



Town of Clifton Park

ENVIRONMENTAL CONSERVATION COMMISSION

Protecting today's environment for the next generation...



TOWN SUPERVISOR:

Philip C. Barrett

ECC CHAIR:

Brian Glick

ECC ATTORNEY:

Joel Peller

STORMWATER MANAGEMENT TECHNICIAN:

Scott Reese

TOWN LIAISON:

Sanford Roth

MEMBERS:

Raoul Desy

Brian Glick

Dan Mathias

Karl Siverling

James Ruhl

Keith Martin

Mary Anne Mariotti

FINAL

MINUTES: **Tuesday, September 4th, 2018**

CALL TO ORDER: Brian Glick, called the meeting to order at 7:00 PM in Conf. Room B.

PRESENT: Scott Reese, Brian Glick, James Ruhl, Keith Martin, Dan Mathias, Mary Anne Mariotti, Karl Siverling

ABSENT: Raoul Desy, Sandy Roth

ANNOUNCEMENTS:

- Next meeting: The next ECC meeting will be **Tuesday, September 18th, 2018** at 7 PM in Town Hall, Conference Room C
- Scott Reese, Stormwater Management Technician was present to explain the project applications
- ZBA – 4 Project received – 0 to review

Zoning Board –

Variance #81183 – 451 Clifton Park Center Road – Emailed to ECC on 8/28/18 on ZBA Agenda 9/4/18.

Variance #81178 – PV Engineers c/o Borrego – 753 Grooms Road – Same project as PB Item 2018-046 – Grooms Large Scale PV Facility SUP

Variance #81184 – Solitude Solar LLC – 164 Sugar Hill Road – Same project as PB Item 2018-050 - Solitude Solar Community Solar Array SUP

Variance #81185 – DCG Development Company – 943 Route 146 -

Planning Board

New Business – Overflow from August 14th Meeting (due to past midnight deadline for agenda items to be considered)

2018-044 Azadivatan 2 Lot Subdivision

Applicant proposes subdividing a 7.09 acre lot into 2 lots. Lot A will be 2.51 acres and Lot B will be 4.58 acres. The applicant proposes to use Lot B to build a single family home for herself that will be consistent with the adjacent R-1 zoning requirements. Lot A will continue to be used for commercial purposes. Access and utilities easements will be put in place on lot A for access and utilities to Lot B (as noted on the subdivision), 521 Vischer Ferry Rd, Zoned: B-3, Status: PB Concept Review SBL: 271.-1-5

To be reviewed by: MJE Consultant: ABD Applicant: Azadivatan

ECC Recommendations on August 7th, 2018:

- 1. The limits of (the LC Zone and 100 foot buffer zone, DEC Wetlands, Federal Jurisdictional Wetlands) shall be identified on the plot plan.**

A **motion** to adopt these statements was made by Keith Martin seconded by Raoul Desy; all in favor, none opposed.

2018-045 Grooms Large Scale PV Facility Site Plan

Applicant proposes construction of a 9.2 MW ground-mounted solar energy generating facility. The facility will cover approximately 33.09 acres, and be surrounded by a 7' fence and associated road will cover approximately an additional 1.4 acre, 753 Grooms Rd, Zoned: CR, Status: PB Concept Review

To be reviewed by: MJE Consultant: Borrego Solar Applicant: Borrego Solar SBL: 276.-2-30.1

ECC Recommendations on August 7th, 2018:

- 1. The limits of (the LC Zone and 100 foot buffer zone, DEC Wetlands, Federal Jurisdictional Wetlands) shall be identified on the plot plan.**
- 2. The ECC recommends that the proposed disturbance shall remain out of the NYSDEC Wetland Adjacent Area and more importantly out of the existing wetlands. The removal of trees and stumps from the LC Zone will significantly reduce the effectiveness of this area as a buffer zone (i.e. eliminate wildlife habitat and stormwater filtration.)**
- 3. All installations shall be screened with an appropriate combination of natural vegetative buffer, landscaping, or other such screening so as to minimize significant adverse environmental, visual and or auditory impacts.**
- 4. Although if it is not essential for project approval, the ECC urges the applicant to consider the development of a pollinator – friendly planting plan which would provide habitat for bees buterflies and other wildlife.**
- 5. The conservation residential zone was established to provide and maintain land arae to promote open space an agricultural uses and activites to sistain the ruaral chaarcter of**

the predominately natural, agricultural and low intensity residential setting as such the preservation of constrained land (eg. Wetlands, etc.) is required in residential development projects within this zone. This project shall be consistent with that practice. Therefore the placement of solar panels within constrained land areas on the parcel should be prohibited.

A **motion** to adopt these statements was made by Dan Mathias seconded by Keith Martin; all in favor, none opposed.

2018-046 Grooms Large Scale PV Facility SUP

Applicant requests a SUP approval from section 208-16 D.(3)(a)[22] for a ground mounted solar array, 753 Grooms Rd, Zoned: CR, Status: PB Concept Review

SBL: 276.-2-30.1

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

ECC Recommendations on August 7th, 2018:

- 1. The limits of (the LC Zone and 100 foot buffer zone, DEC Wetlands, Federal Jurisdictional Wetlands) shall be identified on the plot plan.**
- 2. The ECC recommends that the proposed disturbance shall remain out of the NYSDEC Wetland Adjacent Area and more importantly out of the existing wetlands. The removal of trees and stumps from the LC Zone will significantly reduce the effectiveness of this area as a buffer zone (i.e. eliminate wildlife habitat and stormwater filtration.)**
- 3. All installations shall be screened with an appropriate combination of natural vegetative buffer, landscaping, or other such screening so as to minimize significant adverse environmental, visual and or auditory impacts.**
- 4. Although if it is not essential for project approval, the ECC urges the applicant to consider the development of a pollinator – friendly planting plan which would provide habitat for bees butterflies and other wildlife.**
- 5. The conservation residential zone was established to provide and maintain land areas to promote open space and agricultural uses and activities to sustain the rural character of the predominately natural, agricultural and low intensity residential setting as such the preservation of constrained land (eg. Wetlands, etc.) is required in residential development projects within this zone. This project shall be consistent with that practice. Therefore the placement of solar panels within constrained land areas on the parcel should be prohibited.**

A **motion** to adopt these statements was made by Dan Mathias seconded by Keith Martin; all in favor, none opposed.

At the September 4th, 2018 meeting, the ECC has motioned to reiterate the above comments for the Planning Board Meeting on September 11, 2018.

I. Public Hearings - None

II. Old Business –

2018-026 Ashdown Large Scale PV Facility Site Plan, Subdivision, and Special Use Permit

Applicant proposes construction of a 5.3 MW ground-mounted solar energy generating facility. The facility will cover approximately 20.9 acres and will be surrounded by a 7' fence and 1 road will cover an additional .2 acres. An existing duplex on the property is proposed to be subdivided out onto its own 3 +/- acres. 25&27 Ashdown Road, Zoned: CR, Status: PB Final Review w/ Poss. Determination SBL: 263.-2-83

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

Recommendations:

- 1. The applicant is required to avoid wetland impacts (including the 100 buffer zone). If after this examination of alternatives impacts to the wetlands remain and cannot be avoided applicant shall be required to submit a proposal to compensate for losses by replacing lost wetlands or wetland natural values (eg. Construct new wetlands, enhance natural diversity of natural wetlands or construct facilities replacing wetland functions.) That being said, the Town Comprehensive Plan provides for a land conservation zone (eg. buffer zone) of 100 feet surrounded a NYSDEC wetland. Our Town Code implements this vision. Any disturbance of this area will impair its natural functions (eg. Natural habitat, drainage flows, filtration, etc.)**

A **motion** to adopt these statements was made by Keith Martin, seconded by Karl Siverling; all in favor, none opposed.

2017-033 MDG Mill Creek Grooms Road 3 Lot Subdivision

Applicant proposes to create 3 lots approximately .98, .86, and 1.09 acres to build 3 duplexes. Project also includes SBL 278.-1-45 and 278.-1-46.2. Existing curb cuts will be utilized for access to the duplexes; 465 Grooms Rd, Zoned: R-1, Status: PB Revised Conceptual Review SBL: 278.-1-46.1

Reviewed by: MJE Consultant: Hershberg & Hershberg Applicant: MDG Mill Creek

Recommendations:

- 1. For lots 2 and 3 the ECC notes there is very little usable yard due to the presence of wetlands.**
- 2. For all lots the ECC recommends delineation of the wetlands using split rail fencing along the wetland borders and deed restrictions to protect the remaining wetlands.**
- 3. The applicant should consult with the ACOE and determine the mitigation measures required for this proposal. 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 any**

- disturbances for the project. The Town of Clifton Park should be provided with copies of all related correspondence.
4. There may be a presence of high groundwater and building codes require a certain separation of groundwater to the building foundation. This may result in added fill around the building increasing the grading footprint and additional disturbance to the existing wetlands. The ECC suggests a grading plan should be provided to show the possible limits of disturbance.
 5. As per section 208-11 all three lots do not appear to meet the R-1 units per acre standard. The ECC recommends the applicant provide the data on the submitted plans to show how it meets the density standards.
 6. As per section 208-11 (note c) two of the three lots do not meet the 200 feet front building line width.

A **motion** to adopt these statements was made by Dan Mathias, seconded by Mary Anne Mariotti; all in favor, none opposed.

2017-034 MDG Mill Creek Grooms Road Duplex SUP

Applicant proposes to construct 3 duplex units on the 3 parcels being subdivided. Project also involves SBL 278.-1-45 and 278.-1-46.2, 465 Grooms Rd, Zoned: R-1, Status: PB Revised Conceptual Review SBL: 278.-1-46.1

Reviewed by: MJE Consultant: Hershberg & Hershberg Applicant: MDG Mill Creek

Recommendations:

1. For lots 2 and 3 the ECC notes there is very little usable yard due to the presence of wetlands.
2. For all lots the ECC recommends delineation of the wetlands using split rail fencing along the wetland borders and deed restrictions to protect the remaining wetlands.
3. The applicant should consult with the ACOE and determine the mitigation measures required for this proposal. 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 any disturbances for the project. The Town of Clifton Park should be provided with copies of all related correspondence.
4. There may be a presence of high groundwater and building codes require a certain separation of groundwater to the building foundation. This may result in added fill around the building increasing the grading footprint and additional disturbance to the existing wetlands. The ECC suggests a grading plan should be provided to show the possible limits of disturbance.
5. As per section 208-11 all three lots do not appear to meet the R-1 units per acre standard. The ECC recommends the applicant provide the data on the submitted plans to show how it meets the density standards.
6. As per section 208-11 (note c) two of the three lots do not meet the 200 feet front building line width.

A **motion** to adopt these statements was made by Dan Mathias, seconded by Mary Anne Mariotti; all in favor, none opposed.

III. New Business –

2018-049 Solitude Solar Community Solar Array Site Plan

Applicant proposes construction of a 7MW photo-voltaic community solar project. An existing access drive off of Sugar Hill Road will be used to access the area of the PV solar array in the back part of the property. The electrical interconnect from the PV solar array is proposed to be an overhead line connecting to existing lines along Riverview Road, Also Involves Parcel 282.-1-28.12; 160 Sugar Hill Road, Zoned: CR, Status: PB Concept Review

SBL: 282.-1-30.11

To be reviewed by: MJE Consultant: CT Male Applicant: Hicks

Recommendations:

- 1. The special use permi applicant has the burden of proving compliance with each of the special use permit criteria in the zoning ordinance or local law.**
- 2. The special use permit process is a technique to regulate land uses which a municipality seeks to encourage in a particular distric or zone, but which could become problematic if not conditioned in a manner suitable for the particular location. The purpose of the Conservation Residential Zone is to protect and enhance the rural character, the scenic qualities of open space that complements the traditional patterns in Western Clifton Park. New Development should complement and harmonize the traditional rural and natural environmental vistas. This project does not meet the objective as valued by the community in Western Clifton Park.**
- 3. There are thirteen standards for Special use permits which should be satisfied by the appliant. Town Code 208-79 E (1)(d) states that “the use will be in harmony with and promote the general purposes of the Comprehensive Plan and this chapter.” The applicant must demonstrate that this project is in compliance with this criteria.**
- 4. The applicant is required to avoid wetland impacts (including the 100 buffer zone). If after this examination of alternatives impacts to the wetlands remain and cannot be avoided applicant shall be required to submit a proposal to compensate for losses by replacing lost wetlands or wetland natural values (eg. Construct new wetlands, enhance natural diversity of natural wetlands or construct facilites replacing wetland functions.) That being said, the Town Comprehensive Plan provides for a land conservation zone (eg. buffer zone) of 100 feet surrounded a NYSDEC wetland. Our Town Code implements this vision. Any disturbance of this area will impair its natural functions (eg. Natual habitat, drainage flows, filtration, etc.)**
- 5. The limits of (the LC Zone and 100 foot buffer zone, DEC Wetlands, Federal Jurisdictional Wetlands) shall be identified on the plot plan. Layout Plan C-103 does not indicated the type of wetland or any buffer zone.**
- 6. The ECC concern with the amount of tree cutting proposed by the applicant within the wetlands.**

A **motion** to adopt these statements was made by Keith Martin, seconded by Dan Mathias; all in favor, none opposed.

2018-050 Solitude Solar Community Solar Array SUP

Applicant proposes construction of a 7MW photo-voltaic community solar project. An existing access drive off of Sugar Hill Road will be used to access the area of the PV solar array in the back part of the property. The electrical interconnect from the PV solar array is proposed to be an overhead line connecting to existing lines along Riverview Road. Also Involves Parcel 282.-1-28.12; 160 Sugar Hill Rd, Zoned: CR, Status: PB Concept Review
 SBL: 282.-1-30.11 To be reviewed by: MJE Consultant: CT Male Applicant: Hicks

Recommendations:

1. **The special use permi applicant has the burden of proving compliance with each of the special use permit criteria in the zoning ordinance or local law.**
2. **The special use permit process is a technique to regulate land uses which a municipality seeks to encourage in a particular distric or zone, but which could become problematic if not conditioned in a manner suitable for the particular location. The purpose of the Conservation Residential Zone is to protect and enhance the rural character, the scenic qualities of open space that complements the traditional patterns in Western Clifton Park. New Development should complement and harmonize the traditional rural and natural environmental vistas. This project does not meet the objective as valued by the community in Western Clifton Park.**
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6. **The ECC concern with the amount of tree cutting proposed by the applicant within the wetlands.**

A **motion** to adopt these statements was made by Keith Martin, seconded by Dan Mathias; all in favor, none opposed.

Discussion Items – None

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The meeting was adjourned at 8:53 PM.



Respectfully submitted,
Brian Glick

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