INSPECTION DETAILS
Site: Pogoda – 6176 Depot Road. , Altamont

Date: February 14, 2009

Background: According to the presenter, Greg Meyer, Surveyor and owner's representative, present owner bought the parcel in 1997 and about ten years ago it was subdivided in a non-legal manner. He noted the plan is to have a single family residence on the Depot Road Lot. A copy of the Indenture of November 13, 1997, provided by the presenter, verifies that there is a 30 ft. wide utility easement along the front and north east side of the School Road Lot. While each of these two lots have their own Town tax ID number and are shown as separate lots, it is understood that they were never officially approved as a two subdivision. A copy of warranty deed dated July 23, 2002 shows that present owner (Vivian Dinh) of the School Road premises purchased it from the then present owners and occupants, Thomas and Laura Lawton, who had owned it since November 13, 1997. Copy of Indenture of November 13, 1997 shows the Lawtons purchased the School Road property from Joseph A. Kravalis and John Kravalis. Town tax records have the present owner of the Depot Road Lot as Mohawk Group. While the presenter appears to be of the impression that the present owner has had the Depot Road lot since 1997, copy of Deed on County Clerk's website shows the Depot Road property was sold by John & Joseph Kravalis to Mohawk Group of 10 Towline Lane, Clifton Park, on June 5, 2007. The issue at this time is whether or not the combination of these two lots, which totals approximately 1.1 acres, should receive an after-the-fact approval for a two lot subdivision.

Topography: US Dept. of Interior, Geological Survey map, Voorheesville Quadrangle dated 1954, photorevised 1980, shows the area at that time to be fairly flat with a drop in elevation from approximately 335 ft. AMSL near the south corner and then declining to approximately 330 ft. AMSL near the rear with that contour line passing along the south west bottom of the triangular shaped segment of the rear portion of the proposed Depot Road Lot. At the time of this map, the slope of the parcel was in a northern direction sloping downward from the intersection of School and Depot Roads toward the rear of both lots. From the present appearance to the School Road Lot as well as the proposed building area of the Depot Road Lot, there was apparently a sizeable amount of fill used to bring the elevation of the area just mentioned up to its present level. Along Depot Road, the road is about three to four feet higher than the low area which runs along that side of the property. The planned side of the proposed residence on the Depot Road Lot drops off quickly toward this low area where there are wetlands. At the rear triangular area the small area where there are some pine trees appears to be a little higher in elevation than the front wetland area.

Vegetation/Trees: There are a few relatively small pine trees along the boundary line between the School Road Lot and the Depot Road Lot. Long Depot Road, in the lower portion of the wetland area there is an abundance of what appear to be cattails. A little further north of these there are a few medium size trees that appear to be in poor condition possibly as the result of their roots being waterlogged. At the rear of the property, there are more healthy looking trees including a small group of pines at the rear northeast corner. Behind, to the northeast, of the cattail area there is heavy brush. The wetland determination data forms provided by the presenter show the following dominant species of vegetation in the wetland and upland areas. In area TP-1 (wetland): Typha latifolia (cattails) a herb; Lythrum salicaria (loosestrife) a type of grass with purple flowers; Ulmus Americana (American elm tree); Onoclea sensibilis (sensitive fern). In area TP-2 (upland): Solidago canadensis, a herb (Canada golden-rod); Rhus copallinum (winged sumac tree); Rhamnus frangula (a small tree also referred to as glossy buckhorn); Lonicera x bella (a shrub also known as showy bush honeysuckle and is considered invasive). In area TP-3 (upland): Solidago canadensis (Canada golden-rod); Cornus foemina, a shrub (stiff dogwood or swamp dogwood).

Soil: Presenter felt that the soil is poorly drained grey clay silt and noted that the soil is noted on the wetland determination data forms which he gave GCAC at the February 9th meeting. He further noted that the property had been filled years ago. A review of Sheet 18 found in "Soil Survey of Albany County, New York" by James H. Brown (1992) indicates that there are two types of soil on this property, namely (Ae) Allis silt loam and (NuB) Nuna silt loam, 3 to 8 percent slopes. An overlay of this data onto the tax map shows that on the School Road Lot the front portion (25 to 30% of that lot) has NuB soil as does the front southern corner of the Depot Road Lot running back about 50 feet and along Depot Road about 90 feet to the west. The remainder of both lots has Ae soil. The following is a brief description of these two soils and the limitations of these soils.

Ae - Allis silt loam – This nearly level soil is moderately deep and poorly drained. The seasonal high water table in this soil is at a depth of less than 1 foot and is perched on the silty clay loam subsoil from November through June. The seasonal high water table limits rooting depth. Bedrock is 20 to 40 inches below the surface. Permeability is slow to very slow. Available water capacity is moderate, and runoff is slow. Most areas of this soil is brushland. The limitations of this soil on sites for dwellings with basements are the seasonal high water table and depth to bedrock. Installing subsurface drains around footings and foundations will lower the water table. Adding fill material to elevate the floor of dwellings without basements above the surrounding ground level and grading to divert surface water will also reduce wetness. The main limitations of this soil for

local roads and streets are the seasonal high water table and low strength. Constructing roads on raised, fill material will reduce wetness and prevent the road damage that the seasonal high water table causes. Providing a suitable subsurface or base material will improve soil stability and strength. The main limitation affecting the use of this soil as a site for septic tank absorption fields are the seasonal high water table and the depth to bedrock. Specially designed systems will overcome the moderate depth to bedrock and the seasonal high water table. Drainage around the filter field and diversion of surface water from higher areas will reduce wetness. The hardness of the local bedrock will influence costs. Other soils that are deeper and better drained in the nearby higher landscape positions are better suited to this use.

<u>NuB</u> – <u>Nuna silt loam, 3 to 8 percent slopes</u>. - This gently sloping soil is very deep and moderately well drained. The seasonal high water table in this Nunda soil is at a depth of 18 to 24 inches from March to May. Depth to bedrock is more than 60 inches. Permeability is moderate in the surface layer and in the upper part of the subsoil and slow to very slow below. The available water capacity is high, and runoff is medium. This soil is well suited to pasture. Maintaining ground cover to reduce surface runoff helps control erosion. The main limitation of this soil on sites for dwellings with basements is the seasonal high water table. Foundation drains and interceptor drains upslope from construction sites divert runoff and lower the water table. The main limitation of this soil for local roads and streets is the frost-action potential. Constructing roads on coarse textured material provides drainage away from the roadway. The main limitation affecting the use of this soil as a site for septic tank absorption fields are the seasonal high water table and the slow percolation in the subsoil and substratum. Installing a drainage system around the absorption field and diversions to intercept runoff from the higher areas will reduce wetness. Enlarging the absorption field or the trench below the distribution lines will improve percolation.
The wetland determination data forms, provided by the Presenter, identifies the soils on three areas of the Depot Road Lot as follows: TP-1 (wetland) – Gray Clay Silt; TP-2 (upland) – Brown gravelly Silt; and TP-3 (upland) – Brown Silt.

<u>Drainage/Wetlands</u>: As noted on the Application for Subdivision form, the site contains Federal Wetlands. Observation of the site drawing show that of the Depot Road Lot, more than half has been delineated as wetlands by Ingalls & Associates in December 2007. A very small triangle (about 35 sq.ft.) of wetlands at the southwest corner of the School Road Lot. Of major concern to GCAC is the closeness of the proposed dwelling to the wetlands with the south west corner being approximately 11 ¼ feet from the wetland line. At the February 9th meeting, GCAC expressed its concern over the possibility of the proposed dwelling

as well as almost the entire Depot Road Lot being within the buffer area adjacent to the wetlands. Since it is Federal Wetlands, presenter felt it was possible that the permission could be obtained to develop the site as shown on the plan. He also expressed doubt that the property was within the area of the flood plan. Lot is a little less than 0.3 mile (approximately 1875 ft.) from the Black Creek which flows into the Bozen Kill which empties into the Watervliet Reservoir. At time of February 14th site visit, presenter noted that Dave Ingalls, who drew the wetlands map, will attempt to obtain Army Corp's permission which would include a small amount of wetland disturbance along Depot Road for construction of the driveway at the southern corner of the Depot Road Lot. At time of site visit, the front portion of the wetlands was easily identifiable by the amount of cattails growing there. There is a noticeable drop in elevation of about three to four feet along Depot Road, with the lowest area being along the area a few feet from the road where the power poles run parallel to the road. If approval is given for this subdivision and subsequent construction of a residence and driveway, provision for a culvert of adequate size to accommodate the flow of storm water at the point where the driveway would cross the low area near the south corner of the lot.

Septic/Wells: Plan is to hook up to Town water and sewer for the Depot Road Lot. There is a sewer manhole near the east corner of the School Road Lot, from which a line could be run along the utility easement northwest to the rear of the Depot Road Lot. Near side of Depot Road on south side of the School Road Lot is a water shut-off valve. This line is where the Depot Road Lot would hook up to.

Visual Impact: No huge impact according to the presenter who noted that the plan has a nice landscape package. It is doubtful that development of the lot would have much negative visual impact since the properties on both sides have already been developed. Main impact would be possible disturbance of some of the wetland.

Endangered species: None known to the presenter and none observed at time of February 14th site visit although much of the ground was covered with snow which and the temperature was very cold thus hampering any real observance of wildlife under the snow cover.

Historical Considerations: None known to the presenter and none observed at time of site visit. It is doubtful that much would be found on the surface since it appears that fill covers much of the School Road lot as well as some of the Depot Road lot.

Submitted By:_____
John G. Wemple, Jr. - Chairperson

To: Guilderland Planning Board
From: Guilderland Conservation Advisory Council
Date: February 23, 2009
Re.: Subdivision of Pogoda, 6176 Depot Road, Altamont, NY 12009

APPLICATION

Applicants: Edward Pogoda, 10 Towline Lane, Clifton Park, NY 12065 (listed as owner on Application for Subdivision form)

Proposed Subdivision: A two-lot subdivision of 1.1 acres.

Location: Northeast corner of intersection of School and Depot Roads across from Guilderland Central High School.

Zoning: R-15

SITE INSPECTION SUMMARY

Site Inspection Date: February 14, 2009

Meeting Attendees: (February 9, 2009) Greg Meyer, presenter; GCAC members Stephen Albert, David Heller, Herbert Hennings, Gordon McClelland, Stuart Reese, Steven Wickham and John Wemple (Chair).

Inspected by: Greg Meyer, presenter; GCAC members Stephen Albert, Herbert Hennings, Gordon McClelland, Stuart Reese, Steven Wickham and John Wemple.

Conclusions: As noted under the Background section of the Inspection Details, a major issue at this time is whether or not the combination of these two lots, which totals approximately 1.1 acres, should receive an after the fact approval of a two lot subdivision. A review of the proposed subdivision drawing clearly shows the relatively large amount of wetland on the property. Admittedly the wetland area may have increased in size since the time of the unofficial subdivision of this lot especially since the building area of much of the School Road lot and northeast portion of the Depot Road lot appears to have been filled resulting in an elevated area with a natural runoff of storm water toward the wetland area. If the wetland was classified as State Wetland, there would be a wetland buffer of 100 feet adjacent to the wetlands which would preclude any structure on the Depot Road lot as well as the existing residence on the School Road lot. After allowing for a 100 foot buffer as well as the required R-15 front and side setbacks, of the 1.1 acre lot, there would only be a small triangle at the east

corner of slightly more than 1,211 sq.ft. that would be considered buildable. Since according to the application, the wetlands fall under Federal jurisdiction, the presenter felt the buffer would be less restrictive. He stated that Dave Ingalls, who did the wetland delineation, would be attempting to obtain Army Corps permission for disturbance of wetland for the proposed driveway on Depot Road. Since it would be crossing the wetlands. If that approval is given, an adequate sized culvert would be needed to negate blockage of the flow of storm water along Depot Road. GCAC is of the understanding that under Army Corps of Engineers guidelines, for wetlands the vegetated buffer should be a minimum of 50 feet (15.24 meters) wide and continuous around the perimeter of the wetland. Using this as a guide, after allowing for the required side and back setbacks and after allowing for the fifty foot buffer, there would only be a small triangular shaped building area of approximately 242 sq.ft. GCAC does not recommend any further development of the 1.1 acre area and feels that this 1.1 acre lot should remain a single lot. If the Army Corps does give permission to disturb the wetlands for the driveway and to build a residence within what should be considered the buffer area, the provisions for such permission should be included as well who will be responsible for the annual inspections of the site to guarantee that wetland disturbances have not occurred. Also, if approval is given, provision should be made for a storm water management plan to protect the existing wetland area while avoiding adverse effects of increased storm water run off on adjacent properties.

GCAC strongly feels that further development of this 1.1 acre site should be denied. At the same time some type of remediation should take place to rectify a situation which should not have occurred whereby the latest owner of the Depot Road lot ends up with a piece of vacant real estate, with an assessed value of $29,800, that is virtually undevelopable despite being zoned R-15.

In an effort to comply with what we understand to be a provision of the Town's Comprehensive Plan recommending the preservation of critical lands adjacent to the Watervliet Reservoir Watershed and Federal Wetlands, GCAC feels that to approve a two-lot subdivision with a proposed structure within twelve feet of a wetland would set a poor precedent for future situations where development is imprudently close to wetland areas.

Submitted by:_____

John G. Wemple, Jr. - Chairperson