



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 Mgmt. Tech:

Scott Reese

Town Liaison:

Sanford Roth

Members:

Raoul Desy

Brian Glick

Dan Mathias

Karl Siverling

James Ruhl

Keith Martin

Mary Anne Mariotti

Dave Alexander

FINAL

MINUTES:

Wednesday, November 6th, 2019

CALL TO ORDER:

Raoul Desy, called the meeting to order at 7:00 PM in Conf. Room C.

PRESENT:

Scott Reese, Keith Martin, James Ruhl, Dan Mathias, Raoul Desy

ABSENT:

Brian Glick, Mary Anne Mariotti, Sandy Roth, Dave Alexander, Karl Siverling

GUEST:

Matt Weber

ANNOUNCEMENTS:

- Next meeting: The next ECC meeting will be Tuesday, **November 19th, 2019** at 7 PM in Town Hall, Conference Room C
- Scott Reese, Stormwater Management Technician was present to explain the project applications
- ZBA – 0 Project received – 0 to review

Zoning Board – None

Planning Board

I. Public Hearings –

2019-037 Boni, Ryan 2 Lot Subdivision

Applicant proposes to subdivide a 13.07 acre parcel into 2 lots (10.04 acres and 2.82 acres) to accommodate 2 single family homes, Variances have been granted. Rt 146A,

Zoned: CR, Status: PB Concept Review SBL: 264.-3-66.11

To be reviewed by: MJE

Consultant: none

Applicant: Boni

ECC Recommendations:**1. The ECC had the following comments on the previous submittal:**

A. In the June 18th minutes of the ZBA, the record states: “Mr. Boni added that he felt it was not a desirable location for a single-family home and that he felt it would be better suited for duplexes as rental units.”

This assumption, however, has various environmental and public safety dimensions:

- First, this statement assumes the possibility of annoying environmental noise levels at the site presumable due to rail and road traffic.**
- Second, the statement assumes that renters will tolerate the annoying noise levels better than owners of single family dwellings; why would they?**
- Third, the “remedy” is to increase the number of people annoyed by the surrounding noise levels by building duplexes.**
- Fourth, any real remedy such as a noise barrier is not mentioned because if the renters are vocal enough, it will be the Town that is saddled with the resolution of the problem.**

The “solution” to the Boni statement is a noise study that identifies the noise level, source and frequency of rail and road traffic noise at the site. The odd shape of this parcel, its unique location and the possibility of small children in the rental units demands that statement #1 be resolved so that statements #2, 3, 4 can be empirically addressed.

B. The ECC notes that this project is adjacent to a significant wetland area and the occupants of these duplexes will be subject to mosquitos and other insects during warm weather months.

C. The June 30, 2019 survey certifies a 100-foot buffer zone indicating the limits of the NYS Wetlands. The ECC recommends that LC boundaries be delineated by a split rail fence.

D. The parcel (subdivision) is located in an area which may be impacted by railroad activity. Impacts may include noise or vibration. The ECC recommends that this condition be recorded on the deeds.

2. Due to the change in the present proposal the ECC has the additional following comments:

A. It appears to the ECC that the granting of the variances was contingent upon the donation of 7 acres of land to the Town of Clifton Park. However, a review of this proposed donation by the town planning department indicates that due to its lack of accessibility, this donation would be better suited to be made to Saratoga Plan which owns the adjacent Woodcock Preserve. The ECC recommends that the Planning Board / Town Board determine that such a donation would be acceptable to Saratoga Plan before proceeding with a decision. The criteria and procedure for approval is outlined in Town Code 208-43.16.

- B. A noise and vibration and proximity and safety study should be required before any subdivision approval are granted.**
- C. The site needs a much more thorough wetlands study. The last one was done in July 2019 during dry summer months which given present moisture levels may not be appropriate.**
- D. In a letter dated April 19, 2019, the planning department noted “with single family home development, ... property owners will often clear beyond what was originally identified on building permit plans to increase yard space over time and encroach into protected wetland areas.” Therefore, the ECC requests the Planning Board require signage and split rail fencing indicating the limits of the 100’ buffer (LC Zone).**
- E. The ECC notes that the delineation of the LC zone is within 10 feet of the proposed dwelling on Lot 2. Therefore, appropriate construction barriers be required during the project in order to mitigate any potential intrusions.**
- F. The ECC notes that, per Town Code 208-16.D.(3)(a)[23], electrical substations (and other utility-related uses) are permitted in the CR Zone “subject to the provisions of § 208-79E(2)” (Standards for special use permits). These Standards require the Planning Board to determine, among other things, that the electric substation satisfies the following considerations:**
 - (a) That the use will not prevent the orderly and reasonable use of adjacent properties or of properties in adjacent use districts.**
 - (b) That the use will not prevent the orderly and reasonable use of permitted or legally established uses in the district wherein the proposed use is to be located.**
 - (c) That the public health, safety, general welfare or order of the Town will not be adversely affected by the proposed use in its location.**

The Town Code further states that “(n)o special use permit shall be granted for an electrical substation in any residential district or Business District B-3 unless the Planning Board shall conduct a public hearing at a regularly scheduled Town Board meeting.”

Due to the proximity of the project to an existing electric substation, the ECC recommends that the Planning Board determine that the introduction of the proposed single family dwellings will not subject the future homeowners to the health, safety and welfare exposures outlined in this section of the Town Code.

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

II. Old Business –

2019-046 178 Vischer Ferry Ground Solar SUP

Applicant proposes installation of a 40 panel ground mounted solar array, 178 Vischer Ferry Rd, Zoned: CR, Status: PB Concept Review SBL: 282.-2-50

To be reviewed by: MJE Consultant: AEC Solar Energy Corp Applicant: Michael Bibighaus

ECC Recommendations:

- 1. The ECC recommends the applicant implement appropriate vegetative screening to the maximum extent practicable between the proposed solar field and Vischer Ferry Road.**

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

III. New Business –

2019-055 Ashe Hatlee Road 2 Lot Subdivision

Applicant proposes subdividing existing 9.98 acres into 2 lots. Lot 1 will be 4.95 acres and contain existing house, well and septic. Lot 2 will be for construction of a single family home with proposed well and septic. Both Lots will share a common driveway for access to Hatlee Road, 980 Hatlee Rd, Zoned: CR, Status: PB Concept Review

SBL: 258.-1-18.11 To be reviewed by: MJE Consultant: GVG Applicant: Ashe

ECC Recommendations:

- 1. The ECC requests that the applicant provide a plot plan with contour lines and proposed grading so that the impact of the proposed project can be assessed.**
- 2. Per 208-16.E (2) Development Options, the applicant is required to follow the CR Zone Conservation Approach (Standards).**
- 3. The ECC requests that split rail fencing delineate the wetland setback area (LC Zone).**
- 4. The applicant shall indicate the type of permanent open space (either public or private ownership). If public please refer to 208-16.F for proof of preservation in perpetuity of permanent open space and provide this information to the Planning Board prior to subdivision approval.**

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

2019-053 Cafarelli 2 Lot Subdivision

Applicant proposes re-subdividing lot into 2 lots with the same configuration as the original Country Knolls Subdivision. Lot was merged in 2000, 7 Northway View Ct, Zoned: R-1, Status: PB Concept Review SBL: 259.11-1-38

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

ECC Recommendations:

- 1. The ECC has no comment.**

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

Discussion Items – *None*

* * * * * * * * * * * * *

The meeting was adjourned at 8:50 PM.



Respectfully submitted,
Raoul Desy

cc: Clifton Park Town Clerk
 Planning Director
 Sanford Roth, Town Liaison