

PRESENT: Chairman Thimble, Members Blair, Gervais, Shamlian, Counsel Spath, and Senior Planner Lyons

ABSENT: Member Perry

* The meeting was called to order at 7:00 PM by Chairman Thimble at the Public Operations Center.

* The minutes of June 19, 2013 were read and unanimously adopted as revised on a motion by Member Shamlian, seconded by Member Blair.

* Mr. Frank Poletto, Applicant with a purchase option, presented an application to construct a single family residence of which 907 sq. ft. is located within a protected watercourse buffer area of a tributary to the Lisha Kill. The project is known as the **Poletto Residence W13-005** and is located at **29 Overland Avenue (aka 30 Ferrara Avenue)**. The notice of public hearing was read aloud by Counsel Spath at 7:05 PM. Mr. Poletto noted he currently has a contact to purchase the property. The current owner, Mr. Patsy Musco, has owned the property for over 20 years, previously placed fill on the site and used the vacant lot to store asphalt paving equipment. More than 1,100 sq. ft. of broken asphalt and fill exists on the site within the protected watercourse area. At the suggestion of the PEDD, Mr. Poletto is proposing a 31 ft front yard setback from Overland Avenue, which is consistent with surrounding homes, to minimize the disturbance within the protected watercourse buffer. The property is also located within the 100 year flood zone and the lowest habitable floor area (excluding the garage) must be elevated three feet above the current assumed elevation of 100.0 ft. He also noted the parcel is within 100 ft. of a NY State DEC freshwater wetland and a permit will be required. Mr. Poletto also noted he has an application before the Zoning Board of Appeals to allow for the 31 ft. front yard setbacks from Overland and Ferrara Avenues as well as for a 10,000 sq. ft. lot size.

When asked by the Board, Mr. Poletto noted his intentions were to leave as many of the existing trees as possible but he expected clearing and grading to occur at least 10 ft. beyond the current limit of fill.

Daniel and Karen Rifenburg, owners of the adjacent lot at 29 Cordell Road and the property across the street at 22 Ferrara Avenue, expressed a concern over drainage run-off from the proposed development onto their adjacent property. Mr. Poletto noted he will be developing a drainage plan to submit to the DPW Stormwater Office for review which will include a swale along their common property line to prevent any surface water from impacting their property.

The Board reviewed the plans, the Environmental Assessment form, Counsel's SEQRA recommendation, and the application package. The Board concurred the project is a Type II SEQRA action on a motion by Member Shamlian, seconded by Member Blair.

The following factual findings were made:

- The tributary to the Lisha Kill has significant environmental value.
- More than 1,100 sq. ft. of broken asphalt pavement and fill exists in the protected watercourse.
- A 31 ft. front yard setback from Overland Avenue minimizes the area of the proposed home and related disturbance within the protected watercourse buffer area.

The Board granted the variance on a motion by Member Shamlian 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. All existing asphalt and debris within the protected watercourse buffer area on the property is to be removed.
3. A notice is to be placed in the deed noting the presence of a Town protected watercourse buffer area that may not be disturbed without the applicable Town approvals.
4. Submission of a final grading plan based on the NGVD 1929 datum.
5. Include a drainage system layout with necessary details including a swale along the south easterly property line adjacent to lot 29 Cordell Road on the grading plan. The purpose of the swale is to prevent any surface water from draining directly onto 29 Cordell Road.
6. Submission of a planting plan, incorporating features and planting as shown in the handout provided to Mr. Poleto during the meeting. Also to be included in this submission, any provisions or work required by the NY State DEC, delineating the proposed buffer within the 100 ft. freshwater wetland setback.
7. A patio constructed of pervious surface pavers not to exceed 12 ft. x 16 ft. at the rear of the home is allowed and must be shown on the plans.
8. No insecticides, pesticides, herbicides, fuel or de-icing materials may be stored within the protected watercourse buffer area.
9. Submission of a contract of sale to the PEDD office.

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

* Chairman Thimble adjourned the meeting at 8:30 PM.

MJL

G:seamab/minutes/2013

_____(Chairman)
