

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

**ABSENT:** Member Simmons

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

\* The minutes of April 13, 2016 were read and unanimously adopted as revised on a motion by Member Perry, seconded by Member Blair.

\* Chairman Thimble recused himself from the following application and requested Member Perry serve as Acting Chairman. Counsel Spath reminded all the following application is a continuation of the April 13, 2016 public hearing. Mr. Ted DeLucia of Vision Planning, Dave Smith, PE, Civil Engineer, Matt Baker, Landscape Contractor along with Michael and Ashley Palage, Applicants, presented a revised variance application based on comments and concerns raised at the April 13, 2016 meeting to construct an in-ground swimming pool, patio, retaining wall and place related fill within a protected watercourse buffer area along an unnamed tributary to the Moordenaers Kill. The project is known as **Palage – Pool (W16-003)** and is located at **6 Beaver Pond Road**. While the kidney shaped pool size remained the same at 18 ft x 36 ft, Mr. DeLucia noted the following mitigation measures proposed to lessen the encroachment and hardscape stormwater run-off:

1. Stormwater run-off will be collected in a 4 ft diameter 32 inch tall drywell to prevent direct discharge into the protected watercourse. The drywell is sized to accommodate a 9 inch rain event over a 24 hour period based on a soil percolation rate of 0.75 inches per hour as demonstrated in the engineering report dated May 8, 2016.
2. Porous pavers, at various widths, that allow stormwater to percolate between them rather than run-off directly into the watercourse will be provided to reduce run-off.
3. The pool was located 8 ft closer to the existing home, approximately 10 ft from the home.
4. A topographical survey was prepared and the patio area was tiered with the pool elevation lowered by 2 ft to reduce the height of the proposed retaining wall and reduce the amount of fill material needed.
5. A backwash sump pit will be provided.
6. All pool chemicals will be kept in the garage, outside the protected watercourse buffer.
7. A landscape plan of native material recommended as stream buffers has been prepared which include plantings along the base of the retaining wall, along the easterly side property line and watercourse banks.

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 Blair. The following factual findings were made:

- The unnamed tributary to the Moordenaers Kill in its current state has significant environmental value.
- The home, situated on a corner lot, was constructed in 1972 with an addition and patio area added in 1993. The front yard setback in 1972 was 75 ft pushing the building envelope closer to the watercourse providing limited usable space.
- The Board and the applicant reviewed all possible alternatives to the proposed pool, patio and retaining wall in the protected watercourse buffer area and this is the only location furthest from the watercourse without being located in the front yard of either Beaver Pond Road or Schuyler Road.
- The location of the sanitary sewer lateral prevented the pool from being located any further away from the watercourse.
- The concerns raised at the prior meeting have been mitigated.
- The construction of an in-ground swimming pool, patio, 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 Gervais 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 as identified on the site plan. Said controls will also be maintained throughout the entire construction phases and until vegetation has been fully established.
2. Restore lawn areas near the watercourse with native planting per the Albany County Soil & Water Conservation District hand out provided.

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

\* Acting Chairman Perry adjourned the meeting at 8:55 PM.

MJL

G:seamab/minutes/2016

\_\_\_\_\_ (Chairman)

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