

TOWN SUPERVISOR:

Philip C. Barrett

ECC CHAIR:

Brian Glick

ECC ATTORNEY:

Joel Peller

ENVIRONMENTAL SPECIALIST:

Michael Montague

TOWN LIAISON:

Sanford Roth

MEMBERS:

Raoul Desy

Brian Glick

Victoria Lane

Dan Mathias

Karl Siverling

Howard Vipler

Richard Zahnleuter

Associate Members:

Chuck Bassett

Louise King

MINUTES:

Tuesday, July 5, 2011

CALL TO ORDER:

Brian Glick, Chairman, called the meeting to order at 7:07 PM in Grooms Tavern.

PRESENT:

Raoul Desy, Brian Glick, Louise King, Victoria Lane, Dan Mathias, Michael Montague, Sandy Roth, Karl Siverling, Howard Vipler, and Rick Zahnleuter

ABSENT:

Chuck Bassett

GUESTS:

None

ANNOUNCEMENTS:

- Next meeting date: **Tuesday, August 2, 2011** at 7:00 PM at Grooms Tavern
- Recap of Planning Board
- Community News
- Frank Berlin
- HHWD, September 10th

PUBLIC HEARINGS:

[2011-009] Ray Road East, Lands of Earl - Proposed (8) lot subdivision, 43 Ray Road , Zoned: CR, Preliminary public hearing and possible determination. [SBL: 282.-2-11.111](#) . *To be reviewed by MJE*

The project was presented as follows:

1. Zoned Conservation Residential
2. NYSDEC wetlands on the property
3. Building and septic systems are out of the LC Zone
4. When last reviewed, ECC stated the following:
 - a. All septic systems should be out of the LC Zone.
 - b. Due to the wetlands located to the north of the proposed project, the road should not be extended to the north of the cul-de-sac. Lots 6 and 8 should share a common boundary.
 - c. Due to the vicinity of the wetlands in the proposed project area, the ECC expresses concern regarding the cumulative effect of all the on-site disposal of sanitary wastes from the number of homes proposed.
5. All septic systems are out of the LC Zone

Recommendation:

- 1. Due to the wetlands located to the north of the proposed project, the road should not be extended to the north of the cul-de-sac. Lots 6 and 8 should share a common boundary. In any event, the proposed road extension turns directly into a large NYSDEC wetland on the adjacent parcel.**
- 2. Due to the vicinity of the wetlands in the proposed project area, the ECC expresses concern regarding the cumulative effect of all the on-site disposal of sanitary wastes from the number of homes proposed.**

A **motion** to adopt this recommendation was made by Howard Vipler, seconded by Dan Mathias; all in favor, none opposed.

[2011-015] VanVranken - Proposed (2) lot subdivision using one-time family zoning exception, 26 Van Vranken Road, Zoned: CR, Preliminary public hearing and possible determination. [SBL: 288.1-33](#) *To be reviewed by MJE*

The project was presented as follows:

1. Zoned Conservation Residential
2. Creating a lot for a single family residence
3. When last reviewed, the ECC stated “The NYSDEC wetland, 100 foot buffer zone, and Army Corps wetlands should be listed on the deeds; uses in these areas are restricted. A split-rail fence is recommended to designate where the boundaries of the buffer zones and Army Corps wetlands. The Town of Clifton Park Building Department shall be notified before undertaking any land disturbance activities in the 100 foot buffer zone.”
4. The subdivision lines have changed

Recommendation:

1. **The ECC notes that the previously approved right of way intrudes into Federal Jurisdictional Wetlands. The Applicant must avoid intrusion into ACOE Wetlands or apply for a Federal Wetlands Permit for disturbances of more than 1/3 acre in total for the project. The Town of Clifton Park should be provided with copies of all related correspondence.**

A **motion** to adopt this recommendation was made by Howard Vipler, seconded by Raoul Desy; all in favor, none opposed.

OLD BUSINESS:

[2009-025] Van Patten, Ronald Wayne – Proposed (14) lot subdivision, 621 Englemore Road, Zoned: B-1, Revised preliminary site plan review and possible determination . [SBL: 277.-1-54](#)
To be reviewed by CHA

The project was presented as follows:

1. The area is zoned R-1 (Residential)
2. There is a LC zone located on/near the property
3. This is one large lot with 12 houses already on it. Subdivide to one building per lot. A lot of history here
4. When last reviewed, ECC stated the following:
 - a. The limits of the LC Zone and 100 foot buffer zone, DEC Wetlands, and Federal Jurisdictional Wetlands shall be identified on the plot plan.
 - b. Upon delineation of the LC Zone in accordance with Section 208-69 of the Clifton Park Town Code, uses in this area are restricted. The Town of Clifton Park Building Department shall be notified before undertaking any land disturbance activities in the LC Zone.
5. Doesn't appear the LC Zone has been delineated

Recommendation:

1. **The ECC reiterates the previous comments because there appears to be no action taken on our previous comments since the last submittal. Without identifying the wetlands and associated buffer zones, the ECC is unable to properly identify the impacts of this propose subdivision. Therefore:**
 - a. **The limits of the LC Zone and 100 foot buffer zone, DEC Wetlands, and Federal Jurisdictional Wetlands shall be identified on the plot plan.**
 - b. **Upon delineation of the LC Zone in accordance with Section 208-69 of the Clifton Park Town Code, uses in this area are restricted. The Town of Clifton Park Building Department shall be notified before undertaking any land disturbance activities in the LC Zone.**

A **motion** to adopt this recommendation was made by Karl Siverling, seconded by Victoria Lane; all in favor, none opposed.

[2011-010] Maxwell Road Offices – Proposed construction of 3,200 SF addition. 10 Maxwell Road, Zoned: B-1, Preliminary site plan review and possible determination. [SBL: 271.-3-75](#)
To be reviewed by CHA

The project was presented as follows:

1. Zoned B-1 (Business Non-Retail)
2. This is the building behind Price Chopper/K-Mart plaza
3. When last reviewed, ECC had no comments

Recommendation:

1. **ECC has no comments**

A **motion** to adopt this recommendation was made by Raoul Desy, seconded by Karl Siverling; all in favor, none opposed.

[2010-018] Muralidhar Warehouse Building – Proposed construction of +/- 28,000 SF in (2) Office/warehouse buildings. Rt. 9, Zoned: L2, Preliminary site plan, SWPPP review and possible determination. [SBL:259.-2-81](#) *To be reviewed by CHA*

The project was presented as follows:

1. Zoned Light Industrial
2. Wetlands appear to be near the property
3. When last reviewed ECC stated:
 - a. 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 use landscaping and grading to provide visual and auditory buffering between the project and adjacent roadways or other properties.
 - b. The Applicant shall submit a Stormwater Management Plan for review by the Town's Engineer.
 - c. Pursuant to Section 86-7 of the Town Code, natural drainage channels should be preserved to the greatest extent practicable.
 - d. The ECC notes that the project includes extensive paving adjacent to, or in the vicinity of (the LC Zone, State or Federal Wetlands). The ECC recommends that the Planning Board require the Applicant to incorporate sediment traps and oil water separators with appropriate capacity to limit the migration of vehicular contaminants into these sensitive environments.
 - e. The ECC notes that sensitive environments exist on properties adjacent to the project site, thus there is a potential for environmental impacts to these areas in the event that the capacity of the stormwater management system is inadequate. As such the Applicant's Drainage, Stormwater and Erosion Control Plans should be protective of these environments, during construction and occupation of the project. The ECC recommends careful review of these plans by the Town Engineer.

- f. The limits of (the LC Zone and 100 foot buffer zone, DEC Wetlands, Federal Jurisdictional Wetlands) shall be identified on the plot plan.
- g. The ECC notes that the project may result in intrusion into the LC Zone. The applicant must file for an Application for Approval of Work To Be Done in the LC Zone with the Town of Clifton Park.
- h. The ECC notes that the project may result in intrusion into Federal Jurisdictional Wetlands. The Applicant must avoid intrusion into ACOE Wetlands or apply for a Federal Wetlands Permit for disturbances of more than 1/3 acre in total for the project. The Town of Clifton Park should be provided with copies of all related correspondence.
- i. The Applicant shall take into account designated Federal Jurisdictional Wetlands shown on the most recent NYSDEC wetlands maps for the Town of Clifton Park and identify their location on the project plans.
- j. The Applicant shall comply with the Town's Hazardous Materials Policy, which can be obtained from the Town Environmental Specialist.
- k. Due to the potential for Federal wetlands on this parcel, the Applicant will determine the location and extent of disturbance of Federal wetlands before a building permit is issued.
- l. Due to the probability of food and liquid wastes leaking from the on-site dumpster(s) into a storm water catch basin and/or surface water body, the ECC recommends the applicant enclose the area on an impervious surface with a berm surrounding the dumpster(s) that accept food and liquid wastes. If necessary, the Applicant will need to periodically pump out the accumulated wastes within the bermed area to avoid any overflow.
- m. Per the Water Resources Investigations Report (01-4104), prepared in cooperation with the Clifton Park Water Authority, this project is located within the Colonie Channel aquifer/recharge area. No underground storage tanks shall be constructed on this property; during construction, any temporary above-ground storage tanks shall have secondary containment of no less than 110% of the tank volume to prevent releases to the aquifer/recharge area; during construction, contractors shall have a spill contingency plan which addresses prevention and cleanup of releases of petroleum and/or hazardous materials.

Recommendation:

1. **The ECC reiterates that this proposed project should not be approved due to the environmental constraints of the property and potential damage to the environment. Therefore, the comments below still apply:**
 - a. **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 use landscaping and grading to provide visual and auditory buffering between the project and adjacent roadways or other properties.**
 - b. **Pursuant to Section 86-7 of the Town Code, natural drainage channels should be preserved to the greatest extent practicable.**
 - c. **The ECC notes that the project includes extensive paving adjacent to, or in the vicinity of (the LC Zone, State or Federal Wetlands). The ECC recommends that the Planning Board require the Applicant to incorporate sediment traps and oil**

- water separators with appropriate capacity to limit the migration of vehicular contaminants into these sensitive environments.
- d. The ECC notes that sensitive environments exist on properties adjacent to the project site, thus there is a potential for environmental impacts to these areas in the event that the capacity of the stormwater management system is inadequate. As such the Applicant's Drainage, Stormwater and Erosion Control Plans should be protective of these environments, during construction and occupation of the project. The ECC recommends careful review of these plans by the Town Engineer.
 - e. The limits of (the LC Zone and 100 foot buffer zone, DEC Wetlands, Federal Jurisdictional Wetlands) shall be clearly identified on the plot plan.
 - f. The ECC notes that the project may result in intrusion into the LC Zone. The applicant must file for an Application for Approval of Work To Be Done in the LC Zone with the Town of Clifton Park.
 - g. The ECC notes that the project may result in intrusion into Federal Jurisdictional Wetlands. The Applicant must avoid intrusion into ACOE Wetlands or apply for a Federal Wetlands Permit for disturbances of more than 1/3 acre in total for the project. The Town of Clifton Park should be provided with copies of all related correspondence.
 - h. The Applicant shall take into account designated Federal Jurisdictional Wetlands shown on the most recent NYSDEC wetlands maps for the Town of Clifton Park and identify their location on the project plans.
 - i. The Applicant shall comply with the Town's Hazardous Materials Policy, which can be obtained from the Town Environmental Specialist.
 - j. Due to the Federal wetlands on this parcel, the Applicant will determine the location and extent of disturbance of Federal wetlands before a building permit is issued.
 - k. Due to the probability of food and liquid wastes leaking from the on-site dumpster(s) into a storm water catch basin and/or surface water body, the ECC recommends the applicant enclose the area on an impervious surface with a berm surrounding the dumpster(s) that accept food and liquid wastes. If necessary, the Applicant will need to periodically pump out the accumulated wastes within the bermed area to avoid any overflow.
 - l. Per the Water Resources Investigations Report (01-4104), prepared in cooperation with the Clifton Park Water Authority, this project is located within the Colonie Channel aquifer/recharge area. No underground storage tanks shall be constructed on this property; during construction, any temporary above-ground storage tanks shall have secondary containment of no less than 110% of the tank volume to prevent releases to the aquifer/recharge area; during construction, contractors shall have a spill contingency plan which addresses prevention and cleanup of releases of petroleum and/or hazardous materials.

A **motion** to adopt this recommendation was made by Rick Zahnleuter, seconded by Howard Vipler; all in favor, none opposed.

[2010-012] 89 Longkill Road, Lands of Peterson – Proposed (2) lot subdivision , 89 Longkill Road, Zoned: R-1 , Revised conceptual site plan review. *SBL: 250.-1-1.2 To be reviewed by CHA*

Comments:

1. Zoned Residential
2. This land was previously subdivided and now comes before the Board for further subdivision.
3. Public water and on-site septic
4. When last reviewed, ECC stated “Due to environmental constraints at this location, the ECC does not recommend further subdivision of this parcel.”

Recommendation:

- 1. The applicant should verify the validity of Note #13 as listed on the draft site plan.**
- 2. Due to environmental constraints of the wetlands at this location, the ECC does not recommend further subdivision of this parcel.**
- 3. If approved, however, the proposed house on Lot 91 should be relocated out of the wetland.**

A **motion** to adopt this recommendation was made by Rick Zahnleuter, seconded by Howard Vipler; all in favor, none opposed.

New Business:

[2008-010] Prestige Motor Car Co., Rear Amendment – Proposed parking amendment to allow parking in rear of approved site plan, 1928 Route 9, Zoned:L2 , Conceptual site plan review. *SBL: 259.-2-30.111 To be reviewed by CHA*

The project was presented as follows:

1. Zoned Light Industrial
2. This is to amend a previous approved design. It will intrude into the LC Zone with mitigation measures.

Recommendation:

- 1. Due to the sensitivity of Dwaas Kill (listed on the NYS list of impaired waterways per Section 303(d) of the Clean Water Act), the ECC does not recommend extending the proposed 6,000 sq. ft. warehouse into the LC Zone.**

A **motion** to adopt this recommendation was made by Dan Mathias, seconded by Howard Vipler; four in favor, three opposed, no abstentions.

* * * * *

The meeting was adjourned at 9:32 PM.



Respectfully submitted,
Brian Glick, Chairman

cc: Clifton Park Town Clerk
Planning Board (E-mail copy)
Sanford Roth, Town Liaison (E-mail copy)