

**Town of Clifton Park Planning Board**  
**One Town Hall Plaza**  
**Clifton Park, New York 12065**  
**(518) 371-6054 FAX (518)371-1136**

PLANNING BOARD

DENISE BAGRAMIAN  
Chairwoman

ROBERT WILCOX  
Attorney

PAULA COOPER  
Secretary



MEMBERS

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

**Planning Board Minutes**  
**March 28<sup>th</sup>, 2023**

Those present at the March 24<sup>th</sup>, 2023 Planning Board meeting were:

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

Those absent were: J. Gleason

Those also present were: J. Scavo, Director of Planning  
W. Lippmann, M J Engineering and Land Surveying, P.C.  
R. Wilcox, Counsel, via Zoom conference  
P. Cooper, Secretary

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

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

**Minutes Approval:**

Mr. Martin moved, seconded by Mr. Ophardt, approval of the minutes of the February 28<sup>th</sup>, 2023 Planning Board meeting as written. The Chairwoman noted the March 14<sup>th</sup> meeting was cancelled due to inclement weather. The motion was unanimously carried.

**Public Hearings:****10 Emmons Drive In-Law Apartment (carryover from 3/14/23 cancelled meeting)**

SBL: 277.17-1-6

10 Emmons Drive In -Law Apartment SUP, 10 Emmons DR , Zoned: R1 - Residential, Status: Preliminary

Citizenserve File Number: 23-000007, Application Number: SUP23-000002

Applicant: Ramamurthy, Consultant: N/A

Last Seen On: 2/28/23

Ms. Bagramian explained the review and approval process to those present, stating that the Board was required to render a determination pursuant to SEQRA (State Environmental Quality Review Act) prior to conducting a public hearing on this application. She explained that the Planning Board would assume Lead Agency status for the project and issue a negative declaration as a “formality” which neither granted nor implied approval of the special use permit (SUP) application. Should it be determined that additional environmental review is required, SEQRA discussions will be reopened and a decision will be rendered when deemed appropriate.

Mr. Ophardt moved, second by Ms. Fariello, to establish the Planning Board as Lead Agency for this application, an Unlisted action, and to issue a negative declaration pursuant to SEQRA.

Ms. Bagramian called the public hearing to order at 7:04 pm. The Secretary read the public notice as published in the Daily Gazette on March 18<sup>th</sup>, 2023.

**Consultant/Applicant Presentation:**

Mr. Ramamurthy stated that he would like to extend his home within the setback lines to the rear, providing a living space for his aging parents. He stated that he would like a bedroom, bathroom, and a small cooking area for them.

**Staff Comments:****The Environmental Conservation Commission and issued a memo recommending:**

1. No further comments

**Wade Schoenborn, Building and Zoning issued a memo stating:**

1. NYS building compliance would be addressed with building permit

**Scott Reese, Zoning Administrator issued a memo stating:**

1. No further comments after initial SUP review.

**Scott Reese, Stormwater Management Technician issued a memo stating:**

1. No stormwater comments

**John Scavo, Director of Planning issued a memo stating:**

1. The property is just outside of 500' from the Grooms Road (County Road) Right-Of-Way. Therefore, a referral to the Saratoga Co. Planning Board is not required pursuant to GML Section 239 (m)&(n)
2. The requested In-Law Apartment meets the requirements of Section 208-7 of the Clifton Park Town Code. The criteria for an in-law apartment per Town Code under a Special Use Permit will be binding on this applicant and any future property owners.
3. If the Planning Board is comfortable with the application, a public hearing will be scheduled to consider the application with a possible final determination. The applicant has provided the proof of mailing for 500' notifications to property owners in the vicinity of the applicant's property.
4. The project appears to meet all applicable zoning requirements, therefore, I have no issues with the requested SUP and site plan as proposed.

**Professional Comments:**

No professional comments.

**Public Comments:**

No public comments.

There being no additional public comment, Ms. Fariello moved, second by Mr. Ophardt, to close the public hearing at 7:08 pm. The motion was unanimously carried.

**Planning Board Review:**

Mr. Ophardt asked if the kitchen would meet Town standards and if the Town would inspect for this. The applicant stated they would meet the code.

Mr. Andarawis asked if the intent would be to access through the main home or if there would be any outside access. Mr. Ramamurthy stated that there would be no access outside the home except for entry off the rear patio.

Mr. Martin asked if there would be any additional vehicles on the property. Mr. Ramamurthy stated that he does not expect any additional vehicles.

Mr. Martin offered Resolution No. 04 of 2023, seconded by Ms. Fariello to waive the final hearing for this application for the 10 Emmons Drive In-Law Apartment SUP approval, and to grant preliminary and final SUP 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 - Yes

E. Andarawis - Yes

E. Ophardt - Yes

H. Fariello - Yes

K. Martin – Yes

J. Gleason – Absent

M. Fantini - Yes

L. Westrick (alternate) - Yes

Ayes 7

Noes: 0

The resolution is carried.

**Old Business:**

None

**New Business:**

**Route 9 Splash Car Wash (carryover from 3/14/23 cancelled meeting)**

SBL: 266.3-3-10.1

Proposed Car Wash Facility, Us Rt 9 , Zoned: B4A - Highway Business/Restricted Retail, Status: Concept

Citizenserve File Number: 23-000012, Application Number: SPR23-000004

Applicant: James Blendell , Consultant: Verity Engineering, D.P.C. - Brian Sipperly

**Consultant/Applicant Presentation:**

Brian Sipperly – Mr. Sipperly stated that this application is for a car wash on a lot adjacent to Route 9 with no current address. He stated that the lot is located south of Farm to Market Road. Mr. Sipperly stated that there is currently 214' of frontage and an existing curb cut. He stated that the lot is located south of the Zappone Dealership and is 2.15 acres, most of which is cleared land. Mr. Sipperly stated that this is in the B4(a) zone and the topography slopes east to west towards the back of the parcel. Mr. Sipperly stated that there are pocket wetlands on the property and are isolated to the rear of the property in the tree line and they do not plan to disturb it. Mr. Sipperly stated that water, sewer, and utilities are available to be brought onto the site, and no easements are needed. Mr. Sipperly stated that there would be a single tunnel car wash with 22 vacuum stalls with parking and it would all be ADA compliant. He stated that just over one acre would be disturbed and there would be a closed drainage system for stormwater management. He stated that the car wash would average 120 car washes and they generally do not occur during peak hours. Mr. Sipperly stated that the hours of operation would generally be 8 a.m.-730 p.m. but may vary during summer vs. winter hours and the site would be staffed. He stated that lighting is proposed, which would be LED dark night compliant. He stated that they are trying to keep noise away from the offices to the south of the site and that this would be a single-phase construction over 6-8 months. Mr. Sipperly stated that they would be willing to grant trail access. Mr. Scavo stated that he feels there is enough room currently for a potential trail.

### **Staff Comments:**

#### **The Environmental Conservation Commission and issued a memo recommending:**

1. The ECC notes that a Primary and Principal Aquifers are located in the proximity of this project that is a source for town resident wells. The applicant shall determine if this car wash is defined as a hot spot per the NYSDEC stormwater guideline and treat the runoff according to their requirements.
2. Per Town Code 208-50.5 Landscaping The property margins at the sides from the front building line to the rear property line shall be planted with trees and shrubs for a width of not less than 15 feet.
3. The applicant should retain and enhance the existing vegetation to the west adjacent to the NYS Rest Area.
4. The applicant should adhere to the continuous service of sidewalks along NYS Route 9 according to the Towns Trails Master Plan.

#### **Scott Reese, Zoning Administrator issued a memo stating:**

1. This proposal for a car wash is permitted in the Highway Business / Restricted Retail District B-4A Zone per Town Code 208-50.2 B.
2. This proposal is located on New York - U.S. Route 9. Per Town Code Chapter 208-98 Special setback lines - No building or part of a building, other than steps, eaves and similar fixtures, shall extend nearer to the center line of NY Route 9 - 130 feet. This project exceeds this required setback. No further action required.

3. I am in agreement of the Planning Director's and TDE's comments of the suggested revisions to the Site Statistics data on the submitted plan.

**Scott Reese, Stormwater Management Technician issued a memo stating:**

1. When preparing the Stormwater Pollution Prevention Plan (SWPPP) for future submissions, please note the NYSDEC Stormwater Management Design Manual Section 4.11 classifies vehicle and equipment cleaning facilities as a Stormwater Hotspot.
2. The applicant shall take note that there is a history of the property adjoining to the north of this project that had flooding across NYS Route 9. Runoff from the front portion of this project and along the northern portion should be included in water quality and water quantity controls when the SWPPP is being prepared.

**The Trails and Open Space Subcommittee issued a memo stating:**

- The parcel is on route 9 and all purpose trail will be planned on east and west side of route 9.
- It is advisable 15 feet right of way be provided on Route 9 side of the parcel for proposed all purpose trail.

**John Scavo, Director of Planning issued a memo stating:**

1. Pursuant to 208-98, Special Setback Lines, a 130 front setback from the centerline of NYS Route 9 is required. It appears the requirement is met with the proposed building location.
2. Within the site statistics table, under minimum parking front setback, the requirement of 80 should be changed to reflect 30 pursuant to 208-50.3(b).
3. Within the site statistics table, under minimum parking side setback, the requirement of 30 should be modified to reflect 20(c).
4. The proposed project is subject to Section 239 of General Municipal Law and has been referred to the Saratoga Co. Planning Board for a recommendation.
5. The site plan appears to be an unlisted action pursuant to SEQRA. Therefore, a coordinated review is optional.
6. The project appears to be an Unlisted Action pursuant to the State Environmental Quality Review Act (SEQRA). Coordinated review is optional. It is recommended that the Clifton Park Zoning Board of Appeals declare lead agency status with the following entities recognized as involved agencies: NYS DOT, Clifton Park Water Authority, Saratoga Co. Sewer District, NYS DEC, Clifton Park Zoning Board of Appeals.

**Professional Comments:**

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

STATE ENVIRONMENTAL QUALITY REVIEW

Based upon our review of Part 617 of NYS Environmental Conservation Law, the project appears to be an "Unlisted" action. In Town Code Section 208.95(F)(9): Subject to and in accordance with the State Environmental Quality Review Act (SEQRA), the Planning Board

shall be the lead agency for the purpose of conducting the environmental review of the application for a site plan. The Planning Board shall conduct an integrated comprehensive environmental review of the proposed project in combination with its review of the application under this article. If the Planning Board is to request Lead Agency status under SEQRA, the need to undergo a coordinated review is optional. Under a coordinated review, involved/interested agencies to be engaged may include, but is not necessarily limited to the following

- a. Town of Clifton Park Planning Board: Plan approval
- b. Saratoga County Planning: 239-m County Referral
- c. Saratoga County Sewer District (SCSD) #1: connection to SCSD
- d. Clifton Park Water Authority (CPWA): water connection
- e. NY State Historic Preservation Office (SHPO): Correspondence with SHPO to ensure no archeologically sensitive resources on project site
- f. United States Army Corps of Engineers (USACE): correspondence regarding wetland jurisdiction
- g. NYS Dept of Environmental Conservation: Stormwater permit approval
- h. NYS Dept of Transportation: Perm 33 Highway Utility Permit, driveway access

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:

1. Part 1. 3.b. – The response indicates that the action will disturb 1.80+/- acres of land. It appears the project will be subject to the NYSDEC Phase II Stormwater Regulations and General Permit GP-0-20-001. Therefore, a full Stormwater Pollution Prevention Plan (SWPPP) will be required. As the project proceeds through the Town’s regulatory review process, a fully conforming SWPPP shall be provided for review, as indicated.
2. Part I.10: The response indicates the project will connect to an existing public water supply. It is recommended that the Town be furnished with documentation that the CPWA is willing and capable of service this project.
3. Part I.11: The response indicates that the project will connect to existing wastewater facilities. It is recommended that the Town be furnished with documentation that the SCSD No. 1 is willing and capable of servicing this project.
4. Part I.12b – The response indicates that the project site is located within or adjacent to an area designated as sensitive for archeological sites on the NY State Historic Preservation Office (SHPO) archeological site inventory. The applicant should provide a correspondence letter from SHPO to confirm the presence or absence or archeologically sensitive resources.
5. Part 1 13.a. – The response indicates that wetlands or other waterbodies regulated by federal, state or local agencies adjoin or are contained within the project site per the EAF Summary Report. The applicant should provide documentation that confirms the presence or absence of federally regulated wetlands adjacent to the project site. Should this change as the project design progresses, additional approvals and permits may be required.

6. Part I.17 – The response indicates that the proposed action will create stormwater discharge. The project will disturb more than 1-acre of land. As such, it will be subject to the NYSDEC Phase II Stormwater Regulations and General Permit GP-0-20-001. Therefore, a full SWPPP will be required that addressed water quantity and quality controls. As the project proceeds through the Town’s regulatory review process, a fully conforming SWPPP shall be provided for review.
7. General Comment: The response indicates that “A water reclamation system will be investigated and is used to reduce daily water consumption.” The Town should be furnished with this document when it is produced.
8. General Comment: The response indicates that the address is “00 US Route 9”. It is recommended that perhaps a more detailed address be provided for clarity if possible – SBL is provided.
9. No further comments at this time.

#### PROJECT NARRATIVE

10. Under Section “Drainage and Surface Water” it indicates that the project will disturb less than 1-acre and is not subject to the NYSDEC stormwater requirements, however the SEAF indicates 1.8 acres of disturbance. Revise accordingly.

#### SITE PLAN

11. The project is located within the Town’s Highway Business/Restricted Retail District (B-4A). The proposal for a car wash is a permitted principal use within the B-4A District as noted in Section 208-50.2(B) of the Town’s Zoning.
12. In reviewing the proposed site plan, it appears to be deficient in regards to meeting the minimum bulk lot requirements outlined in Section 208-50.3 of the Town’s Zoning. The noted deficiencies are as follows:
  - a. Front yards. There shall be a minimum front yard setback of 130’ feet per Section 208.98 of the Town Code. Update the site statistics table to account for this special setback requirements from NYS Route 9.
13. Revise the site statistics table minimum side setback for parking to 20 feet.
14. Revise the site statistics table minimum rear setback for parking to 30 feet.
15. The project site contains mapped wetlands according to the NWI database. These wetlands shall be delineated and shown on the site plan. A JD letter from the ACOE shall be provided to the Town.
16. The project will disturb more than 1-acre of land. As such, it will be subject to the NYSDEC Phase II Stormwater Regulations and General Permit GP-0-20-001. Therefore, a full SWPPP will be required that addressed water quantity and quality controls. As the project proceeds through the Town’s regulatory review process, a fully conforming SWPPP shall be provided for review.
17. The submitted information indicates the project is proposing to connect to an existing water main(s) within proximity to the parcel. These mains are owned and operated by the Clifton Park Water Authority (CPWA). It is recommended that the Town be furnished with documentation that the CPWA is willing and capable of providing potable water to the project.
18. The submitted information indicates the project is proposing to connect to an existing sewer main(s) within close proximity to the parcel. These mains are owned and operated



by the Saratoga County Sewer District No. 1 (SCSD). It is recommended that the Town be furnished with documentation that the SCSD is willing and capable of providing sanitary sewer service to the project.

19. The project proposes access onto NYS Route 9, which includes construction of a new curb cut and a sanitary sewer connection. This proposed work is subject to the review and approval of the NYSDOT. The applicant shall coordinate with the regional office of the NYSDOT and obtain permitting in advance of construction.
20. For the proposed angled parking, the access aisle should be located on the passenger side.
21. The following comments are relative to the site plan and its conformance to the NYS Fire Code. The Town Fire Official shall have final authority on the applicability of these comments to the proposed site layout:
  - a. 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.
  - b. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet, exclusive of shoulders.
  - c. If the proposed building is to be provided with an automatic sprinkler, show the location of the fire department connection to ensure they are reasonably accessible.
  - d. Provide a turning template analysis for the largest emergency vehicle that may respond to an event at the site.
22. 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, erosion control and stormwater management to fully assess the design and its compliance to the applicable standards.

### **Public Comments:**

No public comment.

### **Planning Board Review:**

Ms. Bagramian if there would be pervious or impervious surfaces. Mr. Sipperly stated that concrete would go into the car wash and the rest would be asphalt.

Mr. Ophardt asked what the required parking would be. Mr. Sipperly stated that the 9 spaces do not include the vacuum stations, and they are for employee parking. Jim Enzime, owner, Stated that the parking would be for employees and shift change. Mr. Sipperly stated that if they can reduce parking, then they will.

Mr. Andarawis asked if 4 parking spots could be banked and ask for shared access with the property to the south. Mr. Sipperly stated that car washes like to be a turn left in only and that he

has not thought of this but it can be looked into. They propose moving the curb cut to allow for maximum space between the neighboring properties. Mr. Andrawais stated that eliminating curb cuts on Route 9 is always a benefit.

Mr. Andrawais asked if there would be a possibility of shared access to the property to the south. Mr. Sipperly stated that left turn in is optimal for car washes and they would have to look at the access way and how this would impact them and other business that it would share. Mr. Andrawais stated that keeping curb cuts down on Route 9 is optimal and parking should not be a problem as this is a car wash so there is not a lot of parking need. Mr. Sipperly stated that they can look into this. Mr. Ophardt stated that he agrees and would like to see. Mr. Andrawais gave examples of how this could be done. Mr. Scavo stated that he would look into the possibility of other properties already having a cross access easements. Mr. Ophardt stated that he feels this would benefit as the easement would follow the property and if the property were to change hands it would follow the land.

Mr. Ophardt asked if there would be a bail-out lane and what the width would be. Mr. Sipperly stated that there is and it is 12' now, but he would do a code review to ensure it is up to standard.

Ms. Bagramian asked if there could be a -out lane after the kiosk so that if people forgot their wallet, they could leave. Mr. Sipperly stated that the kiosk is staffed and asked if the Planning Board would differ to carwash management to handle such issues.

Mr. Ophardt asked how the bail-outs would get around the line of vehicles if they do not want to wait in a longer line. Mr. Enzime stated that this is a full express site and not a full-service site and that they can predict how long a car will take to enter and exit the tunnel.

Ms. Bagramian asked if the kiosk placement could go further away from the tunnel to allow for smoother bail-outs without interfering with the traffic flow on-site. Mr. Sipperly and Mr. Enzime stated that they will look at circulation and decision points.

Mr. Ophardt asked why the applicant feels they need 22 vacuum suites. Mr. Sipperly stated that the business knows this better than he does. Mr. Enzime stated that the East Greenbush site had 7 and added more due to the popularity of them, and this application is the same size as that location is now.

Ms. Bagramian asked if a detailed landscaping plan would be done. Mr. Sipperly stated that more would come as the Board likes what is being presented.

Mr. Martin stated he too would like to see landscaping plans, and to have them as robust as possible as well as elevations.

Mr. Ophardt asked if the water from the lot to the north goes to the front of this property. Mr. Sipperly stated that he will have Mr. Reese look at this but believes that their stormwater plan will work.

### **New Business:**

#### **283 Riverview Rd 2 Lot Subdivision**

SBL: 288.-1-111

Proposed 2 lot subdivision of 5.0 acres from existing 45.61-acre parcel, 283 Riverview Rd

Zoned: CR - Conservation Residential, Status: Concept

Citizenserve File Number: 23-000952, Application Number: SUB23-000005

Applicant: Natalie Lopasic, Consultant: Gilbert Van Guilder Land Surveyor, PLLC

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

Pat Jeroze – Mr. Jeroze stated that this is a 2-lot subdivision of 5 acres from 45.61 with an existing single-family resident on it. Mr. Jeroze stated that the applicant is looking for a one-time exemption for a family member and the lot is in the CR zone.

### **Staff Comments:**

#### **The Environmental Conservation Commission and issued a memo recommending:**

- Per Section 208-16 E (2) (c) the subdivision of one parcel into a maximum of two lots is a one-time exception. The Planning Board should require if approved any new deed to indicate that further subdivision shall require further subdivision to follow the conservation approach as further defined in 208-16 E. (4).
- The ECC notes that the EAF indicates sensitive areas that need further investigation and proper recording before further comments can be made as to the appropriateness of this subdivision.
- The applicant has proposed a new driveway access to the new home that crosses the Land Conservation Area (and Flood Zone). As a condition of approval, the Planning Board should require the applicant to relocate this driveway outside the Land Conservation Area. Other reasonable means exist for driveway access outside the LC Zone on this parcel.
- The Planning Board should require a deed restriction to prevent the incursion into the LC Zone.

#### **Scott Reese, Zoning Administrator issued a memo stating:**

- This subdivision is proposed using Town Code Chapter 208-16 E. (2)(c) as a maximum of two lots to be used for single-family residential purposes. The existing parcel was greater

than 10 acres and the two proposed lots are greater than 2 acres each. The proposed 5 acre parcel shows the minimum 50 feet setbacks.

- Show the 50 feet setbacks on the 40 acre parcel and the location of the principal buildings.
- The newly created lot will be initially owned by family members, at the discretion of the Planning Board.
- Per Town Code Chapter 208-16 E. (12) No residential dwelling or wastewater disposal system shall be placed within 50 feet of a wetland meeting federal jurisdictional requirements. ACOE wetlands should be identified in the area and the 50 foot buffers should be shown.

**Scott Reese, Stormwater Management Technician issued a memo stating:**

- There appears to be room to the east to relocate the driveway entrance to avoid building it in the flood zone.
- When submitting for a Driveway Permit a driveway culvert may be required.

**Building and Development issued a memo stating:**

- Postal number assigned will be #267.
- ESN district is #51, Vischer Ferry FD, Clifton Park Ambulance
- Post office notified and verified as Rexford postal district

**John Scavo, Director of Planning issued a memo stating:**

- Add a note to the plan that states, "This parcel is located in an area where aviation activity occurs. Such activity may include but is not limited to periodic noise, vibration, hours of operation, and other associated activities. A study describing this impact in detail is available for inspection in the offices of the Albany International Airport."
- Add a note to the plan that states, "The proposed driveway shall conform to sections 503 & 511 of the Fire Code of New York State."
- The proposed project is subject to Section 239 of General Municipal Law and will be referred to the Saratoga Co. Planning Board for a recommendation.
- Add a note to the plan that states, "The Land Conservation (LC) Zoning District Boundaries associated with wetlands consist of those freshwater wetlands inventoried and mapped by the New York State Department of Environmental Conservation pursuant to Article 24 of the Environmental Conservation Law and the one-hundred foot adjacent area measured horizontally from the border of the wetland. Only the permitted uses identified within Â§208-69.2 of the Clifton Park Town Code shall be allowed within the LC Zone."
- Add a note to the plan stating, "Before constructing the new dwelling unit, the property owner shall contact the Town Highway Superintendent to obtain a curb-cut permit and determine if a driveway culvert pipe and drainage ditch within the Town's Right-of-Way will be required. If required, the property owner shall coordinate such installation with the Town's Highway Department." Add a note to the plan stating, "A regulated 100' buffer area to a freshwater wetland is identified on the lot. Before undertaking any activity or project within the wetland buffer, the property owner shall contact the DEC

Region 5 Office at (518) 623-1200, and the Town of Clifton Park at (518) 518-371-6651, to obtain required permits. "

- The final subdivision map should display assigned 911 addresses for each lot.
- The project appears to be an Unlisted Action pursuant to SEQR. Coordinated review is therefore optional.
- The applicant should provide documentation confirming no bald eagle nests are present within the proposed area of clearing on the proposed subdivided lot to address Part 1 - Question 15 of the SEAF.

**Professional Comments:**

**Walter Lippmann, P.E. of MJ Engineering in a letter 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. In Town Code Section 208.95(F)(9): Subject to and in accordance with the State Environmental Quality Review Act (SEQRA), the Planning Board shall be the lead agency for the purpose of conducting the environmental review of the application for a site plan. The Planning Board shall conduct an integrated comprehensive environmental review of the proposed project in combination with its review of the application under this article. 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:
  - i. Town of Clifton Park Planning Board: Subdivision approval
  - j. NY State Office of Historic Preservation: identification of archeologically sensitive resources Additional agencies may be identified by the Town during its review of the project.

**SHORT ENVIRONMENTAL ASSESSMENT FORM**

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:

2. Part 1. 12. – The response indicates that the project site is located within or adjacent to an area designated as sensitive for archeological sites on the NY State Historic Preservation Office (SHPO) archeological site inventory. The applicant should provide a correspondence letter from SHPO to confirm the presence or absence of archeologically sensitive resources.
3. Part 1 13.a. – The response indicates that wetlands or other waterbodies regulated by federal, state or local agencies adjoin or are contained within the project site per the EAF Summary Report. The applicant should provide documentation that confirms the presence or absence of federally regulated wetlands adjacent to the project site. Should this change as the project design progresses, additional approvals and permits may be required.
4. Part 1.15 – The response indicates that the project site may contain species of animals or associated habitats, listed by the State or Federal government as threatened or

endangered, including the Bald Eagle. The applicant will need to provide correspondence from the Permits staff at the NYSDEC Region 5 Office to confirm the presence or absence of the listed species and for any permit considerations. The applicant should also provide correspondence from the NY Natural Heritage Program to confirm the presence or absence of rare plants or animals and significant natural communities as well as the US Fish and Wildlife Service IPaC database.

5. Part 1.16 – The response indicates that the project site is located in the 100-year floodplain. Applicant has identified approximate edge of zone AE Floodplain on Subdivision Plan.
6. No further comments at this time. Additional comments may be forthcoming as the project advances.

#### SITE PLANS

7. General Comment - Agricultural Data Statement and Control Form states “this project is not in the Ag. District”. However, the project area appears to be in Saratoga County Agricultural District 002, should be double checked as it may affect action type.
8. The project is located within the Town’s Conservation Residential District (CR). The proposal for single family homes is a permitted principal use within the CR District as noted in Section 208-16(D)(1)(b) of the Town’s Zoning.
9. In reviewing the proposed lot configuration, the created lots appear to be deficient in regards to meeting the minimum standard requirements outlined in Section 208-16 of the Town’s Zoning. The noted deficiencies are as follows:
  - a. Include a site statistics table indicating the following per Section 208.16(E) Standards:
    - i. Constrained and Unconstrained Land
10. The subdivision map should show the parcel in its entirety.
11. Provide contour lines at a minimum of two-foot intervals to United State Geological Survey datum within the parcel pursuant to Section 179-8 of the Town Subdivision Law.
12. The concept plan indicates that a NYSDEC wetland extends onto the parcel with the 100-foot adjacent area extending into the development area of the project. Provide boundary validation by NYSDEC as indicated on the plans from 2021.
13. Identify the date and by whom the wetlands shown were delineated. Verify if any wetlands are under the jurisdiction of the USACOE.
14. Subsequent plans shall show the Town’s LC location and boundaries which are defined by Section 208-69.1 of the Town’s Zoning.
15. All lot grading shall be such that drainage is directed away from the homes and towards lot lines and ultimately to an approved drainage course as required by Section 86-7(A)(5) of the Town Code. In order to demonstrate conformance to the stated regulations, an overall project grading plan must be developed for review.
16. The proposed point of access to Riverview Road should be verified to ensure proper site distance is achieved. There should be indication on the plan what the required and provided turning site distances are based upon the posted speed limit of Riverview Road.
17. It is recommended that the driveway connect perpendicular to Riverview Road at a 90 degree angle.

18. The proposal is for on lot septic system and well. Without the well location it cannot be determined whether the placement of these features is appropriate. Septic systems shall be 100 ft from wells, and 200 feet from wells when downgradient of the septic system.
19. The applicant proposes to service the lots 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. Percolation tests and deep test holes should be performed prior to final subdivision approval to ensure that the on-site septic system is feasible at the location indicated. Percolation testing shall be in accordance with the NYSDOH Residential Onsite Wastewater Treatment Systems Design Handbook.
21. Provide notation on the plan as follows:
  - a. No Utilities shall be installed beneath the proposed driveways.
  - b. Any work required within the Town right-of-way shall be subject to any permitting from the Clifton Park Highway Department (driveway, culvert, water service, sewer).
22. 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.
23. Considering this plan is conceptual in nature, subsequent comments will be provided with a preliminary plan submission.

**Public Comments:**

No public comment.

**Planning Board Review:**

Mr. Andarawis asked about the future potential for the subdivision as the 5 acres could still be broken down more. Mr. Scavo stated that it could not due to the one-time exemption; the remaining land could be but would not be exempt. Mr. Andarawis stated he would like to see no further subdivision on the plans for the 5 acre lot. He stated that he would also like to see the architecture for the home to ensure it fits within the character of the area.

Ms. Bagramian stated that she agrees with Mr. Andarawis for adding no further subdivision to the plan.

Mr. Ophardt asked what the floodplain location is in relation to the driveway. Mr. Scavo stated they could try to move it or have the applicant explain why they can't. Mr. Ophardt asked that even though this is in the LC if the applicant would have to show he is outside of the 500' floodplain. Mr. Scavo stated that it would show on the map. Mr. Jeroze stated it is on the Federal maps as well and indicated the line.

**Discussion Items:**

None

Ms. Fariello moved, seconded by Mr. Andarawis, adjournment of the meeting at 8:16 pm. The motion was unanimously carried.

The next meeting of the Planning Board will be held as scheduled on April 11th, 2023.

Respectfully submitted,

*Paula Cooper*

Paula Cooper, Secretary