

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

ABSENT: None

* Several of the Board members attended the scheduled field trip with James Easton of WSP Engineering to **Shelter Cove W13-008** located at **1308 Loudon Road** while other members visited the site on their own.

* The Board unanimously adopted the following schedule of meeting dates for 2014 on a motion by Member Shamlian, seconded by Member Gervais:

January 22; February 12, March 26; April 23; May 28; June 18;
July 16; August 20; September 17; October 15; and December 3

* Mr. James Easton, PE, of WSP Engineering, presented a variance application to do selective clearing of 0.59 acres of land within a protected watercourse buffer area along the Mohawk River. The project is known as **Shelter Cove W13-008** and is located at **1308 Loudon Road**. The notice of public hearing was read aloud by Counsel Spath. Also present were Messer's. Ed Oreshan and David Oreshan.

Mr. Easton began his presentation by clarifying section 1.7 of the narrative description last revised on November 20, 2013. The purpose of the clearing is to provide a safe means of access for residents of the community to the Mohawk River. The proposed action included the three bulleted action items of section 1.7 which were clarified by Mr. Easton as follows: "No removal of hardwood species greater than 2" cal."; and "Removing 50% of softwood trees between 2" and 6" cal. size, 100% of tree saplings up to 2" cal., and 100% of undergrowth" and that all evergreen trees will remain..

Mr. Easton added no grading or soil disturbance is proposed and the project limit within the protected watercourse buffer area is approximately 40 ft. wide by 500 ft. long as depicted on the site plan submitted. Member Gervais requested an arborist identify the hardwood trees to remain and that all cedar trees remain. Member Perry questioned the tree limbing height of 10 ft. and suggested that only dead limbs with no bark be removed and only to a height of 7 ft. from the ground. Chairman Thimble suggested the use of native plantings in areas of little to no canopy cover where the undergrowth will be removed.

The Board reviewed the plans, narrative description, environmental assessment form, the Town Attorney's SEQRA recommendation, and the application package material. The Board unanimously concurred the project is a type II SEQRA action on a motion by Chairman Thimble, seconded by Member Perry. The following factual findings were made:

- The Mohawk River and the 50 ft watercourse buffer area in their current state have significant environmental value.

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

- 1) No clearing within the protected watercourse until spring growth to allow the plant species to be better identified.
- 2) Employ the use of an arborist to identify and mark those trees to be removed.
- 3) All conifer species, including white pine and cedar, are to remain regardless of the size.
- 4) No periodic mowing may occur within the protected watercourse area.
- 5) Area "A" as shown on the mark-up site plan is of special concern. The applicant will contact the PEDD to allow the Board Members to meet on site with the arborist to identify species to be removed and proposed native plantings. Submission of a revised site plan identifying Area "A".
- 6) Revise and resubmit section 1.7 of the narrative description as follows with the table:
 - a) No evergreens shall be removed, topped or reshaped.
 - b) No deciduous trees to remain shall be topped or reshaped.
 - c) All hardwood species 2" cal. or greater are to remain.
 - d) 50% of the 2" to 6" cal. softwood would remain.
 - e) 100% of the tree saplings up to but not including 2" cal. may be removed.
 - f) Greater than 6" cal. soft woods to remain.
 - g) 100% of the deciduous undergrowth may be removed.
 - h) All limbs without bark may be removed from the ground up to 7 ft high.
 - i) No soil disturbance may occur.

Selective Clearing Removals Table		
Type	Size	Remarks
Pine/Conifer	All	Not to be removed, topped or reshaped
Hardwood	≥2" cal.	Not to be removed, topped or reshaped
Softwood	2" – 6" cal.	50% to remain
Softwood	>6" cal.	Not to be removed, topped or reshaped
Saplings	<2" cal.	Remove all
Undergrowth	All	Remove all
Limbs without bark	All	Remove all to a height of 7 ft.
Soil Disturbance	Impacted Area	None permitted

- 7) General clean-up of the protected watercourse area in the vicinity of the disturbance. The motion was seconded by Member Gervais and approved by a vote of 5-0.

* Mr. Sang Kim, PLS, of SY Kim Surveyors, presented a variance application to install three two-foot high retaining walls totaling 160 linear feet with related backfill and grading within a protected watercourse buffer area along the Salt Kill. The project is known as **Lands of Kim W13-009** and is located at **315 & 317 Boght Road**. The notice of public hearing was read aloud by Counsel Spath. Also present were Mr. and Mrs. Kevin and Bernadette Trembley.

Mr. Kim noted the safety concerns associated with a limited back yard area and steep sloped so close to the rear of the proposed homes. Lot 315 will be designed with a walk-out basement to minimize the disturbance and maximize the rear yard area for lot 317. When questioned on the proposed wall material, he indicated it would be constructed of pressure treated wood. Chairman Thimble estimated the amount of fill to be 120 CY and 240 CY on lots 315 and 317, respectively and suggested an alternate design incorporating only two retaining walls for lot 317. Members Shamlian and Perry expressed a concern over the use and longevity of a treated wood retaining wall for a residential application and suggested a masonry unit wall. The Trembley's expressed a concern over stormwater run-off from the rain gardens and lot discharging onto their property.

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

- The Salt Kill and the 100 ft watercourse buffer area in their current state have significant environmental value.
- The Board and the applicant reviewed all possible alternatives to the proposed retaining walls and related fill in the protected watercourse buffer area.
- The construction of a 110 linear feet of retaining wall and related fill 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) Quantify the volume of fill to be placed on each lot within the watercourse area.
- 2) Revise and resubmit the plan to indicate the use of two retaining walls with a maximum exposure of 2.5 ft each no great than 40 ft. from the back of the proposed home as shown on the plan.
- 3) General clean-up of the protected watercourse area in the vicinity of lots 311, 315 & 315 Boght Road.
- 4) Provide a retaining wall detail that includes solid masonry units to allow the wall to curve to the natural contours of the land to minimize the amount of fill and length of wall needed.
- 5) Install native planting along the base of the fill areas per the Albany County Soil & Water Conservation District hand out provided.
- 6) Allow the proposed rain gardens on both lots to be shifted northward encroaching into the protected watercourse to improve drainage between homes.
- 7) Provide a conservation easement to the Town from the limit of the proposed clearing and grading on lots 315 & 317 and from the 100 ft. protected watercourse buffer limit on lot 311 to the rear property lines.

8) All erosion and sedimentation controls will be properly installed along the construction limit prior to the start of any work as identified on the site plan. Said controls will also be maintained throughout the entire construction phases and until vegetation has been fully established.

The motion was seconded by Member Blair and approved by a vote of 5-0.

* Chairman Thimble adjourned the meeting at 10:00 PM.

MJL

G:seamab/minutes/2013

_____ (Chairman) _____

