

**TOWN OF GUILDERLAND
PLANNING BOARD**

Wednesday, January 9, 2008

Minutes of meeting held Guilderland Town Hall, Route 20, Guilderland, NY 12084 at 7:30 P.M.

PRESENT: Stephen Feeney, Chairman
Paul Caputo
Michael Cleary
James Cohen
Lindsay Childs
Thomas Robert
Theresa Coburn

Linda Clark, Counsel
Jan Weston, Planning Administrator

ABSENT:

Chairman Feeney called the meeting to order at 7:30 p.m. He noted the exits for the sake of the audience in the event they were needed.

Chairman Feeney announced for the record that the Site plan review for Watson, 120 Vine Lane and Wojdyla, 1826 Western Avenue is off the agenda.

CASE OF HAMMAN – 4739 Western Turnpike

Chairman Feeney announced that this was a public hearing of the final plat of a 3 lot subdivision of 9.4 acres. Zoned RA-3. Mike Davis Presenting.

Linda Clark, Counsel, read the Legal Notice as follows:

The case of the Joseph Hamman will be heard on Wednesday, January 9, 2008, 7:30 p.m. at the Guilderland Town Hall, Route 20, and Guilderland, New York 12084 for the purpose of obtaining final plat approval for an unnamed subdivision.

Such subdivision is proposed as 3 lots cut from 9.43 acres, creating two additional building lots.

The general location of the site is at 4739 Western Turnpike

The property is zoned: RA-3
Tax Map # 26.00-3-37

Plans are open for inspection, by appointment, at the Planning Department during normal business hours.

Dated: December 21, 2007

Stephen Feeney, Chairman, Planning Board

Terry Coburn read the comments of the Planning Department as follows:

The applicant has applied for final approval to cut two additional lots off a 9.4 acre parcel. I have the following comments:

- The applicant has supplied a stormwater management plan.
- The plat shows the required 250 ft. setback from the stream for septic systems.
- This parcel and the adjacent Knaggs Farm are in a county agricultural district and a note to that effect must be included on the signature plat.
- The NYS Dept. of Transportation will need to review and approve the two additional curbcuts onto Route 20.

No objection to final approval.

Mike Davis presenting: The applicant is dividing this parcel into 3 lots that consist of an existing home on the one lot, and two proposed new homes on the other two lots. Plans are to utilize Town water and to have a conventional septic system for the two new lots. Since the concept hearing we did do the perk test and deep test pits, which are shown on the map. A shallow trench or inground sanitary system will work on these lots depending on final location of septic.

I have received a letter from the Department of Transportation and submitted it to the Planning Department stating that they have no objection to where the curbcuts will be. Between the two lots, the total disturbance will be greater than an acre but less than five acres. A Notice of Intent will be filed before construction and the basic Erosion and Sediment Control Policy will be required. (On File)

Chairman stated: The note regarding on the site grading on the plans, the Notice of Intent should be filed with NYSDEC prior to construction.

There should be a note on the plans regarding stormwater management. The note should reference need to file NOI with DEC and the need to prepare a SWPPP that includes the Erosion & Sedimentation Control plan prior to building permit.

Chairman added: I have a letter from the Department of Transportation stating that they approve the two additional curb cuts that they are proposing. (On File)

We have a letter from the Guilderland Conservation Advisory Council, dated October 26, 2007, and to summarize it read as follows: Provided appropriate septic systems are constructed south of the setback line from the stream. GCAC feels that the impact on the environment caused by developing these two rear lots would be minimal. (On File)

A response from the Albany County Planning Board, dated December 20, 2007, and their advisory read as follows: ACPB Recommendation: Modify local approval to include:

1. The location of wells and septic should be evaluated by Albany County Department of Health as part of the subdivision of the land.
2. Review by the NYSDOT for design of highway access, drainage and assessment of road capacity.
3. Notification to the City of Watervliet for construction activity in close proximity to the Watervliet Reservoir.
4. The Town should study the cumulative negative impacts from development on water quality, through even minor subdivision like this one, in both the immediate and surrounding areas to the Watervliet Reservoir.

Advisory: The Town should encourage more creative lot design layouts in the future if these types of small subdivisions along state and county roads become numerous. By granting area variances to the building envelopes a different design could avoid flag lots and numerous curb cuts on high-speed roads. (On File)

Chairman asked if there were any comments from the audience and there were none.

Chairman entertained a motion to close the hearing. The motion was made by Thomas Robert and seconded by Paul Caputo and carried by 7-0 vote by the Board.

Chairman made a motion for SEQR Determination as follows:

In Accordance with Section 8-0113, Article 8 of the New York Environmental Conservation Law, this Agency has conducted an initial review to determine whether the following project may have a significant effect on the environment and on the basis of the review hereby finds:

The proposed project will not have a significant effect on the environment and therefore does not require the preparation of an Environmental Impact Statement. This determination is based on a careful review by the Planning Board, and by the comments of the Guiderland Conservation Advisory Council, and by the environmental short form which the applicant has filled out, and the minor nature of a 3 lot subdivision of 9.4 acres, and adherence to 250 ft. minimum stream setback for septic system and 100 ft. minimum setback from dwelling.

The motion was seconded by Thomas Robert and carried by a 7-0 vote by the Board.

Chairman made a motion for final approval for the proposed 3 lot subdivision with the following conditions:

- Town Water & Wastewater Superintendent approval
- Albany County Health Department approval (with building permit application)

- NYS Department of Transportation approval (for any new curb cut)
- \$1,500.00 per dwelling unit – park & recreation fund (with building permit application)
- Note on plans regarding adjoining farm in the agricultural district.

The motion was seconded by Paul; Caputo and carried by a 7-0 vote by the Board.

BAGGETTA – 1814 Western Avenue

Chairman Feeney announced that this was a site plan review to modify the existing restaurant by creating an outside seating area and expanding the bar and hours of operation. Margaret Baggetta presenting.

Terry Coburn read the comments of the Planning Board as follows:

The applicant is requesting an amendment to the special use permit to expand the bar and hours of operation and also to add outside seasonal seating in a proposed conversion of the Cabernet Café restaurant. The expansion of the bar will first be reviewed by the Zoning Board to determine whether the proposed expansion should be considered a change in use, which may not be allowed in the BNRP district. The Planning Board review will only address the site plan change, which is the expansion of the seating area to allow for outside dining.

- The original site plan for the Cabernet Café just met the required parking spaces, which included parking arrangements with two adjoining property owners to achieve. He expanded seating area will require additional parking. How this demand will be met needs to be addressed and also whether the parking agreements now in place will transfer to the new owner.
- The expanded dining area will eliminate landscaped area. I could find no calculations whether the proposal will still meet the minimum green space requirements.
- Because this use is so close to residential uses, the outdoor seating area should be limited to dining patrons and not open for bar seating.

No objection to the amended site plan contingent on meeting the parking and green space requirements.

Julianne Girard, Attorney for Margaret & James Baggetta and Joe Taylor, gave a brief presentation. The applicant desires to modify the existing sit-down restaurant with minimal deviation from the existing special use permit and/or the zoning regulation generally. The first modification includes the addition of a patio, allowing for seating and service to customers during the applicable warm weather months of the year. Next, a minor modification with regard to the hours of operation is desired.

Chairman stated: From the site plan standpoint, it is very hard for us to make a determination because it is not too detailed. You will need to provide more details for the site plan on the parking and you will need to show how many parking spaces you will need and how many are provided on site.

Chairman asked how many seats are being added.

Ms. Girard said there should be an additional 28 seats.

Chairman asked if there was an agreement between the client and the adjoining neighboring property and Cosmo's Plaza for additional parking.

Ms. Girard stated: We would continue to have legal access to the eight parking spots with Cosmos's Plaza.

Chairman stated: We will need to see a landscaping plan on what you are proposing to do and the what type of fencing, and need to see some type of screening around the patio, and what spaces you will have access too for the overflow parking, and a sign to show the customers about where the overflow parking will be.

There was some discussion about the outdoor dining hours.

Thomas Robert was concerned about the noise level for the adjoining neighbors during the late hours with the outdoor dining.

Michael Cleary and Lindsay Childs were both concerned about the noise on the outdoor dining patio especially if there is some type of entertainment. You will need to screen the noise so that it doesn't go towards the back.

Terry Coburn stated: It is very important for the Zoning Board of Appeals to know whether or not you are going to have live music. They should also know about what type of lighting will you be using.

Michael Cleary stated: I do like the concept but you will need to show more details on the structure and the operation of it.

Chairman stated: What we are looking for is a site plan that is detailed with landscaping with an elevation drawing, and the screening, and the number of parking spaces, signage, a lighting plan and a more detailed agreement between the clients and parking and how to lessen the noise on the deck.

Chairman made a motion not to table the application until the Zoning Board of Appeals makes a determination on the interpretation.

The motion was seconded by Michael Cleary and carried by a 7-0 vote by the Board.

MEETING ADJOURNED: 835 P.M.

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BAGGETTA – 1814 Western Avenue

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