

**PRESENT:** Chairman Thimble, Members Gervais, Perry, Shamlian, and Senior Planner Lyons

**ABSENT:** Member Blair, Counsel Spath

\* The minutes of March 28 and October 17, 2012 were read and adopted as revised on a motion by Chairman Thimble seconded by Member Shamlian.

\* The Board unanimously adopted the following schedule of meeting dates for 2013 on a motion Chairman Thimble, seconded by Member Perry:

January 23; February 13, March 20; April 17; May 22; June 19;  
July 17; August 21; September 18; October 16; and December 4

\* Mr. Nicholas Halko, property owner, presented an application to construct a retaining wall and place related backfill within a protected watercourse buffer area of the Shaker Creek. The project is known as the **Halko Property W12-007** and is located at **57 Mill Road**. The notice of public hearing was read aloud by Sr. Planner Lyons. Mr. Halko noted the approximate limit of the 100 ft buffer is at the toe of slope extending from approximately the center of the home to the rear property line. He is proposing to construct approximately 100 lf of retaining wall within the protected watercourse to stabilize the existing lawn area along the top of slope and prevent any further erosion or settlement. When asked by the Board, Mr. Halko noted the height of the retaining wall is 6 ft on average and will be located 2 ft in from the property line.

The Board tabled the application on a motion by Member Perry pending submission of an improved site plan showing the Shaker Creek and the actual setback dimensions to the proposed retaining wall, revised cross section drawings, and quantity estimates of the amount of fill to be placed within the protected watercourse buffer as well as the total amount of fill for the project. The motion was seconded by Member Shamlian and unanimously passed.

\* Mr. and Mrs. Jerry and Beverly Solomon, property owners, and Mr. James Brearton, Esq presented an application to construct a portion of an in-ground pool (240 sf) and concrete patio (280 sf) and related grading within a protected watercourse buffer area to an unnamed tributary to the Lisha Kill. The project is known as the **Solomon Property W12-008** located at **24 Willoughby Drive**. The notice of public hearing was read aloud by Sr. Planner Lyons. Mr. Solomon noted the in-ground pool will replace an above ground pool that was recently removed to allow for a deck addition completed over the summer. Mr. Solomon added he has arthritis and uses the pool for pain relief. The Board questioned whether the pool could be turned 90 degrees or replaced with a different shaped pool to minimize encroachment into the protected watercourse and whether the concrete patio material could be substituted with a decking or paver material to produce less stormwater run-off. The Board also noted the presence of an existing shed in the far left corner of the yard located within the protected watercourse. Mr. Solomon noted the shed is approximately 64 sf. The total area of existing and proposed disturbance within the protected water course is approximately 584 sf.

The Board tabled the application on a motion by Member Gervais pending submission of revised site plans depicting the shed location and the actual 100 ft watercourse buffer. The motion was seconded by Member Perry and unanimously passed.

\* Mr. James Easton, PE, of WSP Sells Engineering and Mr. Patrick Cavanaugh, applicant, presented a variance request for the placement of fill, construction of 1,050 lf of multi-use path and 65 lf of retaining wall within the 50 ft protected watercourse buffer area of the Mohawk River. The project is known as the **Mohawk Riverfront Estates PDD W12-006** and is located at **1360 Loudon Road**. The notice of public hearing was read aloud by Sr. Planner Lyons. The Board walked the entire portion of the site within the protected watercourse buffer with Mr. Cavanaugh and Mr. Easton noting existing conditions and vegetation in context to the proposed development. Mr. Easton provided an overview of the entire Planned Development District (PDD) including the recommendation of the Planning Board and the adoption by the Town Board of the PDD rezoning which included a 10 ft. wide multi-use path as a public benefit that will allow public access to the river for carry-in watercraft such as canoes and kayaks. A designated public day use parking area will also be provided outside the protected watercourse area. The path will be designed to meet ASHTO standards and will include amenities such as park benches and landscaping. The retaining wall will be of a gravity anchor design consisting of 3 ft deep x 3 ft wide x 18 in high precast concrete units with decorative facades. The path and wall will be below the 100 year floodplain elevation of 194.2 ft but outside the floodway limits. Mr. Cavanaugh noted all the litter and debris associated with the existing nearly abandoned trailer park will be removed from the site.

The Board reviewed the plans, the Environmental Assessment form, the Town Attorney's Office SEQRA recommendation, and the application package. The Board concurred the project is an unlisted SEQRA action and unanimously determined that the proposal will not have a significant effect on the environment on a motion by Chairman Thimble, seconded by Member Shamlian. The following factual findings were made:

- The Mohawk River has significant environmental value.
- The Board and the applicant reviewed all possible alternatives to the placement of fill, construction of 1,050 lf of multi-use path and 65 lf of retaining wall within the 50 ft protected watercourse buffer area of the Mohawk River.
- The public amenity of a multi-use path will result in minimal disturbance within the protected watercourse buffer.

The Board granted the variance on a motion by Chairman Thimble subject to the following:

1. All erosion and sedimentation controls will be properly installed along the construction limit prior to the start of any work. Said controls will also be maintained throughout the entire construction phases and until vegetation has been fully established.
2. Increasing the variety of evergreen plantings and provide native plantings in the unvegetated areas along the river bank.

The motion was seconded by Member Gervais and approved by a vote of 4-0.

\* Mr. Thomas Murley, PE, and Mr. William Barber, Applicant, presented a variance request to raze the existing two-story structure, parking area and concrete pad and construct a new three-story mixed use building, 220 lf of retaining wall with related backfill, 33 parking spaces and stormwater management basin within the protected watercourse buffer area. The project is known as the **Barber Mixed Use W12-002** and is located at **298 Troy Schenectady Road**. The foot print of the existing two-story building is approximately 3,500 sq. ft. The Board, at their earlier meeting on March 28, 2012, had expressed an interest in the redevelopment of the parcel and was pleased to see the site plan incorporated their earlier suggestions to:

- Eliminate the drive lane along the front of the building and move the building even closer to Troy Schenectady Road consistent with the COR design standards.
- The use of porous pavement in the proposed parking lot areas to reduce the stormwater run-off from the site if soil conditions allow.
- Consider angled parking with one way circulation around the building in a counter clockwise direction to minimize pavement areas.
- Research the NY State DEC Design manual for green stormwater practices that can be employed to reduce stormwater run-off.

Mr. Murley noted since the meeting in March, they have been working with the Army Corp. of Engineers and they have suggested the placement of the proposed retaining wall in lieu of piping the stream.

Mr. and Mrs. Tom and Diane McCarthy of Winthrop Street and adjacent neighbors, noted their approval of the redevelopment of the site and requested the refuse area be screened appropriately. Mr. Harry Koshkarian, local property owner, noted the flooding issues that have occurred in the past at the culvert crossing under Monroe Avenue. He was also in favor replacing the vacant building. Mr. Murley replied the stormwater from this site will be directed toward a separate drainage system to Troy Schenectady Road and therefore runoff from this site will no longer contribute to the Winthrop Avenue culvert.

The Board reviewed the plans, the Environmental Assessment form, the Town Attorney's Office SEQRA recommendation, and the application package. The Board concurred the project is an unlisted SEQRA action and unanimously determined that the proposal will not have a significant effect on the environment on a motion by Chairman Thimble, seconded by Member Gervais. The following factual findings were made:

- The Dry River has significant environmental value.
- The Board and the applicant reviewed all possible alternatives to the construction of a new three-story mixed use building, 220 lf of retaining wall with related backfill, 33 parking spaces and stormwater management basin within the protected watercourse buffer area.
- Significant disturbance within the protected watercourse and buffer presently exists.
- The location of the proposed building and parking area will be setback further from the watercourse than the existing structure to be razed.
- The use of green infrastructure and stormwater management practices will aid to reduce impervious area.
- The removal of the concrete pad and debris will improve the watercourse bed and channel.

The Board granted the variance on a motion by Chairman Thimble subject to the following:

1. All erosion and sedimentation controls will be properly installed along the construction limit prior to the start of any work. Said controls will also be maintained throughout the entire construction phases and until vegetation has been fully established.
2. The use of green infrastructure practices such as porous pavement, where applicable.
3. Review of the stormwater basin design by the Bureau of Engineering to ensure it is sized and functions correctly.
4. Removal of all visible litter and debris from both side of the protected watercourse.
5. Designate snow storage areas.
6. Adequate native plantings throughout the site and on both sides of the watercourse to be included into the planting plan.

The motion was seconded by Member Perry and approved by a vote of 4-0.

\* Mr. Wade Newman, PE, of MJ Engineering presented a variance request for the construction of 7 parking spaces, 3,700 sf of access drive, stormwater management area and related grading within the protected watercourse buffer area. The project is known as the **Trans Tech W12-009** and is located at **400 Old Niskayuna Road**. The notice of public hearing was read aloud by Sr. Planner Lyons. Mr. Newman noted all pavement run-off will be directed toward and underground stormwater infiltration containment area. When asked by the Board, Mr. Newman noted the clearing undertaken on the site was to facilitate soil and percolation tests to determine the most appropriate stormwater design. Mr. Newman also presented an earlier plan that had been submitted to the Development Coordination Committee which included much more development within the protected watercourse buffer area.

The Board reviewed the plans, the Environmental Assessment form, the Town Attorney's Office SEQRA recommendation, and the application package. The Board concurred the project is an unlisted SEQRA action and unanimously determined that the proposal will not have a significant effect on the environment on a motion by Chairman Thimble, seconded by Member Perry. The following factual findings were made:

- The unnamed tributary to the Shaker Creek has significant environmental value.
- The Board and the applicant reviewed all possible alternatives to the construction of 7 parking spaces, 3,700 sf access drive, stormwater management basin, and related grading within the protected watercourse buffer area.
- The use of infiltration green infrastructure and stormwater management practices will aid to recharge stormwater runoff into the ground.
- The site has been previously disturbed and fill material has been placed on the site.
- The removal of litter and debris throughout the entire parcel will improve the watercourse buffer.

The Board granted the variance on a motion by Chairman Thimble subject to the following:

1. All erosion and sedimentation controls will be properly installed along the construction limit prior to the start of any work. Said controls will also be maintained throughout the entire construction phases and until vegetation has been fully established.
2. Designate snow storage areas in the northwest and southeast areas of the site.
3. The removal of invasive plant species such as fragmities and replace with native plant species.
4. Removal of all visible litter and debris within the protected watercourse.

The motion was seconded by Member Perry and approved by a vote of 4-0.

\* The meeting was adjourned at 9:59 PM on a motion by Chairman Thimble, seconded by Member Gervais.

MJL

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