

PRESENT: Chairman Thimble, Members Blair, Gervais, Perry, Simmons, and Senior Planner Lyons

ABSENT: Counsel Spath

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

* Eugene and Debbie Madaio, property owners, of 4 Theresa Ann Court presented a variance application for the installation of an 18 ft. diameter aboveground pool within a protected watercourse buffer area along an unnamed tributary to the Lisha Kill. The project is known as **Madaio – Pool W15-003** and is located at **4 Theresa Ann Court**. The notice of public hearing was read aloud by Senior Planner Lyons. The Madaio's proceeded to explain the scenario of events which lead to the installation of the pool last year without the benefit of a SEAMAB variance or building permit. They have owned the home for 20 years, which was constructed in 1972. Nearly the entire property, with the exception of where the lawn shed is located, is within the protected watercourse buffer area. The original condition subdivision map indicated the stream was relocated when Theresa Ann Court was constructed. The pool is located approximately 70 ft. from the centerline of the watercourse immediately to the rear of the house not more than several feet from the minimum 10 ft. side yard setback for accessory structures. In response to the Board, Mrs. Madaio noted the pool chemicals are kept in the wash room of the home. Mr. Madaio added they do not use fertilizers or pesticides on the lawn due to close proximity to the watercourse and regularly remove trash and enjoy the wildlife that is attracted to the water.

* 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 Gervais, seconded by Member Simmons. The following factual findings were made:

- The unnamed tributary in its current state has significant environmental value.
- The Board and the applicant reviewed all possible alternatives to the existing location of the above ground pool located within the protected watercourse buffer area.
- The location of the 18 ft. diameter above ground pool will result in minimal disturbance within the protected watercourse buffer.

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

1. Continue to keep the watercourse clean of debris and yard waste.
2. Install a backwash sump pit to prevent treated water from entering the watercourse.
3. Pool chemicals are to be kept on an above ground level shelf in the shed located beyond the watercourse buffer or within the home as they currently are.
4. Install native planting along the base of the fill areas per the Albany County Soil & Water Conservation District hand out provided and recommend by Senior Planner Lyons.

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

* Mr. Tom Andress, PE, of ABD Engineers discussed with the Board the desire of **JCB Specialties W15-004** located at 8 Sand Creek Road to purchase a vacant lot currently used for vehicle storage at **10 Sand Creek Road** and combine it with their current lot and used it for employee and customer parking. Mr. Andress noted that although the Town has no record of a site approval for vehicle parking, it is evident the 0.28 acre parcel has been used for parking for quite a long period of time. Member Gervais noted as a youth who played in this neighborhood, it would be difficult to believe this lot had not been used for some type of commercial use over the decades. He added as a notice to the applicant, should the applicant decide to expand the business on either of these two lots, a full SEAMAB review would be warranted. The Board agreed no SEAMAB permit or variance would be necessary at this time to continue the use as a gravel parking lot. The Board also noted the planned increase in green space on lot 10 from 33.3% to 42.9%.

* Chairman Thimble adjourned the meeting at 8:31 PM.

MJL
G:seamab/minutes/2015

_____ (Chairman) _____

