

**TOWN OF GUILDERLAND  
PLANNING BOARD**

**Wednesday, March 26, 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  
Thomas Robert  
Theresa Coburn

Linda Clark, Counsel  
Jan Weston, Planning Administrator

ABSENT: Lindsay Childs

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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.

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**MATTER OF STEWARTS – Route 155**

Chairman Feeney announced that this was a public hearing on the final plat of a proposed 2 lot subdivision to cut a 1.9 acre parcel for the remaining site. Zoned PUD.

Tom Lewis presenting.

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

The case of the Stewarts Shops Corporation will be heard on Wednesday, March 26, 2008 at 7:30 p.m. at the Guilderland Town Hall, Route 20, Guilderland, New York 12084 for the purpose of obtaining final plat approval for an unnamed subdivision.

Such subdivision is proposed as cutting a 1.9 acre building site from the remaining PUD parcel.

The general location of the site is at the southwest corner of Rt. 155 and Mill Hill Court.

The property is zoned: PUD

Tax Map # 51.00-3-1.12

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

Dated: March 5, 2008

Stephen Feeney, Chairman, Planning Board

Jan Weston, Town Planner, read the comments of the Planning Department as follows:  
Stewarts - Route 155 & Mill Hill Ct.

Stewarts has applied for final approval to separate a 1.9 acre parcel from the remaining PUD site so that they will have ownership of the land. They have provided a map showing the sidewalks and intersection improvements they will make prior to the issuance of a CO. This will have to be shown on the final signature map.

No objection to final approval.

Tom Lewis presenting: The applicant would like to separate a 1.9 acre parcel from the remaining PUD site so that they will have ownership of the land.

Chairman stated: For the record, we have a recommendation, dated February 21, 2008, from the Albany County Planning Board, that read as follows:

Defer to local consideration. 1. This board has found that the proposed action will have no significant countywide or intermunicipal impact. Defer to local consideration.

Chairman asked for any comments from the Board and there were none.

Chairman stated: This is pretty straightforward.

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

Chairman entertained a motion to close the hearing. The motion was seconded by Thomas Robert and carried by a 6-0 vote by the Board.

Chairman added: You will need to show the improvements and the traffic signal, crosswalks and all the pedestrian amenities associated with the shop on the final plat.

Chairman made a motion for final approval for the proposed two-lot subdivision on Mill Hill Court with the following conditions:

- Town Water & wastewater Superintendent approval.
- NYS DOT approval for traffic signal and intersection improvements
- Approved site plan details and pedestrian improvements must be shown on the final plat.
- All improvements must be installed prior to the issuance of a certificate of occupancy.

The motion was seconded by Michael Cleary and carried by a 6-0 vote by the Board.

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## **MATTER OF STRASSBURG – McKown Road**

Chairman Feeney announced that this was a public hearing on the final plat of a proposed 4-lot subdivision of 1.13 acres. Zoned R-10. Zareh Altounian presenting.

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

The case of the William Strassburg will be heard on Wednesday, March 26, 2008 at 7:30 p.m. at the Guilderland Town Hall, Route 20, Guilderland, New York 12084 for the purpose of obtaining final plat approval for an unnamed subdivision.

Such subdivision is proposed as 4 lots cut from 1.13 acres.

The general location of the site is at 1-3 McKown Road

The property is zoned: R-10

Tax Map # 52.20-4-6

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

Dated: March 5, 2008

Stephen Feeney, Chairman, Planning Board

Jan Weston, Town Planner, read the comments of the Planning Department as follows:

Strassburg - 1-3 McKown Road

The applicant has applied for final approval of this 4-lot subdivision. The main concern of the Board and the residents was how the drainage was to be handled. A swale and culvert design along Westlyn Place has been submitted and approved by the Highway Superintendent and the Town Designated Engineer. No objection to final approval.

Chairman stated for the record: We have comments from the Guilderland Conservation Advisory Council, dated February 26, 2007, and in summary their conclusion read as follows: So long as tree cutting is kept to a minimum and appropriate measures are taken when lots are graded and developed to guarantee that storm water management guidelines are followed, GCAC does not perceive any real negative impact to the environment if this parcel is subdivided and developed other than adding possibly three more households to the neighborhood with the resulting increase in use of Town resources.

Another letter from Henry and Terry Tedeschi, dated February 21, 2007, in regards to their concerns with the traffic and the drainage.

A letter from Mary Smith, dated June 20, 2007, regarding her concerns with the flooding and traffic.

A letter from Barton & Loguidice, P.C., dated February 19, 2008 in regards to them reviewing of the stormwater improvements and support calculations and recommend the Strassburg Subdivision for final approval.

Zareh Altounian presenting: This is a 1.13 acres parcel that is located at the corner of McKown Road and Westlyn Place and the applicant is proposing to subdivide the land into 4 lots. One lot has the existing building and the other 3 lots will be along Westlyn Place. All the lots meet the zoning requirements and utilities are located on both streets. The only other issue was the drainage issue. We had Crescent Environmental Engineering review and discuss the drainage and have the final design submitted tonight. We discussed the drainage and stormwater management aspects of the project with the Highway Department Superintendent and Barton and Loguidice Engineers.

Mr. Altounian explained the drainage. The only open swale will be in the front of the new properties and from there then it becomes a close system. It will not be open all the way. The only swale will be just in front of the new properties. It will be a closed system from the corner of the new lot, a new 12" pipe all the way down and then a new 12" pipe across Westlyn Place. There is a new 12" pipe going down to the existing catch basin in front of the existing property and then we are improving that system from the existing catch basin across the road with a 12" pipe.

Chairman stated: It shows that you are constructing swale along a small section of McKown Road on lot 1. Will that be part of the easement that has to be maintained?

Mr. Altounian said yes.

There was further discussion about the drainage.

Chairman stated: We will need to see limits of the grading and clearing on the plans.

Chairman asked for any comments from the Board.

Terry Coburn mentioned that on the map it does not show where the driveways line up with the driveways on the opposite side of Westlyn Place.

Chairman main concern was on lot 1; whatever driveway goes in should be far enough away from the intersection. They will have to build the driveways consistent with the drainage plan.

Henry Tedeschi, 10 Westlyn Place, was concerned about the drainage. I feel that the Board was trying to make a decision without knowing the facts. You should build the proposed drainage system first to see if it works without affecting homes with wet basements, and then you can approve the subdivision.

Thomas Robert, Architect, and board member, stated: We had our engineers look at this and told us that it is going to work. This wasn't just casually done. It was carefully looked at. We are not pro-developer. We're pro Guilderland and I think that this was done very thoughtfully. I am an architect and believe that this system will work and will improve the situation.

Chairman added: They cannot make it worse. Making it worse will present a problem.

Linda Nabadoski, 6 Westlyn Court, presented a picture that was taken March 15<sup>th</sup> before the recent spell of heavy rains, under normal conditions, and would like the Board to glance at the picture. We are not exaggerating about the water conditions and are still very concern about the water. By removing more trees once the lots are cleared, I am concerned about what might happen to whatever erosion might be occurring. There are some issues as to what might happen once that land is cleared. Do we know whether or not basements will be permitted and how much water is going to be channeled here. We don't know what the rate of the existing system is.

I am also concerned about the swale and how can you stop people from filling in the swale and how long before it gets to be maintained.

Neighboring homes are negatively impacted and this is a huge issue. I would like to have some tax type of insurance bond so that if there is damage to neighboring homes that there will be a pool of money set aside.

Once the system is built I do think that it is imperative to suggest a one-year moratorium as to granting any more building permits.

There also will be some grading of this property that will cause runoff on the adjacent properties and my property and for Westlyn Court. These plans should be amended to include some sort of swale type channeling so that any runoff from the east end of this property is properly channeled into that drain.

Finally, I would like to address the issue with swale itself. The swale initially was advised against and I think that it is entirely inappropriate for this neighborhood.

Nadine Medina, TDE, from Barton & Loguidice, PC. addressed some of the drainage issues. We did discuss a closed drainage and when we looked at a close drainage system found that the swale actually slows runoff and allows down stream catch basins and insures downstream levels are maintained more accurately than what a close drainage system does. The swale system was determined to be the better option.

In addition to that, the swale itself was intended to be written into the deed regarding maintenance of the swale area.

Chairman stated: We would have enforcement capabilities over homeowners that did not maintain the swale.

Thomas Robert, board member, added: The system has been very carefully looked at. A lot of calculations has been done for the worst conditions you can possibly imagine. We are trying to minimize the possibility of any additional problems being created. What is there now we cannot fix. The developer is required to make sure that there are no additional distresses to the neighboring properties.

Chairman stated: We will need to see a more detailed grading plan.

Linda Nabadoski stated: There was further discussion about the swale and drainage.

Thomas Robert added: The engineers are trying to state. When they looked at the various engineering principles of the way you can actually do a closed versus the open system. The closed system is very difficult to accomplish without having several catch basins. The swale system is better than catch basins because of its small slope.

Chairman added: Typically, a closed system is built to accommodate the drainage from the town roads and driveways. This is an attempt to get water off of his property to some degree. We do not typically use an open swale on small lots and usually recommended on one acre or more lot. This is not a typical swale. It is a very small swale.

Linda Nabadoski questioned: Will the water table rise when all of the vegetation is moved?

Chairman stated: Clearly it won't completely denude the site of vegetation. The swale will take a lot of the rainfall off the site

There was further discussion about the water table.

Chris VanEppts, 22 Westlyn Place, was concerned about the drainage.

Frank Deponso, stated: The engineers made a recommendation for the size of the drainage pipe from 8" to 12", but who will do the replacing? I understand is that they asked the Strassburg to come up with \$20,000 to remedy the situation.

Don Reed, President of McKown Improvement Association, 5 Norwood Street. I have spent some time with William West, Water Department and looked over some maps. Looking over the maps for the areas of the Westlyn and McKown road area, I discovered that there was a storm sewer line that had been put in many years ago that runs from Westlyn up to Western Ave. This could raise the possibility of the swale instead of running west to east, can run from east to west with a drain that goes into that pipe that runs up McKown Road and connects to the much larger storm sewer system along Western Avenue. I spoke to Mr. Gifford, Highway Department, and he will try to bring this to the attention of the TDE. So that they can take a look to see whether or not that storm sewer system could in fact be used.

Nadine Medina, Barton & Loudice, P.C. explained: I think that I know the system that you are referring to. We did look at that actually but unfortunately it is up hill from the end of the property. The street drains from west to east, so the swale would not have the opportunity to drain in the other direction. This option would not work.

Sue Brown, 6 Westlyn Place, wanted more information about the replacements and location of the pipe systems and if it was possible for the records to be available. I would like to see the actual work calculations.

Chairman said that the plans submitted can be viewed by public. The work that was done by the applicant's engineer was reviewed by an engineering firm hired by the town to oversee the work.

Paul Cupato, board member, stated: Barton and Loguidice is a very good firm and we had very good success with them.

Carol Dulittle, daughter of Mary Strassburg, explained: My mother needs to sell her property to pay for her nursing home. The plans had been nit-picked even though two engineering firms had been employed over 18 months.

This is an environmentally friendly plan. My nephew hopes to restore the Strassburg house to bring back beauty to an original home in the town. My mother's health has deteriorated further and needs the money now to continue to care for her.

Chairman made a motion to close the hearing and the motion was seconded by Michael Cleary and carried by a 6-0 vote by the Board.

James Cohen, board member, stated: I would want to make sure that the town could create an enforcement process for new homeowners to prevent the swale from being filled in.

Thomas Robert stated: As part of the town's storm sewer system it should be enforceable by the town the maintenance of the swale.

Chairman stated: It would be forcible by the town. . It is part of the system. Currently it is on private property and they are going to be required by deed to maintain it.

If someone did dump something in there in violation of the subdivision plans, the town would have the authority to go in there and remedy the situation.

The neighbor would have to call the town and let them know that the swale is not being maintained.

Chairman stated: The town has the authority to go in and remedy a situation if the swale is not being maintained.

Jan Weston, Town Planner, want to note that the town will also hire engineers to review and inspect as the system goes as its built, to make sure that it is being installed properly.

Chairman made a motion for SEQR 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 Guilderland Conservation Advisory Council, and review and approval of a stormwater management system by the Town Designated Engineer, and the minor nature of a 3-lot subdivision and by the environmental short form, which the applicant has filled out.

The motion was seconded by Michael Cleary and carried by a 6-0 vote by the Board.

Chairman made a motion for final approval for the proposed four-lot subdivision on Westlyn Place with the following conditions:

- Town Highway Superintendent approval for any new curbcuts
- Town Designated Engineer approval
- Town Water & Wastewater Superintendent approval
- \$1,500.00 per dwelling unit - Park & Recreation Fund ( with building permit application)
- \$2,085.00 per dwelling unit – sewer mitigation fee (with sewer hook-up)
- Deed restrictions placed on the plat and in the deeds regarding maintenance of the swale area
- Stormwater management system improvements shall be constructed prior to the issuance of building permits for residences.
- Limits of grading and clearing to be provided

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#### **MATTER OF THOMAS – 4770 Western Tpke**

Chairman Feeney announced that this was a continued concept presentation of a proposed 2 lot subdivision of 29 acres. Zoned Industrial. Jim Besha presenting.

Jan Weston, Town Planner, read the comments of the Planning Department as follows:

Thomas - 4770 Western Tpk

The applicant would like to cut a parcel from this site in order to build a single-family home on an existing foundation. Since the property is zoned Industrial he had wanted to apply for a use variance. He has now decided to apply for a rezone to RA-3 for a 12-acre portion where we would construct a house and leave the balance of the parcel as Industrial. In response to concerns by the Board, the applicant has also included all the land to the reservoir as part of the house lot.

No objection to concept approval conditioned on the land being rezoned for a residential use and the Health Department approving the existing septic which is a little over 500 ft. from the reservoir.



Jim Besha presenting: We have made some significant changes on the original proposal. Taking into account the concerns raised by the Board and discussion with the Town Planning & Zoning and the Town's Supervisor. We are proposing a 12.03 acre subdivision from the original 29-acre lot. We have decided to apply for a rezone lot #2 to RA-3 to construct a house and then leave the balance (lot 1) of the parcel as Industrial. The applicant would like to use the foundation to construct a house and also use the existing septic system that was designed for an office building and slightly under 500 ft. from the reservoir. Every other structure would be at least 300 ft. from the reservoir.

Chairman asked about the driveway that you are utilizing. Would there be an easement across lot 1 for lot 2.

Mr. Besha said yes there would be.

Chairman stated: We would like to see an easement or some kind of language on the final map.

Does someone have an easement across your property? Do you have an easement across their property to access Route 20 right now?

Mr. Besha stated: It is not owned by a private person. That part is owned by the Town right-of-way.

I believe that the town may have cut this out to provide access to the railroad tracks.

Chairman stated: This would have to show on the final plans on what exactly is going on.

Linda Clark, Counsel asked if they did a title search. The bottom line is Property that is not yours, we would need to see that that is accessible The bottom line is that you are going want to have access over property that is not yours. We need to see that is accessible.

Mr. Besha said they did not mention it. The railroad could always go directly to the town property to Route 20.

Chairman stated: It seems that the railroad and the town is using the right-of-way and this just needs to be clarified so we do not have any issues with the neighbors down the line.

Mr. Besha said that he will clarified that.

Chairman asked: The front parcel will remain Industrial. Is that right?

Ms. Weston said yes.

Chairman asked: Are we looking for the recommendation of the rezone tonight also along with the concept.

Ms. Weston stated: If the Board felt comfortable with this rather than make them come back for the advisory opinion for the rezone. I am fine in doing this.

The front piece will remain Industrial and have no problem to approve the rezone to RA-3 for the 12 acre portion and to leave the balance of the parcel as Industrial.

Paul Caputo asked: I have been stopped by somebody from Watervliet and just wanted to know if they have been informed about this rezoning?

Ms. Weston said that he has not yet applied for the rezone request, but they will be notified.

Chairman stated: What we are considering is the concept subdivision of the two lots and the advisory opinion on the rezone of 12 acres from Industrial to RA-3.

Chairman Fenney made a motion to move staff's opinion to recommend approval of concept and the approval of the rezone.

The motion was seconded by Michael Cleary and carried by a 6-0 vote by the Board.

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#### **AMEDORE – Old State Road**

Chairman Feeney announced that this was an advisory opinion on a proposal to rezone 22 acres from RO-30 to Townhouse in order to construct 42 townhouse units.

Jan Weston, Town Planner, read the comments of the Planning Department as follows:

John Bossolini presenting. The property is located off of Old State Road west of Carman Road. The property is approximately 22 acres and currently R30 and Amedore Homes proposed that the parcel be rezoned to a Townhouse Dwelling District.

Along the eastern border is a small .65 acre piece and we are looking to convey that to the Serafinis. There are number of lot line disturbances where some buildings were built over the line and hope to convey our .65 acre to the Serafinis to clean up some of the encroachments.

There will be 42 town homes, 3 duplexes and twin homes. We are doing a clustered subdivision and there will not be any wetland impacts and will provide a clear buffer Between the business district along Carman Road and the single-family homes south. By doing the clustered design, has provided a large area for recreation. We will be using less than half the parcel for the development. As for screening from the surrounding

parcels, particularly the single-family homes in the south, we are proposing a berm system both irrigated and landscaped. The berm should be 6-8 ft. tall.

There will be two accesses to the site from Old State Road west and the west toward Lynwood School.

As far as the improvements, we are going to introduce stormwater management systems. As to the maintenance free aspects of the proposed Town home development, Amedore in its budget for the Homeowner's Association.

Chairman asked what is the process after this rezone.

Ms. Weston, Town Planner, explained They would come back for a subdivision and site plan for the townhouse development.

Chairman added: There is communication from Lynnwood Reform Church concerning the drainage.

Chairman asked about the triangular piece what is that in the back.

Mr. Bossolini stated: That is Federal Wetlands that is an adjoining property.

Mike Davis, explained: What has happen there is that the past property owner, Mr. Eugene

Stutz, his deed never covered that piece of lands and for tax map purposes, the Town of Guilderland has title to that and I don't know why. That piece is all wetlands and not relying on that piece. It will be just green space.

When we come here for the subdivision

Chairman wanted it clarified as to what pedestrian accommodations you are proposing.

Mr. Davis stated Pedestrian wise, there has been some discussion on a sidewalk on the south side of Old State Road right to Carman Road to Lynnwood School. It was added that on the north side from our parcel to the apartments would be requested. I think that sidewalk should be done when whoever develops that vacant parcel of land, that is when it should be done.

The roads will have to be designed as the same size as any other street in the town.

Chairman stated: This will go before the Town Board for rezone and if they approve it then they will come beck to us for the design plan.

Chairman Feeney made a motion to recommend the rezone for Amedore, Old State Road, with the following reasons:

- Sidewalk be constructed along south side of Old State Road to entrance of Lynwood Elementary School.

The motion was seconded by Michael Cleary and carried by a 6-0 vote by the Board.

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## **MATTER OF SEFCU – route 146 & Gun Club Road**

Chairman Feeney announced that this was a site plan review to allow the construction of a 2,550 sq. ft. bank on the 1-acre site. Zoned Local Business. Dominick Ranieri presenting.

Jan Weston, Town Planner, read the comments of the Planning Department as follows:  
SEFCU - Route 146 & Gun Club Road

The applicant has requested a special use permit to construct a 2,550 sq. ft. bank branch on this one-acre site. The site plan includes sidewalks along Route 146, a two-way entrance/exit from Gun Club Road and an 'exit only' on Route 146, 42 parking spaces, and landscaping. I have the following comments:

- 42 parking spaces are excessive for this use. The majority of local banks have between 20 and 25 spaces, which are adequate. The Board should consider requiring banked areas of green space where the additional parking could be installed if needed. These areas should be along the road setbacks to eliminate any variances.
- The Village of Altamont has favorably reviewed the architecture of the building.
- The proposed on site detention area should be shown and a stormwater management plan and lighting plan must be provided.
- A sidewalk should be installed along Gun Club Road.

No objection contingent on the above concerns being addressed.

Dominic Rinieri gave an overview of the site plan. We are creating a design that is approximate for the site. The applicant would like to construct a 2,550 sq. ft. bank branch with drive through services. on this one acre site. The site will have sidewalks along Route 146. It will be required to obtain variances for construction of a parking lot and driveway within the 40' buffer as well as parking spaces within the 45' parking setback along Gun Club Road. Parking along Gun Club Road will be setback a minimum of 36' from the Gun Club Road ROW. There will be minimal vegetation on the parcel with several small landscape trees along Route 146.

Chairman thought that the 42 parking spaces were excessive.

Charles Carrow, real estate consultant, explained: SEFCU would have up to 20 employees at one time and will need the extra parking spaces.

Michael Cleary, Board member asked about the size compared to the one on Western Avenue and how many employees.

James Cohen asked about the hours.

Brett L. Steenburgh, P.E. explained reviewed the stormwater detention plan and the green space.

Chairman asked about the exit and how wide is it.

Mr. Steenburgh explained: The entrance onto Gun Club is 24' wide and the exit onto Rt.146 is 16' wide and there is an existing curb cut and we are going to try to maintain that existing curb cut.

Chairman stated: I would recommend that curb cut to meet NYSDOT standards.

Chairman asked: The sidewalk on Gun Club, you are agreeing to put in, is that correct?

Mr. Steenburgh said yes.

Chairman stated: My main concern is that is that if the Zoning Board is going to agree to the parking in the front yard that it should be screened.

Mr. Steenburgh said that he would look into that.

Chairman asked about the lighting plan.

There was further discussion about the parking and the character of the site

Chairman made a motion to recommend the site plan review for SEFCU Bank with the following conditions:

- stormwater management plan be provided.
- lighting plan be developed.
- construct sidewalk along Gun Club Road to site driveway.
- nine spaces proposal in front yard should be landscaped to adequately screen parked cars from State Rt. 146 year round.
- NYSDOT review of one-way exit.

The motion was seconded by Terry Coburn and carried by a 6-0 vote by the Board.

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MEETING ADJOURNED: 10:15 p.m.

**TOWN OF GUILDERLAND  
PLANNING BOARD**

**Wednesday, March 26, 2008**

**STEWARTS – Route 155**

**STRASSBURG – McKown Road**

**THOMAS – 4770 Western Tpke.**

**AMEDORE – Old State Road**

**SEFCU – Route 146 & Gun Club Road**

















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No objection to concept approval conditioned on the land being rezoned for a residential use and the Health Department approving the existing septic which is a little over 500 ft. from the reservoir.

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