

Town of Clifton Park Planning Board
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PLANNING BOARD

ROCCO FERRARO
Chairman

ANTHONY MORELLI
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Emad Andarawis
Eric Ophardt
Jason Beach
Andrew Neubauer
Denise Bagramian
Greg Szczesny

(alternate) Ram Lalukota

Planning Board Minutes
February 25th, 2020

Those present at the February 25th, 2020 Planning Board meeting were:

Planning Board: R. Ferraro, Chairman, E. Andarawis, J. Beach, E. Ophardt, G. Szczesny
R. Lalukota – Alternate Member

Those absent were: D. Bagramian, A. Neubauer

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.

Mr. Ferraro announced that the Public Hearing for the Synergy Phase 2 Subdivision and the old business for the Synergy Phase 2 Site Plan have been removed from the agenda per the applicant's request.

Minutes Approval:

Mr. Szczesny moved, seconded by Mr. Beach, approval of the minutes of the February 11th, 2020 Planning Board meeting as written. The motion was unanimously carried.

Public Hearings:**2020-010 Stewart's Shops 1740 Route 9 - Subdivision**

Applicant proposes subdividing 1.48 acres from a parcel which currently contains the Residence Inn by Marriott and upon subdivision and Site Plan Approval will construct a new 3,696 square foot store and self-serve canopy, 1740 Rt 9, Zoned: B-4A, Status: PB Prelim Review-Poss.

Determination SBL: 272.1-1-14

To be reviewed by: MJE Consultant: Applicant: Stewart's Shops

Last Seen on: 1-14-20

Old Business:**2019-047 Stewart's Shops 1740 Route 9 - Site Plan**

Applicant proposes subdividing 1.48 acres from a parcel which currently contains the Residence Inn by Marriott and upon subdivision and Site Plan Approval will construct a new 3,696 square foot store and self-serve canopy, 1740 Rt 9, Zoned: B-4A, Status: PB Prelim Review-Poss. Determination SBL: 272.1-1-14

To be reviewed by: MJE Consultant: Applicant: Stewart's Shops

Seen on: 1-14-20

Last

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, second by Mr. Szczesny, to establish the Planning Board as Lead Agency for this application, an unlisted action, and to issue a negative declaration pursuant to SEQRA.

Mr. Ferraro, Chairman, called the public hearing to order at 7:05p.m. The Secretary read the public notice as published in the Daily Gazette on February 15th, 2020.

Consultant/Applicant Presentation:

Marcus Andrews – Stewart’s Shops – Mr. Andrews stated that the proposal is to subdivide 1.488 acres for a new Stewart’s Shops and to build a 36x 96 square foot building with a 4 gas fueling island canopy, and 1 low flow diesel station. Mr. Andrews stated that the landscaping has been modified based on recommendations and feedback from the Board and town staff. The applicant is proposing 24 parking spots, of which 19 are required; the applicant also stated that there will be 5 spots shared for hotel parking, which was a part of the agreement with the hotel. The max parking will be 24 spots; however there are banked parking for overflow should it be needed in the future. Mr. Andrews stated the SWPPP will incorporate the hotel and the Stewart’s Shop per OSPA; the lighting for parking will be down directed, utilizing the existing lighting from the hotel, making modifications to utilize LED double heads to service both lots. The applicant stated that the access road to Stewarts’ Shops and hotel will be shared and there is a pending maintenance agreement between both entities. Mr. Andrews stated that the application should not generate any more traffic; no additional study has been done.

Mr. Ferraro asked about people making left hand turns in and out of the property. Mr. Andrews stated that the focus of this application is to seek traffic traveling south on Route 9, not necessarily north bound traffic. He stated there is a center turning lane but he does not feel it will generate any more traffic.

Staff Comments:

Steve Myers, Director of Building and Development issued a memo dated 2/18/20 stating:

- Variances not noted
- Comments state sidewalk landings and railings have been added to plans not found.

Sheryl Reed, Chief of the Bureau of Fire Prevention:

1. Postal verification

Scott Reese, Stormwater Management Technician issued a memo dated 2/24/20 with the following comments:

1. The applicant will submit the final plans to OSPA Engineering to incorporate Stewart’s design with the existing SWPPP of the Resident Inn by Marriott. The SWPPP shall be submitted to the Town and MJ Engineering for review and approval prior to final stamping of the Subdivision and Site Plan.
2. Stewart’s shall prepare a legal document for it to share the adjacent property owner’s stormwater management system.

The Environmental Conservation Commission held a meeting on 2/18/20 and issued a memo recommending:

1. The ECC has no comments on the subdivision at this time.
2. Construction should not result in a net loss of greenspace (on this parcel). The Applicant should indicate the change, if any, in percentage of greenspace as a result of the proposed construction.
3. In keeping with the recommendations and goals of the Town Comprehensive Plan, the Applicant should retain existing vegetation to the maximum extent practical and/or the use landscaping and grading to provide visual and auditory buffering between the project and adjacent roadways or other properties, especially along the southern boundary of the project.

John Scavo, Director of Planning issued a letter dated 2/24/20 with recommendations he made:

1. The Saratoga County Planning Board issued a recommendation at their February 20th meeting that noted the proposed site plan and subdivision will have, “No Significant County-Wide or Inter-Community” impact.
2. Show the assigned 911 address on the final plat for each lot.
3. A notation should be added to the Subdivision Plan and Site Plan which states, “The proposed shared ingress-egress easement shown hereon a portion of the driveway across Lot 1740 shall be used in common by the owner of Lots 1740 & assigned 911 address of new lot. All such easement shall be in effect and binding upon the owners of said lots, their heirs, successors, and assigns and all future owners of said lots, their heirs, successors, and assigns, upon filing of this subdivision plat in the Office of the Saratoga County Clerk.
4. The ingress-egress easement should be delineated on the final plat.

Professional Comments:

Walter Lippmann, P.E. of MJ Engineering in a letter dated 2/21/20 had the following comments:

State Environmental Quality Review

1. No comments.

Subdivision

2. Provide the site statistics table on the plan. It is suggested to utilized Sheet S-2 as the subdivision plan as it shows the site statistics table, proposed site plan and setback requirements.
3. Prior to approval or filing of the subdivision plat with the Saratoga County Clerk,

the appropriate 911 emergency response numbers must be obtained for and assigned to each lot created and placed on the filed plat.

4. The final subdivision plat must be stamped by a licensed surveyor.

Site Plans

5. As noted in Comment 5 of our January 10, 2020 review the plat shall note the date and resolution approving the variance and the extent of relief granted.
6. The applicant has indicated that the Clifton Park Water Authority (CPWA) will be contacted and documentation will be provided to the Town illustrating CPWA is willing and capable of providing potable water to the project.
7. The applicant has indicated that the Saratoga County Sewer District No. 1 (SCSD) will be contacted and documentation will be provided to the Town illustrating SCSD is willing and capable of providing sewer service to the project.
8. Sheet S-2 indicates a handrail along the sidewalk from NYS Route 9 to Stewarts. Provide the handrail detail on the plans.
9. As noted in Comment 17 of our January 10, 2020 review, provide an updated to the 2012 traffic study incorporating the proposed use. Applicant shall use data from similar facilities in the area for representing trip generations since these stores are typically higher than the data provided in the ITE Manual
10. The applicant indicated that a revised SWPPP is being prepared by OSPA Engineering. Once completed the SWPPP will be reviewed and comments will be provided at that time.

Public Comments:

No comments.

There being no additional public comment, Mr. Ferraro moved, second by Mr. Ophardt, to close the public hearing. The motion was unanimously carried.

Planning Board Review:

Mr. Ophardt asked about the stormwater plan from the hotel, and how it includes the new development being proposed. Mr. Andrews stated that the stormwater already includes this

disturbance when the stormwater was originally planned for the hotel and it included an extra structure in front for a future planned restaurant pad site at that time. Mr. Andrews stated there will be a hydrodynamic system before the water from the Stewart's Shops goes into the hotel's stormwater management system for filtering due to the fueling station treated as a NYS DEC "Hot Spot."

Mr. Ophardt asked if in the rear of the building (along the southern property boundary) the applicant would be clearing the brush, leaving it, or cleaning it up. Mr. Andrews stated the brush will be left in place as a buffer to the rear of the building to Route 9. When it is time to make a final decision on the brush the applicant stated he can contact Mr. Scavo with the plans.

Mr. Andarawis stated he liked the proposal but asked if the hotel parking has ever overflowed. Mr. Andrews stated that they have before according to what they have been told and noted the hotel space includes conference room facilities.

Mr. Ferraro stated that if it is determined that banked parking spaces are needed in the future, he would like to see the banked parking spots on the south side of the lot be utilized first rather than the banked spaces to the north. He also thanked the applicant for accommodating the Planning Boards requests through the site plan review process. He noted that he would like to see any proposed changes to the sidewalk connections if it is warranted in the future due to utilizing the banked parking spaces.

Mr. Andarawis offered Resolution No. 4 of 2020, seconded by Mr. Szczesny to waive the final hearing for this application for the Unlisted Action seeking 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.

Conditions:

Should the area that is designated as banked parking be converted to parking, the first area utilized should be the four spaces in the southern part of the property followed by the three spaces to the north. The sidewalk that is located within the designated banked parking area shall be redesigned if the space is converted to parking.

Roll Call:

- D. Bagramian - Absent
- E. Andarawis - Yes
- E. Ophardt - Yes
- J. Beach - Yes

A. Neubauer - Absent

G. Szczesny - Yes

R Ferraro - Yes

R. Lalukota – Yes

Ayes: 6 (six)

Noes: 0 (zero)

The resolution is carried.

Mr. Szczesny moved, second by Mr. Lalukota, to waive the final hearing for this application for the site plan review of Stewarts' Shops, and to grant preliminary and final site plan approval conditioned upon satisfaction of all comments provided by the Planning Department, Town Designated Engineer, and all items listed in the final comment letter issued by the Planning Department.

Ayes: 6

Noes: 0

The motion is carried.

Conditions:

Should the area that is designated as banked parking be converted to parking, the first area utilized should be the four spaces in the southern part of the property followed by the three spaces to the north. The sidewalk that is located within the designated banked parking area shall be redesigned if the space is converted to parking.

Old Business:

2020-002 DeForest Horse Barn

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, 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 Prelim Review - Poss. Determination

SBL: 276.-2-30.1

To be reviewed by: MJE Consultant: ABD Applicant: Sara Deforest

Last Seen on: 1-28-20

Consultant/Applicant Presentation:

John Hitchcock – ABD Engineers – Mr. Hitchcock stated that this application is for a 9,600 sq. ft. barn for 24 horses and a 16,000 sq. ft. riding stable for the boarded horses. There will be an outdoor paddock, however there are no formal plans yet but he did indicate on the map the area it will be located. Mr. Hitchcock also noted on the map the approximate location for the proposed septic leach field. Mr. Hitchcock stated that the septic absorption field has been moved and the

plans will outline that no paddock will be placed on that area. He also pointed out the approximate location of the well to be located within the site plan. Mr. Hitchcock stated that the barns will be cleaned once per day and the outdoor paddock will be cleaned twice per day into a 30 yard dumpster on-site that will be picked up every week, more than once if needed and removed to make top soil by the company providing the dumpster, located out of the Town of Fort Edward.

Staff Comments:

Steve Myers, Director of Building and Development issued a memo dated 2/18/20 stating:

- The comments from the engineer often refer to what they believe is an exemption from the requirements of the building code since they claim the use agricultural. The Building Dept does not believe this exemption applies and the proposed use will be classified as a commercial riding academy and stable. We have interpretation from the NYSDOS confirming that. In connection with this, the fire department has no regulatory authority over this project. Accessible parking will also be required
- Roads must be able to support a 75,000 lb. vehicle (engineer certified)
- Access to within 150' of all parts of the buildings is required
- Loop road around riding stable must meet fire department turning requirements and NYS width requirements. It is expected the road width will be required to be increased.
- Road around horse barn will need extension to meet the 150' requirement
- Septic system will be reviewed separately once submitted
- Horse trailer parking at site entrance is discouraged due to the possibility of blocking access. It would be better to locate it beyond the site
- Details of paddock area should be provided including protection of leech field
- It is expected more than one bathroom will be required for the facility
- Fire sprinklers may be required in the buildings due to their size and occupancy
- A full SWPPP will be required

Sheryl Reed, Chief of the Bureau of Fire Prevention:

1. If the Indoor Stable allows public use of the building for boarding of horse, riding or lessons then the building is NOT considered to be "Agriculture" use and **not exempt** from the International Building Code and the International Fire Code requirements. The New York State Department of State has issued a code interpretation for this type of facility.
2. The Fire Department has no regulatory enforcement powers and does not review buildings for compliance with the and New York State Building and Fire Codes
3. provide adequate emergency vehicle turning radius and accessibility to the building per IFC.

4. If fire hydrants are not available then a code analysis should be done by the Engineer of record for the building design to determine what type of water supply may be required to meet code.
5. Provide code compliant turn around for emergency vehicles
6. Provide a driveway with a minimum width of 20 feet wide.
7. Specify the correct postal 911 number for the building of "767 Grooms Road."

Scott Reese, Stormwater Management Technician issued a memo dated 2/24/20 with the following comments:

1. It appears that this project is not considered an agricultural exempt use. Therefore, if the project is disturbing more than one acre, a Full SWPPP will be required for review and acceptance.

The Environmental Conservation Commission held a meeting on 2/18/20 and issued a memo recommending:

1. We recommend the applicant supply a manure management plan.
2. 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 indicate that the proposed well is for human consumption, therefore shall not be approved in the present location.
3. In keeping with the recommendations and goals of the Town Comprehensive Plan, the Applicant should retain existing vegetation to the maximum extent practical and/or the use landscaping and grading to provide visual and auditory buffering between the project and adjacent roadways or other properties. The vegetation within the wetland buffer area should not be disturbed or removed.

John Scavo, Director of Planning issued a letter dated 2/21/20 with recommendations he made:

1. The Saratoga County Planning Board noted, "The project will have no Significant County-Wide or Inter-Community Impact."
2. It is recommended that horsehair traps be installed at all wash stall drains. This will greatly reduce the potential for septic maintenance due to horse hair migrating into the septic tank.
3. It is understood that the proposed well must meet all NYS DOH and NYS Building Code Requirements. However, it is recommended the property owner locate the proposed well

to the east of the gravel access drive providing greater separation from the proposed horse barn and outdoor paddock area.

4. A detail for the striping and signage for the accessible parking space and access isle should be added to the site plan to ensure the designate spots are constructed in accordance with NYS Building Code Requirements. It is understood the applicant feels the building is exempt from the accessibility requirements of the NYS Building Code per Section 1103.2.5 as highlighted in their response letter dated February 3, 2020. However, my interpretation of such exemption is that it would limit the ability for anyone from the general public to access the facility per that section noted below:

1103.2.5 Utility Buildings

Occupancies in Group U are exempt from the requirements of this chapter **other than the following:**

1. In agricultural buildings and livestock shelters, **access is required to paved work areas and areas open to the general public.**
2. Green houses and **stables open to the public.**
3. Private garages or carports that contain required accessible parking.

Based on the size and scale of the proposed operations it is doubtful the applicant intends the facility to be used for private use only with no one from the general public allowed on the property. The applicant should clarify the intent for the general public to stable and ride horses within the proposed operations.

Professional Comments:

Walter Lippmann, P.E. of MJ Engineering in a letter dated 2/21/20 had the following comments:

State Environmental Quality Review

1. Part I.3 of the EAF should be revised to reflect the limits of disturbance.

Site Plans

2. The limits of disturbance line shown on the drawings should be revised to include the extents of the grading limits, septic system area, well and landscaping area.

3. 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.
4. Pursuant to the NYSDOH Part 5, Subpart 5-1 Standards for Water Wells – Appendix 5B, Table 1, the required minimum separation distance to protect water wells from storage areas of manure piles is 200 feet. However, water wells may be located 100 feet from temporary (30 days or less) manure piles/staging areas that are controlled to preclude contamination of surface or groundwater or 100 feet from otherwise managed manure piles that are controlled pursuant to regulation in a manner that prevents contamination of surface or groundwater.
5. Regarding the barn structure, NYSDOH Part 5, Subpart 5-1 Standards for Water Wells – Appendix 5B, Table 1 also includes “Barnyard, silo, barn gutters and animal pens” that may apply in this situation. The minimum standard distance is 100 ft to the well. Footnotes 1, 5 and 6 apply. Footnote 1 requires 50% increased separation distance if water enters the well at less than 50 ft. below grade. Footnote 5 would require 200 ft minimum if coarse gravel soil and/or direct drainage path toward well exists.
6. If considering land-applied manure, spread over karst geology travel significant distances and can impact both private and public wells. If the site contains karst, coarse gravel or rapidly percolating soils, regardless of code minimums, try to maximize separation distances between water sources and manure sources and while paying attention to topography as it relates to surface flow and up vs. downgradient. It would appear the proposed well is downgradient from the potential open/grazing areas.
7. Provide narrative for the operation of the manure storage container (hauled away, composting, etc.).
8. Is an outdoor grazing/paddock area being proposed? It appears the available space is limited to approximately 4 acres due to wetlands and the solar array project.
9. It appears a portion of the landscaping as shown on the plans is within the L-C boundary/NYSDEC 100’ buffer, 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 and provide the Town with permitting correspondence from NYSDEC.
10. The Town’s Building Department is considering the proposed stable as an A-3 occupancy; therefore Chapter 11 Accessibility of the NYS Building Code will be applicable to this project.
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. This arrangement needs to be reviewed by the Fire Dept.

Public Comments:

Scott Callender – 313 Miller Road – Mr. Callender stated that before this proposal was brought to the board, the first solar proposal that was approved was to have dense buffering from his home to the solar array which his home backs up to. Now with this new proposal, Mr. Callender stated that most of the buffering is not going to exist any longer, and the plans have changed due to this new proposal. Mr. Callender asked if the applicant can put the same buffer along his homes property line that the applicant has along her own. Mr. Callender also stated that the solar array buffer has been cut right to the property line with his property. Mr. Ferraro stated that this seems to be an issue with a different project and this proposal is for the horse barn and riding facility, even though it is on the same property. Mr. Ferraro also stated the plans for the solar array have not changed due to this proposal. Mr. Scavo stated that he does believe that the buffer is 30 feet from the property line but would check the approved plan since it was not what he was prepared to review this evening as part of the discussions for the current site plan application.

Mary Garrison – 335 Miller Road – Ms. Garrison stated that she was also not notified of any tree removals and she pulled up the site plans on her phone to show Mr. Ferraro and Mr. Scavo. Mr. Scavo stated that there is no requirement for the applicant to state when tree removal and construction will be done once a building permit is obtained. Mr. Scavo also stated that at the time of preliminary hearings at the Town Planning Board notification to 500 feet is required, but not for conceptual review in a response to Mr. Callender who questioned why he hadn't received a 500' notification for the current site plan application.

Mr. Scavo stated a formal complaint needs to be filed with the town building department if the property owners are attesting that the work done to date is beyond the scope of the approved site plan and then the issue would be looked into by the town. Mr. Scavo pulled up the plans and found that there is no buffer indication on the solar array property; the entire buffer is existing mature vegetation on Mr. Callender's property. Mr. Ferraro asked if Mr. Scavo could sit down with the applicant to see if something could be done. Mr. Scavo stated he can ask but the town cannot require them to provide an extra buffer.

Planning Board Review:

Mr. Ophardt stated that he has concerns with the fire code comments and what is shown at the meeting may need to be adjusted. Mr. Hitchcock stated that the T turnaround is within code and is a recommendation, and that an expansion of 20 feet may need to be done, also the trailer

parking is a recommendation, and Mr. Hitchcock felt the 30 ft. wide lane with 50 ft. of parking is enough room.

Mr. Ophardt asked if this barn is a private or public facility. Mr. Hitchcock stated that this is a private facility, boarders are the only ones allowed on the private property. Mr. Ferraro asked who will be riding the horses, Mr. Hitchcock said the boarders. Mr. Ferraro stated the boarders are outside people. Mr. Ophardt asked if plans to have shows open to the public in the riding arena as previously mentioned is still a possibility. Mr. Hitchcock stated the applicant is not opening it up to shows; this property will only be open to the boarders of the horses, there will be 24 horses, but not all the boarders will be at the barn or riding stable at once, however if handicapped parking is required the applicant will construct the spaces.

Mr. Ophardt asked if the applicant thinks that a 30 yard roll off being emptied once per week would be enough. Mr. Hitchcock stated that he feels it is adequate and if it needs to be emptied more the dumpster company can come more often. Sara DeForest (applicant) stated that she currently has 21 horses in an area being cleaned on another site using a 30 yard dumpster, and it is currently being emptied every 2 weeks with no issues of overflow.

Mr. Ophardt asked Mr. Scavo if creating a horse barn near a residential use would be considered creating a nuisance. Mr. Scavo stated that it is his understanding the use is protected as agriculture and therefore not defined as a nuisance.

Mr. Ophardt asked how many acres are for the paddock area and if it is enough for 24 horses. Mr. Hitchcock stated it is about 3 acres of already cleared land, and he does not know of any restrictions on the paddock. Mr. Ophardt also stated he would like to see Steve Meyers comments addressed before he is willing to approve this application.

Mr. Ferraro stated that he needs to see the details and improvements discussed this evening more clearly defined on the map so that way it is seen where the manure will be, as there will be a well on site, which is a concern, and he is hesitant to act based on the lack of detail within the current site plan. Mr. Ferraro would like to see the manure management plan in writing and attached to the plan.

Mr. Szczesny seconds Mr. Ferraro's comments also asking the applicant to find a ruling on the fire code, stormwater management requirements, and whether the proposal will be considered agricultural or business use as some of the horses are "renting" the barn space with another portion of the horses owned by the applicant.

Mr. Andarawis brought up the question that if approving this application would impact the previously approved application for the solar array r. Mr. Scavo stated that the buffering would not change the previously approved buffer area. He then asked if the new buffer for this site would change the view from the roadside and if this would be ok with the board.

Ms. DeForest stated that she spoke to the fire department and they agreed to the layout and stated the plans could go to the Board; the applicant states that she has an email stating so. She also stated that the amount of manure being removed from the property for this proposal is less than what they would have spread for manure fertilizer on an annual crop farming basis.

Mr. Ferraro moved to take no action until the classification of a business vs. agricultural use is determined, the paddock area is clearly defined, the specific well locations are identified and in conformance with the code requirements, the comments of the fire code in Steve Myers letter are addressed, and the SWPPP including a manure management plan is prepared. All members in attendance agreed.

New Business:

2020-009 GR Lewis Construction, Co 6 Lot Subdivision

Applicant proposes subdividing a 26.08 acre parcel into 6 single family home residential lots with private septic and public sewer. The property is zoned R-3 agricultural/residential and all lots meet or exceed the zoning requirements. The lots range in size from 2.3 acres to 9.25 acres, Vischer Ferry Rd, Zoned: R-3, Status: PB Concept Review

SBL: 283.-1-1.2

To be reviewed by: MJE

Consultant: Lansing

Applicant: Rod Lewis

Consultant/Applicant Presentation:

Jason Dell – Lansing Engineering – Mr. Dell stated that this proposal is along the intersection of Vischer Ferry Road and Englemore Road. The parcel is a vacant wooded parcel with brush and sandy soil areas as well, with most of the ground being made up of gravel and sand. Mr. Dell stated that the proposal is to subdivide the lot into 6 parcels with the lot sizes ranging from 2.3 acres to 9.25 acres for a single family home on each parcel. He stated that 4 lots will have access on Vischer Ferry Road, and 2 parcels will have access on Englemore Road. Municipal water will be brought to the homes from across the street on Englemore Road, which has been approved in concept by CPWA. He noted, when approved by the Planning Board the CPWA will require the final subdivision plans to complete their approval process. Septic systems will be on each of the proposed lots. Mr. Dell stated that there will be more than 1 acre of disturbance but less than 5 acres, so a basic SWPPP will be completed. Mr. Dell will review the comments as the project moves forward. Mr. Dell stated that lot 6 will be modified to increase in size so the project will not meet the NYS Realty Subdivision thresholds.

Staff Comments:

Steve Myers, Director of Building and Development issued a memo dated 2/18/20 stating:

- Property is zoned R-3. All bulk requirements appear to be met
- Private septic and wells are proposed for the parcels which requires 100,000 sf minimum
- It is difficult to believe that single family homes on this parcel are viable considering occupants of the neighboring parcels. Significant notes identifying these neighbors should be added.
- A full SWPPP will be required

Mr. Scavo stated that the neighboring parcels are within the Gun Club range and the Transfer Station. Mr. Scavo also stated that a basic SWPPP needs to be done not a full SWPPP.

Sheryl Reed, Chief of the Bureau of Fire Prevention:

1. Provide postal verification.

Scott Reese, Stormwater Management Technician issued a memo dated 2/24/20 with the following comments:

1. The project is proposed to disturb less than 5 acres. Therefore, a Basic SWPPP with Erosion and Sediment Controls will be required.
2. Since the area of disturbance includes the area of the borrow pit, include in the Basic SWPPP on how the restoration of the disturbed area will be done and stabilized.

The Environmental Conservation Commission held a meeting on 2/18/20 and issued a memo recommending:

1. The ECC recommends that the Planning Board as lead agency should consider that the site has archeological sensitive area and contains species or associated habitats listed by the State and / or Federal Agencies as endangered and therefore should consider any necessary mitigations.

John Scavo, Director of Planning issued a letter dated 2/21/20 with recommendations he made:

1. The Saratoga County Planning Board noted, "The project will have no Significant County-Wide or Inter-Community Impact."
2. Gary Meier, Saratoga Co. Public Works - recommended the applicant show the site distances available from each proposed driveway location along Grooms Road and Vischer Ferry Road. Mr. Meier also noted that prior to construction which includes any tree cutting, clearing and grading activities, a permit is required to be obtained from the Saratoga Co. Public Works Department for work proposed within the County ROW which includes proposed driveways and utility connections.
3. The project appears to meet the NYS DOH definition for a realty subdivision

which would make the proposed project a Type I Action pursuant to SEQR. The criteria used to make that determination is known as the "5, 5, 3 Rule". The criteria basically states, "The sale, rental or offer for sale or lease of any tract of land, under one ownership or common scheme, which has been subdivided into five (5) or more residential lots, designated by metes and bounds, each comprising of five (5) acres or less within any three (3) year period." Therefore, a Long Environmental Assessment Form (LEAF) - Part I should be provided, the Planning Board should declare lead agency status for SEQR review, and lead agency coordination letters will be sent on behalf of the Planning Board by Town Staff once the LEAF is received and accepted as accurate.

4. A note should be added to the plan that states, "Property owners shall be aware that the proposed lots are adjacent to an active refuse transfer station and mulching operations. Property owners may experience noise, odors, and vibrations and vehicle traffic commonly associated with the operations of such industrial facilities."
5. Additional comments to follow based on subsequent review of detailed preliminary plan drawings.

Professional Comments:

Walter Lippmann, P.E. of MJ Engineering in a letter dated 2/21/20 had the following comments:

State Environmental Quality Review

1. Based upon a review of the proposal, it is considered a realty subdivision under Environmental Conservation Law (ECL) Part 74. In accordance with 10 NYCRR Part 97 in the NYSDOH regulation implementing SEQRA (Article 8 of the ECL), Section 97.14(b)(2)(ii) requires that a realty subdivision be classified as a Type I action.
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 taking of additional water, public water supply plan approval.
 - b. Saratoga County Planning – 239n referral due to the project's proximity to Vischer Ferry Road (County Route 90).

- c. NYS Dept of Health – realty subdivision approval and public water supply plan approval.
- d. NYS Dept of Environmental Conservation – permit coverage under stormwater SPDES
- e. NYS Office of Parks, Recreation and Historic Preservation – identification of cultural or historic resources.

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

- 3. A Type 1 Action requires that a Full Environmental Assessment Form (FEAF) be completed. The applicant will need to provide a FEAF with the next submission.
- 4. Part I. 12b – The response indicates that the action is located within an archeologically sensitive area. The applicant should provide confirmation from the NYS Office of Parks, Recreation and Historic Preservation that the action is not within or adjacent to an area designated as sensitive for archeological site.
- 5. Part I. 13a – The applicant indicated that there are no state or federally regulated wetlands in or adjacent to the project area. This response is inconsistent with a review of the DEC Environmental Assessment Form (EAF) Mapper, located at www.dec.ny.gov/eafmapper/. The applicant should change the answer to “yes” and provide documentation to confirm the presence or absence of state or federally regulated wetlands on or adjacent to the project site.
- 6. Part I. 15 – The applicant indicated that the site of the proposed action contains species of animals or associated habitats listed by the State of Federal government as threatened or endangered. This answer is inconsistent with a review of the of the DEC Environmental Assessment Form (EAF) Mapper, located at www.dec.ny.gov/eafmapper/. The applicant should change the answer to “no” for the next submission.

No additional comments at this time.

Site Plans

- 7. The project is located within the Town’s Agricultural/Residential 3 District (R-3). The proposal for single family dwellings is a permitted use within the R-3 District as noted in Section 208-8(B)(2) of the Town’s Zoning.
- 8. Update the site statistics table to account for the special setback requirements from Vischer Ferry Road as defined in Section 208.98 of the Town's Zoning.

9. In reviewing the proposed lot configuration, the created lots appear to be deficient in regard to meeting the minimum standard requirements outlined in Section 208-11 of the Town's Zoning. The noted deficiencies are as follows:
 - a. The minimum width of all lots at the front building line along those streets listed in § 208-98 (Vischer Ferry Road) shall be 200 feet in all residential districts.
10. The project proposes to service each new lot with public water from the Clifton Park Water Authority via extending a new public water main along Vischer Ferry Road. 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 subdivision application should be conditioned upon receipt of plan approval from the CPWA.
11. The extension of public water mains to the project is subject to NYSDOH plan approval and potentially the NYSDEC for the taking of additional water. As part of the project's regulatory review, the applicant will have to apply for the referenced plan approvals. Any action on the subdivision application should be conditioned upon receipt of plan approval from the NYSDOH and/or NYSDEC for the additional taking of water.
12. 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.
13. Confirm the design parameters in determining the required absorption lateral length pursuant to the NYSDOH Residential Onsite Wastewater Treatment Systems Design Handbook and Appendix 75A-Wastewater Treatment Standards - Residential Onsite Systems.
14. The project will disturb more than 1-acre of land. As such, it will be subject to the NYSDEC Phase II Stormwater Regulations and General Permit GP-0-20-001. It is noted that the project is a residential subdivision with between 1 and 5 acres of disturbance. Pursuant to GP 0-20-001, Table 1 if the project has less than 25% impervious cover at total site building-out, a SWPPP that addresses erosion and sediment control only is required.
15. Pursuant to Section 86-10 of the Town Zoning, the applicant shall be required to plant two trees per living unit on the street side of new construction sites. Provide planned species to be planted for review.
16. Any new access proposed onto Vischer Ferry Road (County Route 90) is subject to the review and approval of Saratoga County Dept. of Public Works.

17. Provide information on the plans to indicate how potential sump pump laterals may be positioned which shall be in conformance with Section 86-7(A)(6) of the Town Code.
18. Provide notation on the plan as follows:
 - b. No Utilities shall be installed beneath the proposed driveways.
 - c. Any work required within the State or Town right-of-way shall be subject to any permitting from the NYSDOT and Clifton Park Highway Department (driveway, culvert, water service, sewer).
19. The final subdivision plat must be stamped by a licensed surveyor.
20. Prior to approval or filing of the subdivision plat with the Saratoga County Clerk, the appropriate 911 emergency response numbers must be obtained for and assigned to each lot created and placed on the filed plat.
21. Considering this plan is conceptual in nature, subsequent comments will be provided with a preliminary plan submission.

Public Comments:

Anthony LaFleche – 21 Wheeler Drive – Mr. LaFleche asked how far back the homes will sit from the roadways. Mr. Dell stated that as of now this is conceptual in nature and that the home locations may change and move forward to the front setback line. Mr. LaFleche asked if there are any parts of any of the lots that are unbuildable. Mr. Dell stated there are no restrictions except to be able to keep the homes above the septic systems and possibly keep the homes away from the gun club and the transfer station. Mr. LaFleche asked the applicant if the lots would be sold or if homes would be built on them before sale. Mr. Dell stated that it is up to the applicant and is subject to the approval of the building department. Mr. Ferraro stated that the disturbance for all the lots would need to be less than 5 acres or a full SWPPP would need to be done and this includes the driveways. Mr. Dell stated that the existing sand pit has been added to the disturbance area and the applicant is being cautious and honest to avoid any questioning on previous unaccounted disturbance.

Mr. Ophardt asked if for access management, the applicant would consider a cul-de-sac layout. Mr. Dell stated that separate lots with separate driveways are what his client would like to seek approval for, as the driveways are 100+ feet away from each other and it would be more cost effectiveness than building a roadway resulting in higher infrastructure costs. Mr. Szczesny stated that if there was a cul-de-sac, would it be private and a shared responsibility of the homeowners or would it be donated to the town as a public roadway?

Mr. LaFleche asked about the sloping of Englemore to Vischer Ferry Road and if the lands levels out at the corner for visual impacts, will the driveways be seen from the roadway. Mr. Dell stated

that the road flattens at the corner. Mr. LaFleche asked about a possible trail easement for a bike trail. Mr. Scavo stated that he can check, but Mr. Scavo would rather get park land fees collected from this project that can be used for such public benefit in the future.

Ken Bouniak – previous resident of Hidden Crest Development– Mr. Bouniak stated that he has lived on Hidden Crest for 14 years and that they have just recently sold their home to be able to possibly purchase one of these lots. Mr. Bouniak stated he has never had or heard of from neighbors any complaints about the gun club or the transfer station since prior mulching operation issues had been corrected. Mr. Bouniak also stated that if the applicant were to change the layout of the lots to a cul-de-sac he would no longer be interested in buying one of the properties since he preferred the natural buffers and private driveway access.

Planning Board Review:

Mr. Ophardt stated that he feels that one roadway entering a highway is safer than 4 driveways and asked how it was decided. Mr. Dell stated that 700 ft. of road for 6 lots would need drainage, a full SWPPP and a stormwater management plan in addition to adding a cul-de-sac to the Town's maintenance responsibilities. Mr. Dell also stated such improvement would require significantly more clearing and grading pushing the homes closer to both the transfer station and gun club. Mr. Lansing noted that the cost for public roadway infrastructure is approximately \$700 per linear foot.

Mr. Lalukota asked how much disturbance it would be for a cul-de-sac versus single driveways. Mr. Dell stated they will evaluate the impacts and bring back the findings.

Mr. Beach stated he would be ok with a cul-de-sac layout, but is not sure how it will fit in the land that is there. Mr. Andarawis stated he does not like the cul-de-sac idea and feels it does not fit in the area. Mr. Lalukota stated he likes the current layout since it is only 6 lots.

Mr. Ferraro stated that he is comfortable with the current design but wouldn't mind seeing the cul-de-sac layout to compare. Mr. Ferraro stated he would like to see more information on the impact of wetlands, archeological sites, and the endangered species habitat. Mr. Dell stated he can get all of those items addressed for their next submittal.

Mr. Szczesny stated that he would like the wetland impact and habitat issues evaluated based on the proposed lot lines and septic placement in relation to such features. Mr. Dell stated that all of this was taken into consideration when proposing the lot lines.

New Business:**2020-011 & 2020-012 Appleton Road Solar Array Site Plan & SUP**

Applicant proposes construction of a 5.0 MW AC ground-mounted solar energy generating facility. The facility will cover approximately 27.7 acres and be surrounded by a 7' fence and an associated road will cover an additional 1.42 acres, 94 Appleton Rd, Zoned: CR, Status: PB Concept Review SBL: 270.-1-50.1

To be reviewed by: MJE Consultant: Borrego Solar Applicant: Jeanne Lindsey

Consultant/Applicant Presentation:

Lindsay McIntyre and Greg Gibbons – Borrego Solar – Ms. McIntyre stated that the project is to construct a solar array with the power generated for community use. The site was selected because of the natural screening of the property. Mr. Gibbons stated that there are significant wetlands present and the applicant has applied for a jurisdictional determination from both NYS DEC and ACOE.. Mr. Gibbons stated the site has been walked with DEC and they are conceptually ok with the proposal and the proposed roadway. Also, the Army Corps of Engineers is agreeable with the delineation on the concept plan for this project. Mr. Gibbons stated that there will be a high voltage line in the rear of the property but no visible poles from the roadside on Appleton Road, only one pole will be on Appleton Road and visible. He stated that the access roadway would be made of crushed stone with the 75,000lb fire vehicle weight will be met. The surface will be pervious stone and runoff is being accounted for. Mr. Gibbon stated stormwater management will be accounted for in the SWPPP when completed. Mr. Gibbons stated that there will be screening from the north and south side of the property and the closest house to the project is approximately 800 feet away from the shared property boundary. Mr. Gibbons showed the board some pictures of the property with existing screening, which he stated was significant, and where the existing home that is closest to the project is located. He also stated that the screening is both on the project property and the adjacent property as well. Mr. Gibbons stated they have seen the staff comments and does not see any issues with addressing the comments given.

Staff Comments:**Steve Myers, Director of Building and Development issued a memo dated 2/18/20 stating:**

- Proposed ground mounted solar array in the CR zone requires SUP approval from planning
- Significant wetlands exist on parcel and are proposed to be accessed. Appropriate permits will be required
- Panel placement is shown within the wetland LC zone

- Length of access road will require special approval from the Building Dept. Road will be required to be a minimum of 26' wide, able to support a 75,000 lb. vehicle and have pull offs as required.
- A full SWPPP will be required

Sheryl Reed, Chief of the Bureau of Fire Prevention:

1. Postal verification

Scott Reese, Stormwater Management Technician issued a memo dated 2/24/20 with the following comments:

1. The project will create 1.45 acres of impervious surface and will require a FULL SWPPP to be prepared for future submittals.

The Environmental Conservation Commission held a meeting on 2/18/20 and issued a memo recommending:

1. In keeping with the rural nature of the project area and the recommendations of the Town Comprehensive Plan, the Applicant should retain existing vegetation to the maximum extent practical and use landscaping and grading to provide visual and auditory buffering between the project and roadway and residential areas.
2. The fencing shall allow wildlife (small mammal) passage.
3. The ECC notes that the Vischer Ferry Bird Conservation area is within close proximity to the project. It is also an Audubon Important Bird Area. Numerous bird species and "at risk" bird species use this area. As lead agency, the Planning Board should consider any adverse impacts that this project will have on this important environmentally sensitive area.

John Scavo, Director of Planning issued a letter dated 2/21/20 with recommendations he made:

1. The Saratoga County Planning Board noted, "The project will have no Significant County-Wide or Inter-Community Impact."
2. The applicant should provide information on National Grid's receiving substation's capacity to receive energy from the proposed solar facility.
3. The applicant should confirm if the interconnection to National Grid's Transmission Lines will occur at the front of the property. Provide information on the number of poles, topography, and pre/post construction conditions for stormwater runoff in the area of the

gravel access drive adjacent to Appleton Road. The Town wants to ensure no additional runoff from the access drive and utility improvements will occur onto Appleton Road.

4. The applicant should address if there is a possibility for a utility interconnection to be made at the rear of the property where there appears to be existing overhead lines.

Additional comments will be provided once the decommissioning plan is provided. It appears the applicant has incorporated specific design details required by Clifton Park for previous Community Solar Projects which include a 6" wildlife habitat gap along the fence line and wildflower seed mix for coverage under the proposed panel.

Professional Comments:

Walter Lippmann, P.E. of MJ Engineering in a letter dated 2/21/20 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 "Type 1" action pursuant to Part 617.4(b)(8).
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 taking of additional water, public water supply plan approval.
 - b. Saratoga County Planning – 239n referral due to the project's location within an agricultural district
 - c. NYS Dept of Environmental Conservation – permit coverage under stormwater SPDES, wetland crossing permit
 - d. NYS Office of Parks, Recreation and Historic Preservation – identification of cultural or historic resources.
 - e. U.S. Army Corps of Engineers – wetland crossing permit

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

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

3. Part D.1.b.b. – The response indicates that the project will physically disturb 9.47 acres of land. As such a Stormwater Pollution Prevention Plan (SWPPP) will be required.

4. Part E.2.1 – The response indicates that the site is located over a sole source aquifer. Any proposed stormwater management facilities need to consider the associated boundary conditions with sole source aquifers when placing such facilities.
5. No additional comments at this time.

Decommissioning Plan

6. No comments.

Site Plans

7. The project is located within the Town's Conservation Residential (CR) zoning district. Based upon information provided by Town staff, it is understood that the proposed use and permitted under a special use permit.
8. The Planning Board shall review the proposal following the criteria outlined in Section 208-79(E) of the Town's Zoning as it relates to the special use request.
9. The Subdivision Plan/ Site Plans shall show the extent of the L-C boundaries pursuant to Section 208-69.1 of the Town Zoning.
10. Upon the illustration of the L-C boundary on the plans, 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.
11. A meeting with the Town's emergency service and Chief Zoning Office is necessary to review the project to determine if any fire apparatus access requirements specific to the project are needed.
12. The site plans shall note the individual/firm that completed the wetland delineation and date of delineation being completed.
13. The site plans indicate a combination of tree cutting and stump removal and permanent improvements within the NYSDEC wetland and adjacent areas. The applicant shall provide the Town with all permitting associated with work within the NYSDEC wetland adjacent areas. In the event the project proposed any temporary / permanent impacts to waters of the U.S. the applicant shall also provide copies of all permits obtained from the US ACOE.
14. The existing roadway drainage shall be maintained along Appleton Road. A new culvert pipe may be necessary at the improved driveway. The applicant shall coordinate with the Town Highway Department regarding the extent of improvements that may be required.

15. Add a note to the Plans indicating all work within the Appleton Road right-of-way is subject to permitting by the Town of Clifton Park Highway Department.
16. Sheet C2.0 notes 6.89 acres of tree cutting and stumping, which is considered a permitted ground disturbance. As such, subsequent submissions shall include a SWPPP. The construction of solar arrays typically requires the preparation of a “basic” SWPPP that addresses construction phase erosion and sediment control as long as the ground surface is restored to preconstruction conditions and there is no change in the hydrology from pre to post development conditions. The project proposes substantial tree clearing with the anticipating that the ground cover will change from wooded to grass that may become overgrown. This altered ground condition may have a substantial change in the project hydrology. Further, there is an extensive access road, in and adjacent to the NYSDEC wetland buffer which in itself may need water quality and quantity controls (refer to GP-0-20-001, Appendix B, Table 2). If the SWPPP submitted is intended to be solely for construction phase erosion and sediment controls, a narrative will be necessary justifying that the conditions above have been addressed or will be met and that water quantity and quality controls are not required.
17. The plans show a gated access to the solar arrays. The Town’s emergency services may consider a Knox Box to ensure access in case there is a need to response to an event at the facility.
18. Subsequent submissions shall show how site disturbances will occur without exceeding 5-acres of ground disturbance at one time.
19. Considering this plan is conceptual in nature, subsequent comments will be provided with a preliminary plan submission.

Public Comments:

Anthony LaFleche – 21 Wheeler Drive – Mr. LaFleche asked how long from the approval until the system is up and running. Mr. Gibbon stated that it is generally 6 months to a year. Mr. LaFleche asked how many acres are to be cut down to accommodate this proposal. Mr. Gibbon stated that about 7 acres will be cleared, but no wetland clearing will be done to accommodate the solar array, the only wetland disturbance is for the access road. Some of the panels will be in the “check“ zone for the wetlands but feels they will get the approval from DEC. Mr. LaFleche then asked if the wetlands were year round. Mr. Gibbons stated that he is unsure and the DEC monitors this. Mr. LaFleche asked if the property owner lives on site. Mr. Gibbon stated there are no homes on the eastside but the property owner lives across the street. Mr. LaFleche asked who would benefit from the solar farm. Ms. McIntyre stated the community would, it would be a subscription to the farm leading to a decrease in their energy bills. Mr. LaFleche asked if the property would be worthy for consideration for a trail easement. Mr. Scavo stated that the area is farmland and there are no foreseeable trails.

Planning Board Review:

Mr. Szczesny asked if there are any impacts to migratory birds as it has been a concern in other solar projects in the past. Mr. Scavo stated he is not aware of any impact, and the land under the panels is field/meadow habitat, but he will do more research.

Mr. Ophardt asked about the issue of buffers around the property. Mr. Ferraro stated that he would like to see more of the buffer area located on the property that is being developed and not what exists on other properties being used as a buffer for the panels. Mr. Szczesny stated that possibly requiring evergreens could be more beneficial, not many but providing a few would be better. Mr. Gibbons stated that there are existing buffers provided on the property, they are not evergreens and have many vines but are dense. Mr. Scavo stated that he can see what the code can require as far as buffering and requirements and get back to the Board. Mr. Ferraro stated that a double row of spruce could work and the buffer needs to be contained on the property on the southern side and needs to be the applicants' responsibility. Mr. Gibbon stated the south side is pretty shielded and there is forest area and wetlands on other borders.

Mr. Ferraro stated that it was his understanding, that due to storage capacity issues, solar arrays in the town have been maxed out. Ms. McIntyre stated that National Grid does have more capacity and she can provide documents if the Board would like.

Mr. Andarawis asked for clarification on the headstones shown in a picture. Ms. McIntyre stated that the headstones are on the other side of the property and will not be impacted by the panels. Mr. Andarawis observed that despite the large portion of the parcel that the project is impacting, the remaining land still retains its development potential; this differs from other development in the CR zone. He also noted that large solar projects were not contemplated when the CR zone was conceived fifteen years ago.

Mr. Ferraro asked what the impact of clearing 7 acres would be and how it would impact the wetlands. Mr. Gibbon stated that there would be little impact as the plantings under the panels would be dense grass and the stormwater management that would be throughout the site would prevent the water from leaving the site.

Mr. Ophardt asked how there is no impact on the site for the LC zone. Mr. Gibbon stated there is no real impact due to the area already being cleared for farming.

Mr. Ferraro asked how the ground would be managed. Mr. Gibbon stated that the ground under the panels would be maintained 2 times per year and would be mowed whenever the grass reaches the bottom of the panels.

Mr. Ophardt asked about the 10 foot setback shown on the map, but would like clarification on what will be as the Board is asking for 25 feet. Mr. Gibbon stated that the map is showing to code and any changes will be shown on mapping moving forward. Mr. Ophardt stated that the 10 foot buffer is close to the roadway in certain locations.

Mr. Ferraro clarified that even though there is about 21 acres of farm land being eliminated, it is not considered disturbance and it meets the law requirements. Mr. Gibbon stated that is correct.

Mr. Ferraro asked the distance between the ground and the bottom of the panel. Mr. Gibbon stated 4.4' from the ground to the panel bottoms and to 9 feet between panel rows.

Discussion Items:

Mr. Scavo explained to the Planning Board that the Town Board is considering a Moratorium in relation to the western part of Clifton Park zoned Conservation Residential and how it will limit the ability of new subdivision applications to be considered. Mr. Scavo noted the Town's Western Clifton Park GEIS and Land Conservation Plan will be 15 years old on April 11, 2020 and the Town Board desires the Moratorium to consider an update to these documents.

Mr. Szczesny moved, seconded by Mr. Ophardt, adjournment of the meeting at 10:00 p.m. The motion was unanimously carried.

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

Mr. Scavo announced he will not be in attendance for the March 11th meeting.

Respectfully submitted,

Paula Cooper

Paula Cooper, Secretary