

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

ABSENT: Members Gervais and Perry

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

* The minutes of July 17, 2013 were read and unanimously adopted as revised on a motion by Member Shamlian, seconded by Member Blair.

* Mr. Kan Giri, property owner and Ms. Bonnie Crowley, neighbor, presented a variance application for a two ft high retaining wall and related backfill that had been placed during the summer within a protected watercourse buffer area along the Dry River. The project is known as **Giri - Retaining Wall** and is located at **9 Aragon Avenue**. The notice of public hearing was read aloud by Counsel Spath.

Mr. Giri noted that he had recently purchased the property two years earlier and since that time noted a considerable amount of erosion within the rear yard partially due to the dense tree canopy cover and the inability to establish adequate lawn cover. In 2012 he had 10-12 yards of topsoil delivered and had spread it out within the rear yard in an attempt to establish a lawn. As the erosion continued into summer of 2013, he began constructing a two ft. high masonry unit block wall and had 10-12 yards of fill delivered and placed on his driveway when he was informed by the PEDD a variance would be needed for the work completed to date as well as the work which he wishes to undertake to complete the project.

The Board reviewed the plans, the Environmental Assessment form, the Town Attorney's Office SEQRA recommendation, and the application package. The Board unanimously concurred the project is a type II SEQRA action on a motion by Member Blair, seconded by Member Shamlian. The following factual findings were made:

- The Dry River in its current state has significant environmental value.
- The Board and the applicant reviewed all possible alternatives to the proposed retaining wall and fill in the protected watercourse buffer area.
- The construction of a two ft. high retaining wall and related fill will result in minimal disturbance within the protected watercourse buffer.

The Board granted the variance on a motion by Member Shamlian subject to the following:

1. Submission of a diagram to the Planning Department utilizing native plantings per the Albany County Soil & Water Conservation District hand-out provided at the meeting that includes a double row along the top of the wall and a single row along the base of the wall.
2. Establish ground cover using a mix of rye and shade lawn grass with straw mulch.
3. The retaining wall is to be capped with a solid paver and grouted into place to prevent water from entering the hollow block.
4. The location of the wall with respect to the common property line with abutting residential neighbors on each side must be verified. Please submit a map prepared by a surveyor verifying the walls location.

5. All fertilizers, pesticides and petroleum products shall be stored outside the protected watercourse buffer area.

The motion was seconded by Member Blair and approved by a vote of 3-0.

* Chairman Thimble adjourned the meeting at 7:49 PM.

MJL

G:seamab/minutes/2013

_____ (Chairman) _____
