

**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



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Emad Andarawis

Eric Ophardt

Heather Fariello

Mario Fantini

Jennyfer Gleason

Keith Martin

(alternate) Lisa Westrick

**Planning Board Minutes**  
**April 11<sup>th</sup>, 2023**

Those present at the April 11<sup>th</sup>, 2023 Planning Board meeting were:

Planning Board: D. Bagramian, Chairwoman, H. Fariello, E. Ophardt, K. Martin, J. Gleason,  
M. Fantini

Those absent were: E. Andarawis, L. Westrick

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

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

**Minutes Approval:**

No minutes approval. Edits suggested and will be considered for adoption at the April 25<sup>th</sup> meeting.

### **Public Hearings:**

#### **2016-047 691 Mac Elroy 3 Lot Subdivision (Monast)**

SBL: 258.-2-44

3 lot subdivision on Macelroy Road, , 691 Mac Elroy RD , Zoned: CR - Conservation Residential

Status: Preliminary

Citizenserve File Number: 2016-047, Application Number: SUB23-000008

Applicant: Paul Monast , Consultant: Lansing Engineering

Last Seen On: 02/28/2023

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

Mr. 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 7:05 p.m. The Secretary read the public notice as published in the Daily Gazette on April 1st, 2023.

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

Mike Robertson – Lansing Engineering – Mr. Robertson stated that this property is adjacent to MacElroy Road and Rolling Hills Lane and is in the CR zone with a GEIS. He stated that single family homes are allowed per the zoning on the 3 lots and access would remain for lot 1 and lots 2 and 3 would have access from Rolling Meadows. Mr. Robertson stated that public water and sewer will be extended for the 2 new lots and the stormwater would be handled on site.

### **Staff Comments:**

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

- It appears that the subdivision of lot 2 does not conform to 208-16 E. (2) (a). A parcel which is more than 20,000 feet maybe developed with one dwelling unit. Lot 2 is shown on the Plot Plan as 18,822 square feet.
- The lot to be subdivided is less than 10 acres. Per 208-16 E. (2) (a). The code calls for 3 acres of unconstrained land per dwelling unit when the lot to be subdivided is less than 10

acres. This is the principal provision pertaining to this subdivision. Neither lot 2 or 3 conforms to that requirement.

- The current plans delineate the LC Zone as 50 feet from the stream but should include the 100-foot adjacent area of the NYSDEC Wetlands.

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

- NYS Code Review will be completed during the Permit process.
- Footings are required to be 2' above the water table minimum.

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

- No additional comments, the applicant has adequately addressed by previous comments offered in a response letter included with this current submittal package.
- It is recommended the Planning Board classify the action as an Unlisted Action pursuant to SEQRA and issue a Negative Declaration prior to opening the public hearing to consider the preliminary subdivision plan application.

**Professional Comments:**

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

SHORT ENVIRONMENTAL ASSESSMENT FORM

1. No further comments at this time.

SUBDIVISION

2. A copy of the NYSDEC wetland validation correspondence shall be provided to the Town.

**Public Comments:**

Anthony LaFleche – 21 Wheeler Drive – Mr. LaFleche asked if the homes are being proposed or if they are existing. Mr. Robertson stated 1 is existing and 2 are being proposed. Mr. LaFleche asked how far the home is from Mac Elroy and asked if there could be an easement for a possible widening of the road. Mr. Robertson stated that it is about 140'. Mr. Scavo stated that the Town has taken the park Town fee and any trail would need to be a closed drainage system. Mr. Ophardt stated that there is a shared use path on the south side of the roadway already.

There being no additional public comment, Ms. Fariello moved, second by Mr. Martin, to close the public hearing at 7:14 p.m. The motion was unanimously carried.

**Planning Board Review:**

Ms. Bagramian asked where the curb cuts would be on Rolling Meadows Lane. Mr. Robertson indicated the locations on the map in the meeting.

Mr. Ophardt offered Resolution No. 05 of 2023, seconded by Ms. Gleason to waive the final hearing for this application for the 691 Mac Elroy 3 Lot Subdivision (Monast), and to grant preliminary and final subdivision approval condition upon satisfaction of all comments, provided by the Planning Department, Town Designated Engineer, and all items listed in the final comment letter issued by the Planning Department.

**Roll Call:**

D. Bagramian - Yes

E. Andarawis - Absent

E. Ophardt - Yes

H. Fariello - Yes

K. Martin – Yes

J. Gleason – Yes

M. Fantini - Yes

L. Westrick (alternate) - Absent

Ayes 6

Noes: 0

The resolution is carried.

**Old Business:**

**2022-007 21st Century Park Redevelopment Site Plan**

SBL: 270.-2-2

Expansion of existing light industrial park, 1315 Rt 146 , Zoned: B5 - Corporate Commerce

Status: Preliminary

Citizenserve File Number: 2022-007, Application Number: SPR23-000005

Applicant: MSW Properties, LLC, Consultant: Arico Associates

Last Seen On: 04/12/2022

**Consultant/Applicant Presentation:**

Martin Wawrla – Mr. Wawrla state that they have been working on the project and that they have public water and sewer as well as gas. He stated that their purpose is to make the site shovel ready.

Dominic Arico – Mr. Arico stated that last year they came in with a site plan and it is still close to what it is now but buildings have been rotated and moved. He stated that there is 110,000 sf of additional space and showed a map of the new buildings and stated that the existing buildings would remain with improvements. Mr. Arico stated that there are 4 sewer connections as requested. He stated that water will be brought into the new buildings and there would be no loops to the system unless it is required. Mr. Arico stated that the existing drive will remain but it would be widened to 26' with no work in the right of way except for sewer connections. He stated that stormwater has been pre planned and showed on the map and there will be a 4' high berm put into the plan as well as requested. Me. Arico stated that parking may be able to be banked but that he is showing the max for the site on the plan. He stated that 10 loading docks are being proposed as well but that could also be reduced dependent on tenant needs. He stated that there are two 20,000sf buildings to the front of the property being proposed

### **Staff Comments:**

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

- Per 208-53 A. Permitted Uses. An owner shall be permitted to have more than one tenant in an approved facility as long as all occupancies fall within the permitted use. The Planning Board should require the applicant to indicate the intended use.
- The ECC is concerned about the sequence of the proposed construction and the potential impacts. The Planning Board should clarify the intent of the applicant to employ a phased approach for this project in order to mitigate the environmental impact.
- Per 208-54 B. Lot Coverage. Structures, parking areas, stormwater management areas (emphasis added) and other site amenities that are an integral and necessary part of the use shall not occupy more than 50 percent of the total lot area. The proposed plan exceeds this 50 percent threshold.
- 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 applicant should provide more detailed landscaping plans that conform to the requirements of 208-55 B. Development Standards Landscaping.

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

- footings must be 2' above the water table

#### **John DeSimone, Fire Marshall issued a memo stating:**

- Assure fire access road meets chapter 5 section 503 of the 2020 New York State Fire Code.
- If buildings are to be sprinklered, assure fire hydrants are within 100' of FDC connections. Additional hydrants may need to be installed.

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

- Project appears to be in conformance with Town Code Chapters 208-53 A. Permitted Uses (3) Offices, including single or multibuilding office parks, and (9) light manufacturing, processing, assembly and fabrication facilities, equipment maintenance, warehouse and storage facilities.
- Project appears to be in conformance with 208-54 Space and bulk standards. The stormwater management areas need to form an integral part of the landscaping scheme and enhance the overall aesthetics. See comment #3.
- Individual Planting Plan's should be provided for all the Stormwater Management Practices.

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

- The applicant has communicated to Planning Staff that as tenants are identified for each building, the owner may reappear before the Planning Board for minor site plan amendments and modifications specific to a user's tenant fit-up requirements. Such amendments may include adjustments to building orientations and land-banking parking spaces that may not be necessary with an initial building.
- Provide a table on the landscaping plan that notes the size, quantity, and species of proposed plantings that then correlates each with the locations of proposed plantings shown on the plans.
- Add a note to the plan that states, Dust suppression measures may include: 1) using a dedicated on-site water truck for road and soils wetting, capable of spraying water directly onto off-road areas, including excavations and stockpiles; 2) clearing and grubbing of larger sites will be done in stages to limit the area of exposed, unvegetated soils vulnerable to dust production; and 3) gravel will be used on roadways to provide a clean and dust-free road surface.
- The applicant should show any proposed exterior lighting, including parking areas and wall-mounted fixtures. As the exterior lighting plan progresses through design, the applicant should pursue energy-efficient lighting options that are dark sky friendly (International Dark-Sky Friendly Fixtures are viewable at [www.darksky.org](http://www.darksky.org)).
- Add striping and signage detail for the accessible parking space and access isle to the site plan.
- The applicant should evaluate the need to deploy STOP signs (R1-1) and strategically delineate such within the development plan for assigning ROW guidance for traffic flowing amongst the main private roadway, building sites, and parking areas.
- While the Planning Board is responsible for completing the SEQR LEAF Part II Form, certain questions require additional information from the applicant to provide accurate answers. Specifically, the applicant should provide information to answer the following questions: The proposed action may involve the excavation and removal of more than 1,000 tons of natural material. The proposed action may result in the construction of

paved parking area for 500 or more vehicles the proposed action may involve heating and/or cooling of more than 100,000 square feet of building area when completed.

- Ultimately the project parcel was part of the Corporate Commerce Generic Environmental Impact Statement (GEIS), whose findings statement was previously accepted by the Town Board. Therefore, the no new SEQR findings statement is required if the applicant is within compliance with the original GEIS. Completing the LEAF Part II Form assists the Planning Board with making such a determination.

### **Professional Comments:**

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

#### STATE ENVIRONMENTAL QUALITY REVIEW

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

1. As stated in our April 5, 2022 review letter, Part 1.B.d. – add Clifton Park Water Authority and Town Sewer District
2. As stated in our April 5, 2022 review letter, Part 1.C.3 b – The applicant indicated that the use is not permitted, by the reviewers understanding, it is a permitted use. Suggest modifying response.
3. As stated in our April 5, 2022 review letter, Part 1. D.2 r. - The applicant indicates that the proposed action (commercial or industrial projects only) involves or require the management or disposal of solid waste (excluding hazardous materials) but does not describe further. It is suggested that the applicant goes into greater detail on this section.
4. As stated in our April 5, 2022 review letter, Part 1 E.3.e – no response is indicated. Please complete. Should the project site contain or be adjacent to a building, archeological site or district listed on the National or State Register of Historic Places or eligible for listing, the NY State Historic Preservation Office (SHPO) archeological site inventory, the applicant should provide a correspondence letter from NY State Historic Preservation Office (SHPO) to confirm no impact.
5. No further comments at this time.

#### NARRATIVE

6. Under Section Wastewater Disposal, indicates the total average daily flow anticipated to be 3,500 gpd with a peak hourly flow of 14,000 gpd or 9.8 gpm. Please keep in mind this is a low-pressure system and will be utilizing grinder pumps that operate at 11gpm each, therefore totaling 44 gpm into the system. Please revise accordingly and provide an E-One analysis showing that the additional grinder pumps into the system can be accommodated.

#### SITE PLAN

7. The plan shows 477 parking spaces, 94 more than required pursuant to Section 208-99, of the Town Zoning. Advise as to the need for the additional spaces proposed. If possible, all spaces above the required should be considered for banking to reduce excess parking that may not be necessary.

8. For all buildings, show all ingress and egress doors.
9. Show any required accessible curb ramps between the accessible aisle and entrances for each building.
10. On Sheet S0 the scale should be revised accordingly.
11. On Sheets S3 and S4 the storm sewer discharges into the bioretention area without any form of pretreatment.
12. On Sheet S7 provide a planting schedule identifying the species, quantity, size and spacing of each proposed plant and tree.
13. As stated in our April 5, 2022 review letter, this project may have a cumulative impact on the level of service of the adjacent roadways. As such, it is recommended that a traffic impact study be completed that assesses peak hour vehicle trips, site distance and accident data (specifically at Miller Road and Rt 146). Other projects within the vicinity should also be considered in the analysis. Give the proximity to NYS Rt 146, the findings of the study should be provided to the Region 1 office of the NYSDOT for input.
14. Accessible parking spaces and access aisles shall be level with surface slopes not exceeding 1:50 (2%) in all directions pursuant to Section 4.6.6 of the ADA 2010 Standards. Provide spot elevations at these locations to confirm conformance.
15. Provide the required ADA signage in accordance with Section 1111 of the Building Code of New York State (BCNYS) for the parking spaces and accessible aisles.
16. Provide pavement striping details for the ADA parking and accessible aisles.
17. Provide details of the ADA signage required for each ADA parking space and accessible aisle.
18. Proposed building 3 and 4 should provide ADA parking spaces as required.
19. Show any MUTCD internal signage on the plans.
20. Show how roof drainage from each building will be collected and conveyed into the site drainage system.
21. Provide all related utility, road cross section, pavement section, wing gutter, curbing, sidewalks, etc. details on the plans.
22. Provide detail of dumpster enclosure.
23. Provide a lighting plan to delineate the type of fixture to be used and subsequent lighting pattern per Section 208-115(C) of the Town Code.
24. Provide additional details on the erosion and sediment control plans, i.e. stockpile detail, stabilized construction entrance, riprap outlet protection, and check dams.
25. Provide in-situ percolation tests and test pits in the proposed stormwater locations to demonstrate the location indicated is feasible. Label test locations on plans to ensure an adequate number of tests were performed based on infiltration practice area.
26. All sanitary sewer and water improvements shown are subject to the review and approval by the Town of Clifton Park Sewer District and Clifton Park Water Authority and has not been reviewed for conformity with their standards.
27. On Sheets S7 and S8 provide the quantity and species of the proposed plantings.
28. As stated in our April 5, 2022 review letter, the applicant shall provide the Town documentation indicating the CPWA's ability and willingness to provide additional potable water to the project.



29. As stated in our April 5, 2022 review letter, the applicant shall provide the Town documentation indicating the Town's Sewer District and SCSD's ability and willingness to provide additional sewer service to the project.
30. As stated in our April 5, 2022 review letter, if any of these buildings are in excess of 35-feet, the Planning Board will conduct a visual assessment and require the applicant to complete Appendix B of the State Environmental Quality Review, Visual EAF Addendum for its consideration as noted in Section 208-54(D) of the Town's Zoning.
31. As stated in our April 5, 2022 review letter, the following comments are relative to the site plan and its conformance to the International Fire Code (IFC). The Town Fire Official shall have final authority on the applicability of these comments to the proposed site layout:
  - a. 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.
  - b. Section 912.2 of the IFC requires a fire hydrant to be located within 100-feet of the building's fire department connection. It is not clear from the plans where the closest hydrant to the site is or where the fire department connection may be. Additional hydrants may be necessary.
  - c. 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.
  - d. Section 503.1.1 of the International Fire Code (IFC) requires an approved fire apparatus access road be provided for every facility, building or portion of a building and shall extend to within 150 feet of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building. Confirm that there is adequate fire access being provided.
  - e. Identify the actual height of the buildings. If greater than 30-feet in height above the average grade plan, aerial apparatus access shall be provided that is between 15 and 30 feet of one entire side of the building in accordance with Appendix D105 of the IFC. If aerial apparatus access is required, its location shall be identified on the plans.
  - f. Pursuant to Section D104 of the IFC, commercial or industrial buildings that are exceeding 62,000 sq. ft. shall be provided with two separate and approved fire apparatus access roads unless equipped with automatic sprinklers (this exemption is permissible up to 124,000 sq. ft. of building area). The project is proposing 176,000 SF, therefore two separate access are required.
  - g. Pursuant to Section D104.3 of the IFC, where two fire apparatus access roads are required, they shall be placed a distance apart equal to not less than one half of the length of the maximum overall diagonal dimension of the lot or area to be served, measured in a straight line between accesses.
  - h. Provide a turning template analysis for the largest emergency vehicle that may respond to an event at the site.
32. The SWPPP submitted was incomplete, a full SWPPP should be provided to the Town for review.
33. A draft eNOI shall be provided for review as part of the next submission.

34. The applicant shall provide a cross section through the stormwater management areas showing the various elevations for stored runoff by storm event. It shall also show various design features including, but not limited to inlet inverts and weir/overflow elevation.
35. The applicant shall provide written responses to all technical comments provided.

**Public Comments:**

No public comment.

**Planning Board Review:**

Ms. Bagramian asked for more information on each of the buildings. She stated that she feels office and warehouse need to be specified as well as what could occupy the space. Mr. Arico stated that the warehouse would have one office in it for the tenant and not separate office spaces. He stated that he labeled it so that the Board would know the ratio for parking better. Ms. Bagramian asked if there would be a conflict with traffic flow as there are large and small docks and overhead doors so there would be different types of users. Mr. Arico stated that all dock doors are the same and can change dependent on the users' needs, the outside of the building would change, not the internal floor plan. Mr. Arico stated that there are 120' between trucks in the front of the buildings as well as the rear. He stated that he is showing the maximum build out and every building would have an office. Mr. Scavo stated that he is discussing the potential to come back like Synergy Park. Ms. Bagramian stated she would like the building type labeled moving forward so there are no questions about them being misrepresented. Ms. Bagramian asked if there are areas for dumpsters. Mr. Arico stated that there are 10x40' pads for dumpsters and they are enclosed for each building. Ms. Bagramian asked how high the buildings would be. Mr. Arico stated that would be between 20-30' and some may be clear span.

Ms. Bagramian asked why the applicant has 94+ parking spaces and asked if they can be moved to make the site more functional. Mr. Arico stated that he is showing max amounts now and can adjust based on tenants. Mr. Scavo stated that the applicant is asking for conceptual approval on the site plan and then they would come back for individual approvals.

Mr. Martin asked if the applicant intends to build one at a time built to the tenant's specifications and then come back for approvals for each building. Mr. Scavo stated this is what they are looking for to move forward.

Ms. Fariello stated that the applicant has the spelling for the school district wrong and she would like it corrected.

Mr. Ophardt stated that he liked the applicant's overall plan and their desire to start with just one building. He stated that he would like the applicant to place additional landscaping along Route 146 to limit the views of the building in the front. He stated this has been a common request

from the Planning Board for other developers in the Route 146 corridor. Mr. Arico state they can try to expand the landscape buffer, but they may be limited due to the stormwater management treatments being proposed.

Mr. Ophardt asked Mr. Arico for a rendering of the building for the broad to review. He handed out renderings for the Broad to review. At a future meeting, additional rendering will need to be submitted to the Planning Board. Mr. Scavo stated that vertical line of sites can be brought to the Board as it has been done in the past with other projects.

Mr. Martin stated that he would like the Board to be provided with a LOS profile and that the code states that they shall provide this.

Mr. Ophardt asked if a traffic study would be performed by the developer. He added there has been a lot of development in the Route 146 corridor, and the Town of Clifton Park has applied for a grant from CDTC for a NYSDOT traffic study for a new roundabout at the intersections of Tanner Road at Routes 146 and Waite Road at Route 146. Mr. Scavo stated that this grant is upcoming in the fall. Mr. Ophardt noted that MJ Engineering had also requested a traffic study be performed and added how the results would be beneficial to that traffic study and impact the grant.

Mr. Ophardt also asked about sewer capacity. Mr. Scavo stated that the GEIS was private property owners and it was pad for so the that are guaranteed a certain number per day and this was granted without ACOE wetlands so they may be allocated more than what they thought.

Ms. Gleason stated that she would also like to see the buildings more buffered from Route 146 as Mr. Ophardt had mentioned and would like to see more green if possible. Mr. Arico stated that the elevation visual will help with what is needed for screening.

### **Old Business:**

#### **2022-028 Park Avenue Mixed Use Development Site Plan**

SBL: 271.-3-81

Construction of 2 apartment buildings, Park AVE , Zoned: TC5 - Neighborhood Zone

Status: Revised Preliminary

Citizenserve File Number: 22-000002, Application Number: SPR23-000006

Applicant: Windsor Development, Consultant: EDP

Last Seen On: 12/21/2022 (TAC)

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

Joe Dannible – EDP – Mr. Dannible stated that he is here tonight with Bret Blazer from Blazer and Tuck Architect with a proposal for 100 residential apartment units to replace the old Kmart building. Mr. Dannible stated that they have met with the TAC a few times to discuss details and

that he thinks he can address review comments. Mr. Dannible stated that this is a 13.13 acre parcel; half is Shoppers World, which is on its own parcel, and this being to the east of them. He stated that the parcel has sat vacant for a period of time and it has come back for a density increase to 100 units. Mr. Dannible stated that Regal wine and liquor business would be the last retail shop before this proposal. He stated that they are proposing two 4 story buildings, each having 50 units, and demolishing the old Kmart building. He stated that a potential street from Plank Road in the future would also allow for extra ingress/egress for the site. Mr. Dannible stated that one of the buildings would face Park Street and the other building would face Regal. Mr. Dannible stated that there will be a walkway connecting the 2 buildings and a retaining wall is being proposed for frontage to allow for tenant privacy and to give the feel of a road front. Mr. Dannible stated that there will be open-air parking under the building with storage rooms available. He stated the project would be connected to public water and sewer which are already on site and should have enough room to meet capacity. Mr. Dannible stated that traffic reports were submitted and reviewed with the TAC and showed decreased trips with removing retail. He stated a landscaping plan has been provided and that outdoor living space on the first floor is included. Mr. Dannible stated that there is a side walk connecting the buildings as well as a possible connection to a connector street and to the plaza. Mr. Dannible showed a map with the possible full build-out of the lot but stated that nothing else is being proposed yet. Mr. Dannible stated that he knows green space is needed for the parking areas but instead if smaller islands in the middle of the parking, he created larger ones at the ends of the parking lot. Mr. Dannible showed elevations that faced Park Street in the meeting as well as the rear elevation and side elevations. He stated that the proposal would have an office and fitness center facing the plaza.

### **Staff Comments:**

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

- The ECC reiterates that the Town Center Plan emphasizes the importance of walkability and connectivity. The ECC recommends the applicant to incorporate maximum walkability (e.g., a sidewalk along Park Avenue and a sidewalk that allows safe passage from the project to Park Avenue.)
- The ECC notes that the project includes a significant increase in impervious parking surface which will be subject to warm weather / high temperatures. This poses a risk to the Bear Brook if not adequately treated with a comprehensive stormwater plan. The applicant should employ current technological advances to ensure the longevity of this trout spawning stream.
- The applicant should consider designing traffic calming techniques to ensure the safety of pedestrians and cyclists.

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

- Footings to be 2' above water table minimum.

- NYS Code review will be completed during the permit process.

**John DeSimone, Fire Marshall issued the following memo:**

- Assure FDC connections are within 100' of fire hydrants. Additional hydrants may need to be added.
- Assure fire access road meets requirements of section 503 of the 2020 NYSFC

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

- This proposal is in accordance with Town Code Chapter 208-22 G. (1) which allows for the increased residential density.

**Mike OBrien, Sewer Review issued the following memo:**

- Project area is and will be served by the Clifton Park Sewer District #1. There are concerns regarding capacity in the Bear Brook Trunk Sewer. Planning will need to establish an escrow for an in depth review of proposed impacts to the existing sewers and any mitigation steps that may be necessary.

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

- The document within the project file titled KMART\_TC5\_Code+Review\_2022-11-11.pdf displays all applicable dimensional waivers sought by the applicant. The Planning Board has the authority to waive such dimensional requirements to meet the standards noted within the current site plan. Planning Staff has no issues with the requested dimensional waivers, which do not frustrate the ability to better future in-fill development to meet the form-based code goals and objectives. The Form-Based Code acknowledges that most redevelopment sites will see incremental growth changes to achieve Clifton Park Town Center Vision.
- The site plan is consistent with the density incentive concept plan previously approved by the Clifton Park Town Board. The plan also appears to reflect modifications and changes requested under the Technical Advisory Committee (TAC) review process.
- I will defer to MJ Engineering and Scott Reese, Town Stormwater Administrator, to provide comments regarding the SWPPP.
- Before stamping the final site plan, obtain and provide documentation of final sign-offs from the Clifton Park Water Authority and Clifton Park Sewer District.
- The project appears to be an unlisted action pursuant to SEQR. Coordinated review is optional and it is recommended that the Planning Board issue a Negative Declaration based on a review of the information contained within the project file..

**Professional Comments:**

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

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

1. Part 1 12.b. – 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.

#### SITE PLAN

2. The Site Statistics on Sheet 1 notes a total of 191 parking spaces being provided on the site. Pursuant to Section 1106.1, Table 1106.1 of the Building Code of New York State (BCNYS), a total of six accessible parking spaces shall be provided. The plan shows four outside accessible spaces, however the covered parking does not indicate any additional spaces. Identify on the plans where all accessible spaces are located, ensuring the minimum of six are provided within the site.
3. The internal parking islands need to be reviewed for conformance with the requirements of Section 208- 26.H.3.
4. There are continuous rows of parking without the required intermediate landscape islands pursuant to Section 208-26.H.3.
5. The spot elevations provided exceed the surface slope of 2% in all directions specifically the north/south direction. Provide spot elevations at these locations to confirm conformance.
6. On Sheet 7 of 13 the proposed drop off area along the outer road does not provide a drop curb and ramp for ADA accessibility.
7. The parallel parking spaces proposed shall be 24 feet in length per Section 208-26(H)(3).
8. Identify location(s) of bicycle racks.
9. On Sheet 7 of 13 provide ADA access to the proposed dog park.
10. On Sheet 7 of 13 consider additional drop curbs and crosswalks adjacent to the future connection road.
11. Several light fixtures are located adjacent to the proposed landscaping trees. This may impact the light illumination as shown on the lighting plan.
12. 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.
13. Since the stormwater management area will be owned and operated by the applicant, a Town of Clifton Park Maintenance Agreement will need to be executed and filed with the Town.
14. Is any type of signage being provided to prevent tractor trailers from cutting through near the apartments.
15. Provide detail with materials of construction for proposed retaining wall.

#### STORMWATER POLLUTION PREVENTION PLAN

16. The SWPPP shall include documentation demonstrating permit eligibility with respect to not adversely impacting cultural, historic or archeologically significant properties pursuant to Part I.F.8 of the General Permit.
17. The SWPPP makes no mention of soil restoration. Pursuant to Section 5.1.6 of the NYSSMDM, soil restoration is a required practice applied across areas of a development

site where soils have been disturbed and will be vegetated in order to recover the original properties and porosity of the soil. The required soil restoration is a function of the underlying soils where the disturbance is to occur pursuant to Table 5.3 found in Section 5.1.6 of the NYSSMDM.

18. Provide the operation and maintenance manual which shall include soil restoration pursuant to Section 5.1.6 of the NYSSMDM.

19. Provide a description of the stormwater practice proposed that provides water quality.

#### STORMWATER MANAGEMENT MEMO

20. Section 6 – The narrative indicated the total impervious will be reduced by 20.5% based on existing conditions. Therefore, per Chapter 9 of the NYSSMDM water quality controls are required since it does not achieve the full 25% reduction.

21. We concur that the reduction in impervious surface does not affect the design of the existing detention basin in the rear of the property and meets the water quantity for the project area.

22. Provide WQv calculations for the project area.

#### **Public Comments:**

No public comment.

#### **Planning Board Review:**

Ms. Bagramian stated that the islands of green were added to the end caps, and verified that there is still the correct amount of green space required. Mr. Dannible stated there is. Ms. Bagramian stated that she likes this idea as it would be easier for snow management. Ms. Gleason and Ms. Fariello both agreed that they like this layout.

Mr. Martin stated he likes the idea of putting the green space at the end caps but stated there is still a large area of parking that needs to be kept cool. Mr. Martin asked if all of the parking would be necessary. Mr. Dannible stated that 20% of the site is greenspace and it may be increased and there will be a decrease in water runoff. Mr. Martin stated that this seems to be a bonus level as there is parking and then 3 living levels. He asked if this was allowable. Mr. Scavo stated it is allowable. Mr. Martin asked why the garages are not closed in. Mr. Dannible stated that when closed in they need to be assigned. This way it is first come first served.

Mr. Ophardt stated that he also likes consolidating the green space at the end caps and the dog park idea.

Mr. Fantini asked if Market 32 is taking any credit for the green space. Mr. Dannible stated they are not as they are separate parcels. Mr. Fantini asked about the parking as well. Mr. Dannible stated that all parking is calculated for this parcel.

Ms. Bagramian asked if there were any maintenance agreements in place for these two parcels. Mr. Dannible stated that Windsor would have maintenance agreements.

Ms. Gleason stated that the parking would be covered without garage doors, and asked how the storage would be managed. Mr. Dannible stated that it is directly accessible from the parking area and some would be for bikes instead of having bike racks in front of the building.

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. The motion was carried unanimously.

Ms. Gleason moved, second by Mr. Ophardt, to waive the final hearing for this application for the site plan review of Park Ave Mixed Used Development, and to grant preliminary and final site plan approval conditioned upon dimensional waivers listed on the final site plan and 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  

### **Old Business:**

#### **2022-042 English Road 3 Lot Subdivision (Milczarek)**

SBL: 250.-2-40

Applicant proposes to subdivide a 63.89 acre parcel into 2 lots., English RD , Zoned: R1 - Residential, Status: Revised Preliminary

Citizenserve File Number: 22-000048, Application Number: SUB23-000009

Applicant: Environmental Design Partnership - Gavin Vuillaume, Consultant: N/A

Last Seen On: 02/15/2023

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

Joe Dannible – EDP – Mr. Dannible stated that this application is for a 2 lot subdivision for Mr. John Milczarek.

Mr. Scavo stated that the application has been modified to a 2 lot subdivision from the last meeting.

Mr. Dannible stated that parcel 1 would be about 10 acres, lot 2 would be about 52 acres, and some of the land would be in Halfmoon. Mr. Dannible stated that they have been before Halfmoon and that they have approved the subdivision without a Town donation.



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

- The ECC notes that the proposed subdivision plan does not show that 100-foot adjacent area of the NYSDEC Wetlands that would include the LC Zone. The plans should be adjusted to show these areas.
- If the proposed access on lot A is along the right-hand property line, the ECC is concerned that the 50-foot width is insufficient to accommodate emergency vehicles in the event of a fire. The Towns Fire Chief should be consulted if this is the proposed access.

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

- The Land Conservation District should be shown as an overlay district (L-C District) of the under-laying R-1 District. There is not a division line between the L-C-District and the R-1 District.
- Per Town Code Chapter 208-69 A. (1) The L-C 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. This plan shall show the one-hundred-foot adjacent area of the NYSDEC Wetlands and the corresponding L-C District as an overlay.

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

- Pursuant to the Clifton Park Town Code, a fee of \$1,250.00 for parkland mitigation of a newly subdivided parcel is due at the time of stamping the final subdivision plat.
- A Negative Declaration was previously issued by the Planning Board at the 12/13/2022 Planning Board Meeting. No additional SEQR review is required.

**Professional Comments:****Walter Lippmann, P.E. of MJ Engineering in a letter had the following comments:****SHORT ENVIRONMENTAL ASSESSMENT FORM**

1. No further comments.  
SUBDIVISION

2. No further comments.

**Public Comments:**

No public comment.

**Planning Board Review:**

Mr. Martin asked how much of the land is unbuildable. Mr. Dannible stated about 35 acres.

Mr. Martin offered Resolution No. 06 of 2023, seconded by Ms. Fariello to waive the final hearing for this application for the English Road 3 Lot Subdivision (Milczarek) approval, and to grant preliminary and final subdivision approval condition upon satisfaction of all comments, provided by the Planning Department, Town Designated Engineer, and all items listed in the final comment letter issued by the Planning Department.

**Roll Call:**

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

Ayes 6

Noes: 0

The resolution is carried.

**New Business:**

**94 Appleton Rd 2 Lot Subdivision**

SBL: 270.-1-50.1

2 Lot Subdivision, 94 Appleton Rd , Zoned: CR - Conservation Residential, Status: Preliminary

Citizenserve File Number: 23-001025, Application Number: SUB23-000007

Applicant: J. Lindsey, Consultant: Colliers Engineering & Design

**Consultant/Applicant Presentation:**

Patrick Mulkern – representing applicant – Mr. Mulkern stated the property is 94 acres on the east and west side of the road. He stated that lot 1 would be on the east side of the road and have 69 acres with a solar farm existing on it. Mr. Mulkern stated that lot 2 would be on the west side of the road with 25 acres and have the existing residence. He stated that no changes to the features are being made with the subdivision and the 500’ notice has been done.

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

- This proposed subdivision, Lot 2, appears to meet Town Code Chapter 208-16 E.(2)(b) Development on 10 acres or more. A parcel consisting of 10 acres or more may be developed at a density of one residential dwelling unit per 10 acres, provided there is at least one acre of unconstrained land available to accommodate a residential use, including any required well and septic system.
- This proposed subdivision, Lot 1, appears to meet Town Code Chapter 208-80 C. space and bulk standards for solar energy systems.

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

- Lot 1 has an active NYSDEC SPDES General Permit for Stormwater Discharges from Construction Activity for the solar project. If the landowner changes on Lot 1 the active NYSDEC General Permit should reflect the change.

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

- 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 the attached CADD Subdivision Approval Stamping Block to the final subadvisor plan.

**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. 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. NYS Historic Preservation Office: Archeological sensitive area
  - c. NYSDEC: Threatened or endangered species
  - d. Saratoga County Planning: 239-m County Referral

## 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. No comments at this time.

## SITE PLANS

3. The project is located within the Town's Conservation Residential District (CR). The proposal is for subdividing the clubhouse from the rest of the parcel.
4. In reviewing the proposed lot layout in comparison to Section 208-16 of the Town's Zoning, it would appear all minimum bulk lot requirements are satisfied.
5. Provide the building setback lines for each lot shown.
6. 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.
7. 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:**

No Planning Board comments.

### **New Business:**

**Ms. Gleason recused herself from this application.**

#### **Edison Club Subdivision of Clubhouse**

SBL: 269.-3-10.11

Subdivision of the Clubhouse from the rest of the property, 891 Riverview Rd , Zoned: CR - Conservation Residential, Status: Concept

Citizenserve File Number: 23-001024, Application Number: SUB23-000006

Applicant: Edison Club, Consultant: Gilbert VanGuilder Land Surveyor, PLLC

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

Pat Jarosz – Van Guilder – Mr. Jarosz stated that the application is to subdivide the clubhouse from the remaining 269 acres. He stated that no work is proposed at this time and that he has corrected the short form in Citizenserve and has requested SHPO. Mr. Jarosz stated that there are wetlands on the property, which are shown on the map but are below the impact of the clubhouse.

### **Staff Comments:**

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

- The ECC Notes that the sole Riverview Road access to the proposed Edison Club property is through the new lot B. The applicant shall clarify what the proposed access would be to Lot A and the potential traffic impact should the subdivision be approved. The Planning Board should be mindful of a minimum distance of curb cuts on Riverview Road.
- If the proposed access on lot A is along the right-hand property line, the ECC is concerned that the 50-foot width is insufficient to accommodate emergency vehicles in the event of a fire. The Town Fire Chief should be consulted if this is the proposed access.

**John DeSimone, Fire Marshall issued the following memo:**

- Subdivision doesn't impact fire services.

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

- The proposed subdivision parcel appears to be for the Senior Care Facility in the Edison Club Planned Development District II. Per Town Code Chapter A217-338 A. (3) Area C - Senior Care Facility. The area of the existing clubhouse is proposed as a senior care facility on approximately 3.2+/- acres. This area encompasses the current clubhouse, pro shop and parking facilities. This area is proposed for senior care facility as well as uses currently permitted in the Hamlet mixed use zoning. Setbacks between commercial uses and residential uses within Â§ 208-43.2 shall not apply

**Mike OBrien, Sewer Review issued the following memo:**

- The current plan for the Edison Club will require upgrades to the Town Sewers in Rexford as well as an amendment to the current intermunicipal agreement regarding flows.
- Moving forward the Town of Glenville will need to review the Edison Club Project as part of the Inter Municipal Sewer Agreement.

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

- 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.
- The final subdivision map should display assigned 911 addresses for each lot.
- The applicant should clarify if the plan at some point in the future is to move the tennis courts and other golf related improvements other than the existing clubhouse building which the Eddison Club previously noted during the PDD process the intention is to relocate the clubhouse facility to a new structure.
- Provide for cross access easement agreements for ingress/egress and determine if utility easement agreements across parcels are necessary.
- Add a note to the subdivision plan that states: Any future improvements or redevelopment to the subdivided parcels within this plan are subject to additional Town

review for conformance with Article XL Edison Club Planned Development District II Section A217-338 titled Develop and all other sections contained within Article XL.

- The subdivision appears to be an Unlisted Action pursuant to SEQRA.
- The subdivision application is an Unlisted Action pursuant to SEQRA. Therefore, coordinated review is optional

**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:
  - a. Town of Clifton Park Planning Board: Subdivision approval
  - b. NY State Office of Historic Preservation: identification of archeologically sensitive resources
  - c. Saratoga County Planning: 239-m County Referral
  - d. NYSDEC: Threatened or endangered species

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 1.8.a. Applicant stated the proposed action will result in a substantial increase in traffic above present levels. If this is true a traffic analysis may be needed.
3. 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.
4. 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.
5. 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.

6. No further comments at this time. Additional comments may be forthcoming as the project advances.

#### **SITE PLANS**

7. The project is a planned development district (PDD) that was approved by the Clifton Park Town Board by way of Local Law No. 7 of 2020.
8. The subdivision map should show the parcel in its entirety.
9. Provide an overall development drawing to better understand how this subdivision works with the future improvements.
10. Provide the metes and bounds for all proposed lot lines, right of ways and easements for each lot.
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. Show any ingress/egress or utility easements needed for the subdivision.
13. 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.
14. 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. Ophardt asked if the tennis courts would be removed. Mr. Jarosz stated at some point but not now. Mr. Craig McLean – Edison Club Golf Pro – Mr. McLean stated that the parcel will not have tennis courts and no easements will be needed as a ring road will be singular access. He stated that this will be a stand-alone parcel.

#### **Discussion Items:**

Mr. Scavo stated that he will be sending out information to the Board members regarding changes with DEC impacts that took effect March 31<sup>st</sup>, 2023 and others that will in 2025.

Mr. Scavo stated that he will be sending out updates to the Affordable Housing Act changes from NYS.

Ms. Fariello moved, seconded by Mr. Fantini, adjournment of the meeting at 9:33 p.m. The motion was unanimously carried.

The next meeting of the Planning Board will be held as scheduled on April 25<sup>th</sup>, 2023.

Respectfully submitted,

*Paula Cooper*

Paula Cooper, Secretary