



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

Heather Fariello

## FINAL

MINUTES:

**Tuesday, January 7, 2020**

CALL TO ORDER:

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

PRESENT:

Scott Reese, James Ruhl, Brian Glick, Mary Anne Mariotti, Dave Alexander, Dan Mathias, Raoul Desy, Keith Martin, Karl Siverling, Sandy Roth

ABSENT:

### ANNOUNCEMENTS:

- Next meeting: The next ECC meeting will be Tuesday, **January 21<sup>st</sup>, 2020** 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

### Planning Board

#### I. Public Hearings –

##### **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 new 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 Preliminary Review w/ possible determination* SBL: 258.-1-18.11

To be reviewed by: no review Consultant: GVG Applicant: Ashe

**ECC Recommendations:**

- 1. The ECC has no comments at this time.**

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

**2019-057 Kieper Timber Harvest – Special Use Permit Application to be reviewed for conformance with Chapter 184 of the Town Code**

*Applicant proposes a forest management plan to improve the overall health and productivity of the forest ecosystem and to improve wildlife habitat. Buffers will be left along all property boundaries, NYSDEC wetlands and sensitive environmental areas, Riverview Rd, Zoned: CR, Status: PB Preliminary Review w/ possible determination* SBL: 288.-1-35

To be reviewed by: none Consultant/ Applicant: Saratoga Land Mgt

**ECC Recommendations:**

- 1. The Applicant in preparing the submittal for the Planning Board Application for Special Use shall adhere to Town Code 184 and supply all data requested with the Town Code.**
- 2. In particular the area to be logged shall first be reviewed by a consulting forester or state forester to be retained by the applicant to advise the applicant, in writing, concerning the proposed operation and this report is to be submitted to the Planning Board. Please note, that the DEC can provide information regarding foresters NYSDEC/FINDAFORESTER website.**
- 3. The ECC is not able to supply any additional comments as there was no submission for the ECC to review.**

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

**II. Old Business –**

**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 residential single family homes, Rt 146A, Zoned: CR, Status: PB Final Review* SBL: 264.-3-66.11 To be reviewed by: MJE Consultant: n/a Applicant: Boni

**ECC Recommendations:**

- 1. In reviewing this project, the Planning Board requested that the applicant provide – the LC Overlay Zone boundaries, land modified disturbance boundaries, the split rail fence, and a possible trail easement along Route 146A. Review of the file by the**

**ECC indicates that this information has not been provided. Also in addition we have not received any data regarding to the agreed upon noise study. Consequently, the ECC recommends that no action be taken on this project until such time as the information is provided and can be evaluated.**

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

**A. In the June 18<sup>th</sup> 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.**

**3. 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 Raoul Desy all in favor, none opposed. - Brain Glick has recused himself.

**2019-034 1573 Crescent Road 4 Lot Subdivision Amendment**

*Applicant proposes subdividing the parcel into 4 lots creating a .61 acre lot for the existing single family home located on the property as well as 3 vacant lots of 2.28, 1.28, & .46 acres, 1573 Crescent Rd, Zoned: R-1, Status: PB Prelim Review - Poss. Determination*

SBL: 283.-2-9

To be reviewed by: MJE Consultant: J. Stevens Applicant: Fisher Revocable Trust

**ECC Recommendations:**

- 1. Until the entire project can be supplied for review, the ECC cannot comment on the project. The potential exists for changes to the plan such as lot line adjustments, stormwater management redesign, utility placement, and other changes. The ECC recommends that this project be deferred until such time the master plan is provided. This recommendation is consistent with the Saratoga County Planning Board comment letter and our previous recommendation that this project be proposed in its entirety.**

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

III. New Business –

**2019-047 Stewart's Shops 1740 Route 9 - Site Plan**

*Applicant proposes subdividing 1.48 acres from CPOP site which currently contains the Residence Inn by Marriott and upon subdivision and Site Plan Approval will construct a new 3,696 sf store and self-serve canopy, 1740 Rt 9, Zoned: B-4A, Status: PB Preliminary Review SBL: 272.1-1-14*

To be reviewed by: MJE Consultant: Stewart’s Applicant: Stewart’s

**ECC Recommendations:**

- 1. The ECC has no comments at this time.**

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

Discussion Items – *None*

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The meeting was adjourned at 8:30 PM.



Respectfully submitted,  
Brain Glick

cc: Clifton Park Town Clerk  
Planning Director

Sanford Roth, Town Liaison