied to the project.
16. The fire apparatus access road on the concept plan appears greater than 150 feet in length so a turn-around will be required to meet Section 503.2.5 of the IFC. Also, if the building is greater than 30 feet in height, an aerial fire apparatus access road will be required meeting the requirements of Appendix D, Section D105 of the Fire Code of New York State (FCNYS).
17. Section 503.2.1 of the IFC requires fire apparatus roads to have an unobstructed width of 20-feet. In reviewing the plans, the road around the building is 12-feet in width. This arrangement needs to be reviewed by the Fire Dept.
18. Indicate the proposed maximum building height in the event appropriate aerial fire access is required in accordance with Appendix D, Section 105 of the FCNYS.
19. The applicant proposes to service the lot with an on-site septic system. The proposed septic system shall be designed by a New York State licensed professional engineer and conform to the requirements of the New York State Department of Health (Section 208-91) for review and approval by the Town Building Department.
20. Verify location of proposed septic system including the expansion area. Confirm it meets the setbacks required of Appendix 75-A of the State Sanitary Code. It appears septic system is located upgradient from the well which would require a 200' separation.

21. Section 208-99(B) of the Town Zoning does not provide a parking space requirement for this specific use. The concept plan proposes 33 spaces, however the EAF indicates 49. Provide a narrative as to how this space count was arrived at. Efforts should be made to reduce the pavement area with the ability to bank spaces for future construction, if deemed necessary.
22. A note on the plan indicates 2 paved handicap parking stalls near the horse barn. If this is the case, they should be located closer the door to meet the shortest accessible route criteria.
23. The existing roadway drainage shall be maintained along Grooms Road. A new culvert pipe may be necessary at the improved driveway. The applicant shall coordinate with the Saratoga County Dept of Public Works regarding the extent of improvements that may be required.
24. Add a note to the Plans indicating all work within the Grooms Road right-of-way is subject to permitting by the Saratoga County Dept of Public Works.
25. It is recommended to provide additional landscaping along the southside of the proposed riding stable for the purpose of screening from adjoining properties.
26. There needs to be a determination if the proposed building construction and use will warrant automatic sprinklers as prescribed in the Building Code of New York State. This information is needed to determine whether an on-site hydrant is required to satisfy the requirements of Section 508.8 of the FCNYS.
27. Determine if a Knox Box is required based upon the building arrangements, occupancy and materials of construction. If one is required, its location is subject to the review and approval of the Fire Chief.
28. Considering the plan submitted is conceptual in nature, we will reserve further comments until more detailed plans and reports are submitted. Subsequent submissions shall include information as outlined in Section 208- 115 of the Town zoning specific to site grading, lighting, sewage disposal system, erosion control and stormwater management to fully assess the design and its compliance to the applicable standards.

Public Comments:

No public comments.

Planning Board Review:

Mr. Ferraro asked if the parking spaces include the parking for horse trailers. Mr. Hitchcock stated it does, but he will be working with the applicant to possibly bank some if deemed they are not all necessary.

Mr. Ophardt asked about the undeveloped area and if there will be any outdoor facilities for the horses. Mr. Hitchcock stated there is no plan for the undisturbed area now, but possible for future expansion.

Mr. Lalukota asked if there is a business plan for this site yet. Mr. Hitchcock stated that the applicant would have that information, he does not.

Ms. Bagramian asked the applicant if he knew the size of the trailers, such as 1 or 2 horses, and if there would be enough room for trailers to turn around. Mr. Hitchcock stated that turning templates will be generated to show the layout and submitted for review as well as a SWPPP after the conceptual review step is completed.

Ms. Bagramian stated that a paddock is missing from this proposal but she feels it is an important feature that needs to be considered, and she would like to see it in the next plan brought to the Board.

Mr. Ophardt asked how much land the applicant has and if a paddock is added how much area is available due to many different projects on the property. Mr. Hitchcock stated that the property owner has 127 acres overall, with wetlands to the north.

Ms. Bagramian asked where the stall clean out would be. Mr. Hitchcock stated the applicant would have to answer, as he does not have the answer readily available. Mr. Ferraro stated that he would like to see how animal waste will be controlled as there are surrounding wetlands and a well on site.

Mr. Beach asked why the applicant decided to make the layout as presented, and is the applicant willing to rearrange due to fire concerns and parking arrangements. Mr. Hitchcock stated he can bring the suggestion back to the applicant.

Mr. Beach asked where the closest hydrant is to the property. Mr. Lippmann stated that water supply stops at Wishing Well and runs down that road but not any farther towards the proposal. Mr. Beach stated he has concerns on how water will be available in case of an emergency and safety concerns with that.

Mr. Ferraro asked what the proposed well is intended to be used for. Mr. Hitchcock stated it would be used for bathing horses, cleaning the facilities, and for bathrooms. If water is needed for drinking it may be able to be brought in. Mr. Ferraro stated that health safety is a concern for the people at the barn but also at the home on the adjoining property.

Mr. Ferraro stated that the 15 ft. right of way seems it is a bit much. Mr. Hitchcock stated that the applicant is not the property owner so a discussion will have to take place.

Discussion Items:

Mr. Ferraro stated that the noise study for the Boni Subdivision application has been sent out via email for review before the next meeting.

Mr. Ophardt moved, seconded by Mr. Szczesny, adjournment of the meeting at 8:05 p.m. The motion was unanimously carried.

The next meeting of the Planning Board will be held as scheduled on February 11th, 2020.

Respectfully submitted,

Paula Cooper

Paula Cooper, Secretary

