

Town Of Charlton Planning Board

September 19th 2022

RE: Mancini and VanGuilder (247.-1-34) Proposed 4 lot Sub Division

Public Hearing 7:30 PM

Comments From David Orminski 50 Sweetman Rd

- 1) My comments from prior meeting (August 15th 2022) did not make published public comments. I am not sure if they made meeting minute notes. If not I would like them included in this meeting to have my comment/concerns on record. As well as listed in public comment
- 2) Concerns with adjusted wetland delineation map dated June 21, 2022 were not clarified with requested method offered by Wildlife biologist Jed Hayden needing a request to re-valuate, on site obtaining soil samples etc, instead a phone call was made from Vanguilder and associated resulting in what we already knew. That said it does confirm, the delineation is good for five years and must be re-validated by a DEC staff if used after that time.
- 3) Storm Water Protection Prevention Plan (SWPP) from Lansing Engineering also does not help in my search for much needed answers. Much of the form is incomplete. Information that is included is incorrect. Specifically, Paragraph 5.0 lists project anticipated to begin Summer of 2017 and end Fall of 2018. Paragraph 3.0 notes the proposed residences will be serviced by New Public Water. The questions and descriptions do include information as to how the project is supposed to be run and who is responsible for run off. I am surprised to learn it is not the engineer.
- 4) While describing planned methods of installing driveway and the potential impact to land North of site Kevin Weed, of Van Guilder and Associates, confirmed water from this project is designed to move South. I am unfortunately located South directly impacted by any change or error. The size and scope of all improvements from this project will move South. Possibly not a concern for a "normal" project however the amount of wetlands and current status/flow of the lands there is no room for error on paper let alone for alternatives needed/discovered while completing the project. My pond did overflow last year flooding the yard and running over the driveway. The Driveway and well is my most concern as replacement of these items is expensive at best. The well and potable water being the wild card as good "clean" wells in this area are a novelty.
- 5) If there are no questions, I would like to thank the board for their patience and attention to my concerns. I trust they will be considered and are helpful.

Town Of Charlton Planning Board

August 15th, 2022

RE: Mancini And VanGuilder (247.1-34) Proposed 4 lot subdivision

Public Hearing 7:30 PM

Comments from David T Orminski 50 Sweetman Rd

Town Of Charlton Tax Map 247.1-50.2 Owner of Adjacent land.

- 1- I have been at this location since 1979. I am very familiar with the property and all adjacent properties as we (neighbors) were graciously granted access by large landowners Including George E Brenner Jr, Albert Larue and adjacent prior owner Norbert Hebert to play, hunt, ride dirt bikes and snowmobiles. The activities even included ice skating through/on said described wetlands during snow melt and subsequent freeze.
- 2- I noticed the result (flags) of survey in Early Summer. After receiving notification of planned subdivision I attempted to familiarize my self with flagged wetland and wetland boundary survey lines. Unfortunately not all the flags remained present. Making it difficult to review results and necessary compliance with boundaries as proposed in minor subdivision.
- 3- I have concerns regarding the wetland delineation map dated June 21, 2022: The change in wetlands allowing for proposed lot 2 and driveway for proposed lot 3. These plans do not allow for any error in distance to wetland and boundaries. Adjustment of said boundaries (even with accepted standard deviation of + or = 3%) will change the scope of this project. 2022 being a very dry year (29th driest June on Record over the past 128 years according to NIDIS (National Integrated Drought Information System) and 9th driest June and July on record since 1873. I've included current photos of my pond reflecting levels I have not seen before. This pond normally receives runoff from neighboring property and continues to drain all year long with the exception of a dry Summer it will stop draining with water level remaining at or just below the exit flow on the South side. This year it stopped draining in June and is four and a half feet below the outflow drain. Contrast to Last Summer on more than one occasion the pond overflowed after heavy rain covering South Side yard and driveway. For the last several years (10 or more) I am unable to mow the grass on Neighboring property line with our rider and must use push mower THEN weed whacker for remaining area as it is too wet to ride or walk in area. This year we are using rider to mow entire section. Being unable to mow with riding mower for the last 10 years and experiencing the pond overflowing I was under the impression the wetlands were actually expanding.
- 4- I contacted Department Of Environmental Conservation Wildlife Biologist Jed Hayden to review my questions/concerns. .
- 5- Jed was very receptive of my information. He was NOT aware of a proposed project when initially reviewing the land with Gilbert VanGuilder land survey environmental and wetland consultants He confirmed flags must remain if/when there is a project involved. Jed also understood my long history/experience with these wetlands and noted my concerns impacting my property has merit. As a result he is more than happy to review said wetlands B-58 it's

boundaries and proposed project at the request of the town board. I have included his contact information (phone and email below).

- 6- Short Environmental Assessment form Part I project information question 17 asks Will the proposed action create storm water discharge, either from point or non-point sources? It is marked no. I believe the answer should be yes as it run off from said project WILL effect my pond and well at 50 Sweetman Rd.
- 7- Finally additional concerns from review of survey for proposed subdivision include lack of clarity for accurately plotted information regards to adjacent properties. My well (within 100 feet upslope) is not listed. I have not been able to locate a signed copy of these plans filed/available. The proposed lot line adjustments (without room for error) in relation to wetland B-58 and boundaries are a concern as they will impact my pond and well. A concern that has not been a factor since 1979 and in my opinion needs clarification with additional review (DEC Wildlife Biologist Jed Hayden has agreed to do)

If there are no questions I would like to thank the board for your time and attention and opportunity to review my concerns as noted. Trusting all presented information is beneficial in your final decision.

Town of Charlton Planning Board

September 19, 2022

RE: Mancini and VanGuilder (247.-1-34) Proposed 4 Lot Subdivision

Public Hearing 7:30pm

Comments from Bryant M. Kolner, 80 Sweetman Rd., Town of Charlton, Tax Map 247.-1-80, owner of the adjacent aforesaid property.

- 1- Perc tests & soil observations are not valid. This being an extremely dry year will yield unreliable perc tests and without the number of bedrooms in each proposed house, it's impossible to size the required septic system leach field and it may very well require "raised bed leach fields on all the houses which could cover an area of 150' by 112' for a 3 bedroom house. The perc test soils are not sandy loam whatsoever. I spoke to Saratoga County Soil and Water personnel who advised me that this entire area of Sweetman Rd. is all rocks and clay soil only.
- 2- Proposed driveway for Lot # 4 has been moved north over the crest of the hill, that constitutes a sight distance safety hazard and makes it even more dangerous, than the original proposal did, for egress and ingress with northbound traffic creating a potential for a serious injury accident to occur.
- 3- Proposed driveway for Lot # 4 needs to have a minimum 20' buffer zone from the Kolner/Frisbee southern property line and the Schermerhorn southern property line, which is impossible to do due to the pond being right there.
- 4- According to a conversation today with Jed Hayden of NYS DEC, proposed driveway to Lot # 4 can't be built right next to the small pond on the north side of Lot # 1 up to the Kolner/Frisbee property line. Jed Hayden also advised me that the proposed driveway for Lot # 4 between the south Schermerhorn property line, over the wetlands and next to the existing pond can't be built at all, because there is no access due to this area being surrounded by pond and wetlands. Jed Hayden of NYS DEC advised me that there was no way a house or driveway could be built for Lot # 4 due to all the wetlands and that area being inaccessible because of said wetlands. Jed advised me that there is only room for two lots/homes in the

front of the property...the existing old Brenner home and one new house to the south of said home in the front of the property.

front of the property...the existing old Brenner home and one new house to the south of said home in the front of the property.

5- The revised map showing existing wetlands on the Kolner/ Frisbee property and the Schermerhorn property do not stop just prior to the property line and then continue on the south side of the proposed driveway for Lot # 4.

6- This map is a " gross mis-conception " of the real wetlands as per Jed Hayden, and meant only to distract the Planning Board and any other reviewing agencies, from the actual truth about the real wetlands, as known by the long time residents of this area of Sweetman Rd. Jed Hayden advised me that NYS DEC is going to throw out all the wetland maps in the next 12-24 months so that makes the applicant's claim to have the wetlands delineated for 5 years in the future not valid.

7- The wetlands delineation now will fall under the pervuew of the US Army Corps of Engineers and they have been contacted today by me requesting their intervention, inspection, and assessment of the entire Mancini property.

8- The issue of 450 tons of contaminated soil from the Alco Locomotive in Schenectady deposited and spread on 15 acres of this property and the 15 tons of contaminated soil from National Grid spread on 1 acre of this property should be thoroughly investigated, soil and water testing be performed to rule out ground water contamination that could be hazardous to the residents of that property and adjacent Orminski property to the south. NYSDEC Spill Report Form bearing spill number 0380004 outlines the hazardous materials but test pits were only done where the horse manure is staged, not in the vegetative area to the rear of this open field where it is more likely to be found.

Based upon a pending complete review by the US Army Corps of Engineers, I would respectfully request the Planning Board to reserve their decision until all the data from the US Army Corps of Engineers is presented by those of us affected by this proposed sub-division and keep the case open for public comment as long as necessary. There are no exigent circumstances to cause the Planning Board to make a hasty decision on this proposed project without all the additional data forthcoming. The long time residents of Sweetman Rd. wish to preserve and protect our agricultural heritage without any "cluster housing or house behind a house" which is not conducive to the Town of Charlton Master Plan and the Right to Farm Law. We all value the rural characteristics and quiet beauty of Sweetman Road.

I wish to thank the Town Planning Board for their time, patience and consideration of all the factual data presented and forthcoming future data. All of the Sweetman Road long time residents who are present here tonight, are united in our opposition to this proposed Mancini sub-division. Thank you very much.

Bryant M. Kolner / Wendy Frisbee

Subject: **Wetland maps**
Date: 9/19/2022 9:47:35 AM Eastern Standard Time
From: jed.hayden@dec.ny.gov
To: bmk51@aol.com

Hi Bryant,

Please see the 2 attached documents. The first shows what is officially mapped and regulated by DEC. As you can see, the map doesn't cover all of the wetlands on site. We are only able to extend official maps for 500 feet, which we did in this case. The second document shows the wetland delineation and sub-division map.

Please remember that just because a wetland isn't jurisdictional to the DEC, doesn't mean it isn't a wetland. The US Army Corps of Engineers may likely have jurisdiction over all wetlands on site and they have no mapping requirements like DEC.

Thanks

Jed




Jed Hayden

Wildlife Biologist, Division of Fish and Wildlife

New York State Department of Environmental Conservation

232 Golf Course Road Warrensburg, NY 12885

P: (518) 623-1241 | jed.hayden@dec.ny.gov

www.dec.ny.gov |  |  | 



**Department of
Environmental
Conservation**


38 Sweetman Road
Town of Charlton
Saratoga County

Freshwater Wetland B-58



NY DEC GIS Program Office



 DEC Freshwater Wetlands

Town of Charlton Planning Board
September 19, 2022
RE: Mancini and VanGuilder (247.-1-34) Proposed 4 Lot Subdivision
REVISED PLNS DATED 8/17/2022
Public Hearing 7:30 p.m.

Comments from Don E. Schermerhorn, 82 Sweetman Rd., Town of Charlton, Tax Map 247.1-33.21, owner of the adjacent aforesaid property.

- 1- The proposed curb cut reconfiguration of the Lot 4 1,700' driveway is the same configuration I proposed in my 2005 consideration to exercise my option to purchase from George Brenner the 238' X 208' parcel, which was denied by the Town Planning Board's engineer after evaluating the sight/distance/safety issues presented by the highway hill and the high topography of the east side of the highway. As mentioned previously, there once was an official highway "School Bus Stop" warning sign at the crest of this hill. A north bound vehicle has an excellent chance of colliding with a vehicle exiting the proposed driveway, resulting in unwarranted injury and possible death. This proposal lacks safety concern and conscience and should not be allowed.
- 2- The proposed Lot 3 does not coincide with the Town's Comprehensive Plan's intention to "preserve the rural character of the Town of Charlton". As I mentioned in last month's public hearing the *Short Environmental Assessment Form Part 1- Project Information* in Question 6 states that the proposed action is consistent with the predominant character of the existing building or natural landscape. I believe the answer is NO, not YES. The Planning Board has clearly stated in the past, and I quote: "... we don't want a second building lot that enables a house to be built behind a house ... we don't want a house behind a house situation and we are trying very hard in Charlton so we don't have what looks like keyhole lots and flag lots ...". If you look at the houses on Sweetman Road you will see that this proposed subdivision violates the desired characteristic which is consistent with maintaining the rural characteristic the Town and Planning Board seeks. The creation of the proposed Lot #3 contradicts this intent.
- 3- Unfortunately, the proposed revised subdivision plan does not reflect the true existence of my and the Kolner/Frisbee adjacent bordering property wetlands and does not reflect the topographical nature of the north/south slope of the land. I find it uniquely strange that the delineated addition of our wetlands to the revised plans abruptly stop at our property lines, another example of the lack of full disclosure that has been apparent throughout this process.
- 4- The proposed plan for the 1,700' driveway for Lot #4 lacks detail in planning driveway setback to preserve the 150+ year old stonewall and mature treed hedgerow currently delineating my property line. To protect and preserve this natural landscape and boundary, the Planning Board should require a minimum 20' setback as a buffer between the property line and the proposed Lot 4 driveway. This would preserve the natural boundary.
- 5- I encourage the Planning Board become very familiar with the statements/declarations made in the submitted Stormwater Protection Prevention Plan (SWPPP) prepared by Lansing Engineering. Much of it is incomplete with answers to questions that are erroneous, especially in the 14 page "Notice of Intent-NYSDEC Div. of Water" document, of which I am providing you with my comments. In particular, Questions 3 and 4 (p. 3), Question 9 (p. 4), Question 22, (p.5), Question 24 (p. 6), Question 27, (p. 8), and Question 41, (p. 13) [which is answered "NO"], which reflects a declaration that may not be true. The USACE (U.S. Army Corps of Engineers) does have jurisdiction over ponds and their proximity to affected wetlands, excavation, backfill, etc. Certainly the proposed driveway and plans for Lot 4 need to be USACE reviewed. I believe it is incumbent upon the Planning Board to include this review in reaching its determinations. FYI: USACE contact is: Christine Delorier, (Christine.Delorier@usace.army.mil).

I wish to conclude by stating that it is not, nor has been, with any malice whatsoever, nor any hidden agenda that I express these concerns. They reflect an honest respect for good land stewardship, and for abiding by the purposeful laws and regulations established by our Town.

If there are no questions, I want to thank the Planning Board for the opportunity to provide my comments and concerns, trusting they will bear fruit in your determinations.

Don E. Schermerhorn

Dear Mr. Wilkinson,

My name is Glenn Cyphers and I live at 132 Valentine Road. I also own 47 Sweetman. I am writing regarding the Mancini proposal as I was unable to attend the open meeting.

The bulk of the southern end of Sweetman is still agricultural/wooded. I tried to interest the State and the County in purchasing development rights for my property but was told that they would not be of real interest as my fields are not visible from the road. In any case, the Mancini property would clearly be of interest to the development rights people as it is open land and wetlands that are attractive to view and not really ideal for development.

I do understand the desire of people to maximize the value of their property, but would recommend the sale of development rights, leasing the fields to area farmers, establishing an orchard with our area fruit growers or operating a small farm on their own if they are so inclined.

Sincerely yours,


Glenn Cyphers

132 Valentine Rd

518-399-3065

rec 9-22-2022