

Town of Charlton Planning Board

August 15, 2022

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

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 *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 should be NO, not YES. In past stated planning Board comments it has been stated that “. . . 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 is the desired characteristic which is consistent with maintaining the desired rural characteristic the Planning Board seeks. The creation of the proposed Lot #3 contradicts this intent.
- 2- In the same Environmental Assessment Form, Question 13. A. asks if “ any portion of the site of the proposed action, or lands ADJOINING the proposed action, contain wetlands or other waterbodies regulated by federal, state or local agency?” is answered with a YES. Unfortunately, the proposed subdivision plan does not reflect the existence of my adjacent bordering property wetlands. This should be reflected as they could affect the proposed subdivision configuration.
- 3- In the same Environmental Assessment Form, Question 20 asks the question “has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste.” . . . has been answered with a NO. I believe the answer should be YES since two underground tanks (fuel and oil) were excavated and removed this spring and the DEC has established a case file regarding possible hazardous waste and reserves the right to require additional remedial work in relation to the spill if in the future it determines further action is needed. The Planning Board should have complete knowledge of the current and future status of said case.
- 4- The proposed plan for the driveway for Lot #4 lacks detail in planning driveway setback to preserve the integrity of the existing property line stonewall and its existing mature trees (see aerial photo attached). The proposal lacks dimensions and specifications of the proposed driveway clearance at its Sweetman Road entrance and lacks driveway grading and water runoff remediation. In addition the Plan’s Note “DRIVEWAY NOTE” is not reflected accurately in the proposed subdivision plan.
- 5- In 2005 I engaged in an option to purchase from landowner George Brenner (deceased) the 238’ X 209’ (app. 2 acre) lot along Sweetman Road in anticipation of installing a driveway to access my proposed 2 lot subdivision. I asked then Planning board chairperson Ray Black if there would be any issue with a proposed driveway on that lot. He asked the then town engineer to assess the potential Sweetman Road line-of-sight regarding the hill existing parallel to said property. Upon investigation, the town engineer determined that there was an existing line-of-sight issue since both northbound and southbound traffic would have impeded viewing of oncoming traffic, therefore a safety hazard. As a result of this determination I did not exercise my option. From 1995 to 2012 a highway warning “School Bus Stop” sign was located at the crest of the hill for obvious safety reasons.
- 6- Lastly, since attention to detail is important in considering this proposed subdivision, I wonder why the CURB CUT NOTE on the survey references Degraff Road which is located in distant West Charlton. Perhaps there may be other inaccuracies?

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

Untitled Map

Write a description for your map.

Legend

82 Sweetman Rd

82 Sweetman Rd

SPRINKLE
WATER

Google Earth

500 ft

N

Town of Charlton Planning Board
August 15, 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.

Short Environmental Assessment Form

Pg. 2 of 3:

- #6 is checked YES **BUT** should be checked **NO**
- #8a is checked NO **BUT** should be checked **YES**
4 homes with at least 2-3 cars per home vs. 1 home presently with 2 cars
- #9 is checked YES **BUT** is **UNKNOWN** if complete gutting of old Brenner home meets or exceeds state energy code requirements as there was **no building permit or records of inspections (electrical/plumbing/building codes) or new certification of occupancy on file.**
- #10 is checked YES **BUT** should be checked **NO**
for the 3 proposed new homes
- #11 is checked YES **BUT** should be checked **NO**
for the 3 proposed new homes
- #12b is checked YES – where is the NYS SHPO?
Archaeological Site inventory?
- #13b is checked is checked NO **BUT** should be checked **YES**
Plenty of existing wetland or waterbody (ponds)
- #17a/b all 3 boxes are checked NO **BUT** should be checked **YES** as
stormwater will flow onto Kolner/Frisbee, Orminski & Schermerhorn properties
- #18 is checked NO **BUT** should be checked **YES**
New 2000' driveway will dam up Kolner/Frisbee wetland & Schermerhorn wetlands
- #20 is checked NO **BUT** should be checked **YES**
Completed remediation of leaking metal 1500 gal. fuel oil tank, leaking 550 gal. gasoline metal tank and soil excavation at both sites by hazmat

company hired by George Brenner, III prior to sale of property, as well as burned/buried construction debris located – we don't know where?

*** It is a known fact documented by George Brenner, Jr.'s report, dated 5-8-2003 to NYS Department of Environmental Conservation Spill Incidents Database search details:

1. Large gasoline spill in 1980
2. Two potentially leaking underground storage tanks
3. Two larger areas where potentially contaminated soils were deposited on said property by ALCO Locomotive, Schenectady, NY, consisting of 450 tons dumped as fill on 15 acres. Niagara Mohawk dumped 15 tons of contaminated soil on 1 acre. The exact location of these 2 sites is unknown.
4. Use of waste oil as a dust suppressant on the property
5. Garage & utility room of 1208 sq. ft. had asbestos lined walls & ceiling removed by present owner without permit.
6. Household & farm waste dumped in a wetland site 50' x 150' over a period of years.
7. Construction debris burned annually since 1977
8. After the remedial action taken by George Brenner, III, DEC reports that spill closed on August 12, 2021, **BUT** it also states: "The Department however reserves the right to require additional remedial work in relation to the spill, if in the future it determines that further action is necessary."

Agricultural Data Statement & Control Form

Names & addresses of those owners of land within consolidated agricultural district that contain farm operations and are located within 500' of the project property:

- 1-Schermerhorn
- 2-La Rue
- 3- ? should be Kolner/Frisbee, 80 Sweetman Rd.

List of neighboring property owners' property class for Bryant M. Kolner listed incorrectly as 1 Fam Res. Should be rural Res & Ag same as Schermerhorn.

Miscellaneous Comments

1. Perc tests & soil observations by Quiri Engineering on 5-22-2022:
 - a. Nowhere on sub-division map Lots #2, #3 and #4 does it indicate the number of bedrooms in each house. This data is needed to determine the size of the septic system leach fields, which depending upon actual soil testing and current perc tests at the time of the sale of lots #2 and #3, and the time of the building of a new home on lot #4, may require above ground, raised bed, leach fields which would cover an area of 150' x 112' for a 3 bedroom.
 - b. Perc tests & soil observations are not in an acceptable certified professional engineering stamped document **BUT** listed as mere observations by Quiri Engineering.
 - c. Soil is not sandy loam - it is clay and rocks.
2. Proposed driveway to house #4 should not be allowed to be built right against and up to Kolner/Frisbee property line which will cause damming of storm water and underground spring water that pools there presently in the Kolner/Frisbee corn field as well as on Schermerhorn property/hay field.
3. With the pond and underground springs located in multiple areas along the proposed driveway, the new driveway will not support a 50,000 lb. fire truck. The driveway will also infringe upon the northern edge of the pond.
4. Proposed driveways (all 3 new driveways & 1 existing driveway) **constitute a sight distance safety hazard** to all NB and SB traffic on Sweetman Rd, which is a **heavily** travelled short cut from the Town of Charlton to Burnt Hills proper & Rt. 50.
5. Oppose "Cluster Housing" on lots #1, #2 and #3 as not true to the rural character of AG/RES district and this portion of Sweetman Rd.
6. Kolner/Frisbee drilled well is closest to lots #1, #2 and #3 and could be affected by the wells of the additional homes. Potable water is a premium on this portion of Sweetman Rd.
7. On the sub-division map submitted there is no indication or denoting of wetland on Kolner/Frisbee property continuing off site.
8. The 450 tons of contaminated soil dumped by ALCO Locomotive came from the site where it was declared an environmental brown field where they spent many years and millions of dollars remediating the hazardous material from

that property. Subsequently a thorough investigation into the land on the Mancini property needs to be conducted to rule out PCBs and other hazardous materials that may have gotten into the ground water.

In closing, I wish to thank the Planning Board for their time, patience, and consideration of all the factual data presented. I'm available for all questions. Please consider all the opinions of all residents who are present and are long-time residents, and apply the data presented when the Board makes a final determination.

Thank you,
Bryant Kolner & Wendy Frisbee

NYSDEC SPILL REPORT FORM

DEC REGION: 5 SPILL NUMBER: 0380004
SPILL NAME: BRENNER FARM DEC LEAD: AJFRANK

CALLER NAME: ANONYMOUS NOTIFIER'S NAME:
CLR'S AGENCY: NOTIFIER'S AGENCY:
CALLER'S PHONE: NOTIFIER'S PHONE:

SPILL DATE: 05/08/2003 SPILL TIME: 10:00 am DISPATCHER:
CALL RECEIVED DATE: 05/08/2003 RECEIVED TIME: 10:00 am

SPILL LOCATION

PLACE: BRENNER FARM COUNTY: Saratoga
STREET: 68 SWEETMAN RD TOWN/CITY: Ballston
COMMUNITY: BURNT HILLS
CONTACT: GEORGE BRENNER, JR. CONTACT PHONE: (518) 399-3133

CONT. FACTOR: Unknown SPILL REPORTED BY: Citizen
FACILITY TYPE: Unknown WATERBODY:

CALLER REMARKS:

Caller forwarded Broker Price Opinion on property foreclosure auction information indicating multiple environmental contamination issues on involved property.

MATERIAL	CLASS	SPILLED	RECOVERED	RESOURCES AFFECTED
unknown material	Other	0.00 G	0.00 G	Soil,

POTENTIAL SPILLERS

COMPANY	ADDRESS	CONTACT
SAME	***Update*** ZZ	SAME

Tank No.	Tank Size	Material	Cause	Source	Test Method	Leak Rate	Gross Failure
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DEC REMARKS:

Prior to Sept, 2004 data translation this spill Lead_DEC Field was "AF"

05/08/03: AF reviewed documentation report prepared for the involved site. Report indicates a gasoline spill in 1980 and two buried USTs 'presumed' to be leaking. Report also indicates contaminated soils were historically brought to the property - 450 tons from Alco locomotive products and 15 tons from Niagara Mohawk. Letter sent to request additional information to property owner.

No response received from property ownership. No sampling data provided only broker opinion with no specific back-up. Not yet actionable information.

06/22/20: Sporadic review of ownership - despite reported foreclosure activities in 2003 the property remains in Mr. Brenner's ownership according to tax maps. Drive by the property appears as an inactive farm consistent with aerial

NYSDEC SPILL REPORT FORM

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 SPILL NAME: BRENNER FARM DEC LEAD: AJFRANK

photography available through Google Earth. No evidence of large scale earth work via those images. Will continue to hold open under believe that a phase 1/2 property transaction review will provide further information on the claims.

04/16/21: Series of inquiries regarding the status of the property from potential interested buyers and the selling estate. Directed the estate to resolve unanswered questions and tank closures. 2003 claims had the effect of keeping parties from taking the property from Mr. Brenner. Estate working with Longworth Environmental.

06/02/21: After discussions about a plan for tank closures and test pitting, site work began this date. The residential 1500 gallon heating oil UST was closed without evidence of contamination and a 275 AST stage in back was also closed without contamination. Contamination was encountered however at the 550 gasoline UST at the barn. Longworth to plan that remedial work - test pitting was conducted to get ball park idea of excavation limits. Vertically and horizontally manageable. Longworth next moving out to conduct test pits across the property to ascertain evidence of non-native fill that maybe contaminated.

08/04/21: Final report received from Longworth. Gasoline contamination was excavated and disposed of on July 9, 2021. Approximately 217 tons of petroleum contaminated soil thermally destroyed at ESMI/Clean Earth. Post-excavation samples were mostly non-detect but were below State clean-up standards in all cases.

A total of 33 test pits were conducted across the site. The only evidence of disturbed/non-native conditions were manure mounds from horse manure staged for use at the far. Test pits were completed through these mounds to native soil and found the characterization consistent. No PID, olfactory or visual evidence of any other contamination issues was documented across the farm.

Based on this reporting, the Department does not require any additional remedial work and the spill is closed.

PIN

T & A

COST CENTER

CLASS: B3 CLOSE DATE: 08/12/2021