



Town of Clifton Park



ENVIRONMENTAL CONSERVATION COMMISSION  
*Protecting today's environment for the  
next generation...*

Town Supervisor:

Philip C. Barrett

ECC Chair:

Dan Mathias

Stormwater Mgmt. Officer:

Scott Reese

Town Liaison:

Agatha Reid

Members:

Brian Glick

Dan Mathias

Karl Siverling

James Ruhl

Dave Alexander

Marla Zuarino

Jean Cottrell

Michael Christensen

Anne Dillenbeck

## FINAL

MINUTES:

**Tuesday, September 3<sup>rd</sup>, 2024**

CALL TO ORDER:

Dan Mathias, called the meeting to order at 7:00 PM

PRESENT:

Scott Reese, Dan Mathias, Jean Cottrell, Anne Dillenbeck, Karl Siverling, Marla Zuarino

ABSENT:

James Ruhl, Dave Alexander, Brian Glick, Michael Christensen,

### ANNOUNCEMENTS:

- Next meeting: The next ECC meeting will be **Monday September 16<sup>th</sup>, 2024**, at 7 PM
- Scott Reese, Stormwater Management Officer was present to explain the project applications.

### Zoning Board – None

### Planning Board

### Public Hearings –

#### **#2024-026 Miller Road 3 Lot Subdivision (Boni)**

SBL: 276.-2-33

Subdivide a 5.169+/- acre lot with existing home into 3 lots, Miller Rd, Zoned: R1 – Residential

Status: Preliminary

Applicant: KLB Enterprises, Consultant: GVG Land Surveyor, PLLC – K. Weed

**ECC Comments:**

- 1. The ECC notes per Town Code Chapter 179-8 B. A site analysis map shall be provided with contours, wetlands, etc. The applicant stated per MJ Engineers comment #3 "See letter submitted, no wetlands present." The letter is from the NYSDEC regarding there are no State Wetlands present. The ECC requests that the applicant check for ACOE / federal wetlands as well.**
- 2. The ECC requests that the Planning Board require an easement for a multi-use trail.**
- 3. The ECC requests that the deed includes a statement indicating that there is a 50-foot buffer around the pond prohibiting any fill or excavation.**

Marla Zuarino made a motion to adopt this statement, seconded by Jean Cottrell, all in favor, none opposed.

Old Business –

**#2023-013 Fire Road Gas Station and Mixed-Use Building Redevelopment**

SBL: 272.9-1-19

4 Fire Road Plaza Redevelopment, revised design submission with drive thru, 4 Fire Rd

Zoned: TC3 - General Zone, Status: Revised Preliminary

Applicant: Erin Ozbay, Consultant: Lansing Engineering, PC – A. Masullo

**ECC Comments:**

- 1. The ECC is concerned about the global impact of the new traffic pattern that is created with this design. For example, the tight right turn into the drive thru lane from Fire Road, the fact that the handicap patrons would have to cross in front of the drive thru traffic, pedestrians would be crossing by the tight turn in entrance to the drive thru, patrons in the outdoor seating area would be in close proximity to vehicular traffic and possibly risk of injury, increased traffic exiting to Fire Road may back up into the lot. Therefore, the ECC requests a traffic study be updated to include the impact of a drive-thru at this location.**
- 2. The ECC also recommends increased vegetative buffer along the drive thru that borders Rt 146 to help decrease cross traffic lighting from opposing vehicles in the drive thru that are facing westbound vehicles on NY Rt 146.**

Jean Cottrell made a motion to adopt this statement, seconded by Marla Zuarino, all in favor, none opposed.

**#2024-014 68 Droms Rd 24 Lot Subdivision (Dingley)**

SBL: 276.-1-34.2

24 Lot Subdivision (Dingley), 68 Droms RD, Zoned: CR - Conservation Residential

Status: Revised Preliminary

Applicant: Erik Kohler Homes LLC, Consultant: EDP – J. Dannible

**ECC Comments:**

1. The ECC notes that there are no updated responses from our July 1<sup>st</sup> and August 4<sup>th</sup> comments to the current proposal. Therefore, we reiterate all the previous comments and the following comments,
2. Clifton Park Town Comprehensive Plan has a goal to support “the continued process of farming and agricultural land uses including an agricultural district in the town and all related activities therein.” Riverview Orchards is within the Town’s Agricultural District.
3. Town Code 102-1. (C.) states *“It is the general purpose and intent of this chapter to maintain and preserve the rural tradition and character of Clifton Park, to permit the continuation of agricultural practices, to protect the existence and operation of farms and to encourage the initiation and expansion of farms and agricultural businesses.”*
4. The following provisions are in the Town Code:
  - a. 208-16 B. (4) – *“Development should support uses compatible with surrounding land uses and to provide and design for adequate buffering of adjoining properties, particularly between agricultural and residential uses.”*
  - b. 208-16. B. (3) – *“Development should be sited and laid out using conservation-based and low-impact design in support of creative solutions to minimize impacts to open space lands and agricultural lands.”*
  - c. Design Guidelines – *Riverview Orchards is “part of the agricultural core of working farms in Western Clifton Park that should be protected and buffered from development.”*
  - d. Design Guidelines – *“In particular, avoid locating new homes near existing farms and farmlands, buffer residential uses from active farms, and avoid fragmentation of core agricultural areas.”*
5. The Statement of Findings – Western Clifton Park Land Conservation Plan and GEIS (April 11, 2005) states *“Development that would impact productive farmland is contrary to the vision articulated in the Land Conservation Plan. Therefore, prime and statewide important farmland should be considered in any subdivision or site plan review process to protect these lands to the greatest extent practicable.”*
6. The ECC recommends that the Planning Board requests that the applicant provide an alternative design considering the modifications shown on the alternative plan prepared by William Conner.
  - a. The alternative deals with many of the existing objections to the proposed plan.
  - b. The alternative deals directly with the potential public health impact of orchard spray plume.
  - c. The proposed 300-foot buffer in the alternative accommodates the essential dwelling density of the proposed plan prepared by William Conner.
  - d. The alternative plan allows for more than 18 homes by providing a second access point per Town Code 179-25 H.
7. In summary, there are feasible alternative designs which will adhere more closely to the design guidelines, minimize conflict and health risk between the farm operation

**and proposed residential development, and achieve the goals and intent of the conservation residential zone. The ECC urges the Planning Board to delay further consideration until these alternative plans are developed.**

Karl Siverling made a motion to adopt this statement, seconded by Dan Mathias, all in favor, none opposed.

New Business –

**#2024-035 216 Sugar Hill Rd Solar Array (5MW) (Cotton)**

SBL: 282.-1-10.1

5MW Solar Array, 216 Sugar Hill Rd, Zoned: CR – Conservation Residential, Status: Concept

Applicant: Cotton Solar 1, LLC, Consultant: Creighton Manning – T. Rosencranse

**ECC Comments:**

- 1. The ECC notes this project is in Agricultural District 2 and is situated on prime agricultural soil. Per Town Code Chapter 208-80 C. (12) Any Tier 3 solar energy system located on the areas that consist of prime farmland or farmland of statewide importance shall to the maximum extent practicable avoid disturbance of these most valuable/productive farmland soils. It is the opinion of the ECC based on the Saratoga County Map Viewer that the project does not avoid the most productive farmland soils.**
- 2. The proposed plan places solar panels on an unspecified quantity of wetlands. These wetlands are within 5+/- miles of the Vischer Ferry Nature and Historic Preserve which is classified as an important bird area by Audubon New York. By placing these solar panels in the wetland area, it is highly likely that an important migratory bird habitat will be impacted. The ECC recommends that this portion of the solar field be eliminated.**
- 3. The Project Narrative states that a “Wetland and Stream Delineation Survey Figure 1” (Wetland Report) was prepared by LaBella Associates, P.C., June 2024. This document is not in the submission package as seen by the ECC. Please provide this information.**
- 4. The ECC notes that the project proposes placement of solar arrays in an ACOE wetland. If this project were to be approved by the Planning Board, in order to minimize disruption to this ecological area, the ECC requests that the solar arrays be placed on technic posts. This practice has been utilized in other solar projects located in wetlands in Clifton Park.**
- 5. The ECC notes its concern with the 1,000-foot access road as well as overall access to the project with maintenance equipment and/or emergency vehicles. The scope of need to create roads for this project will certainly impact prime agricultural lands as well as precious wetlands.**

Jean Cottrell made a motion to adopt this statement, seconded by Anne Dillenbeck, all in favor, none opposed.

**Discussion: - None**

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The meeting was adjourned at 8:40 PM.

Respectfully submitted,

Dan Mathias

cc: Clifton Park Town Clerk, Planning Director