

**TOWN OF GUILDERLAND  
PLANNING BOARD  
March 11, 2009**

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

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

Linda Clark, Counsel  
Jan Weston, Planning Administrator

ABSENT:

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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.

Michael Cleary made a motion to approve the January 14, 2009 minutes with a few minor corrections. The motion was seconded by James Cohen and carried by a 5-2 vote by the Board. (Paul Caputo and Terry Coburn abstained)

Terry Coburn made a motion to approve the February 11, 2009 minutes with a few minor corrections. The motion was seconded by James Cohen and carried by a 4-3 vote by the Board. (Lindsay Childs, Michael Cleary and Thomas Robert abstained)

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**SITE PLAN REVIEW - Warnken – 107 VanPatten Lane**

Chairman Feeney announced that this was a site plan review to allow a customary home occupation for an office for the Capital Concrete business. Sue Warnken presenting.

Jan Weston, Town Planner, read the comments of the Planning Department as follows:  
Warnken – 107 VanPatten Lane

The applicant has requested a special use permit to use a portion of this home as an office for the Capital Concrete, Inc. business. The application states that no customers come to

the site, and there will be no deliveries. However, a neighbor has stated that commercial vehicles are stored on site and that the employees park at the home and then drive the commercial vehicles to the job site.

I have no planning objections if the home is being used for an office only. However, a residential house should not be used as a staging area for a commercial business.

Sue Warnken presenting: First of all, Capital Concrete is a seasonal business. We run from the end of April to about the end of October. We have all off-site work and no work will be done at this location and no customers and no showroom. What we are asking for is to receive mail and to receive phone calls and we will have two employees. During the winter months, there are absolutely no activities being done at all and there would be no construction business on the site.

Chairman noted for the record: We have a petition signed by twelve neighbors. They want to disapprove this plan to allow a customary home occupation at 107 Van Patten Lane. (On File)

Paul Caputo wanted to know how many commercial vehicles do you have?

Mrs. Warnken explained: We have a utility van and three trucks.

Paul Caputo wanted to know how many are used for the business?

Mrs. Warnken stated: The utility van will be used and occasionally my husband truck and the small one-ton dump truck. The dump truck and van will be stored inside the shed.

Terry Coburn wanted to know if this is a family business.

Mrs. Warnked stated: Yes, it is. My husband is the president of the company and I do the office work. We will have also two employees outside the family.

Paul Caputo wanted to know what happens to the employees' vehicles when they come to work?

Mrs. Warnken explained that they are stored up by where the garage is in the back and there are no concrete trucks coming to this place.

Chairman asked for any comments from the audience.

Liesse Mohr, 56 Gipp Road and Van Patten, stated: I think everything that was said tonight is accurate except for the employees parking. When they come in they park on the side of the front. The utility truck is parked out there also and I do get the glared from those vehicles when I work outside.

The law in the Zoning Book states that there should be only one employee, and they have two employees.

What I would like to have change is to have the van and the dump truck parked inside the garage, and it should only be during the week and not weekends. Also, there are two industrial lights during the night and this adds a commercial look to it and is on all night long. What I would like to see is no lights or motion lights put in. There is also an amber light at the bottom of his house that was from the original owner.

James Cohen asked about the parking. How far away from the road?

Liesse Mohr stated: The law states that the cars should be parking around the back, but regardless where they park, residents can see them.

John McCluskey, 31 Willey Street, directly behind Mr. Warnken place. First of all, I would like to comment that Mr. Warnken keeps his place very clean. I did submit this petition that I circulated around Willey Street and a statement suggesting to disapprove this permit. I think that this should go back to the initial approval of the variance.

Steven Elsbree, 102 Van Pattern Lane, stated; the property has improved vastly since Gary has moved in. The driveway was paved and Gary submitted and received a variance for the building constructed in the back. All the fencing has been installed and most of the operation around that barn is screened and the operation of his business is not bothersome to me.

Michael Cleary asked: We are not here to determine whether the Zoning Board properly approved the building or the environmental impact statement, is that correct?

Chairman stated: No we are not. Typically, for a minor area variance like that, it is a Type 2 Action and there is no real SEQR Review unless it is for a home occupation. I would assume that inside the barn there is no drainage structure or no dry well inside the garage. This really comes down to the impact of the use as a home occupation. Does that actual use have significant impact on the neighbors above and beyond that of a normal home?

Chairman asked about the lighting.

Chairman stated: The one issue is having two employees as opposed to one employee.

Linda Clark, Counsel, added: it is unclear whether or not the statutes mean that you cannot have more than one employee in the business completely, or you cannot have more than one employee working at the home occupation. My guess is that it probably meant to say that they cannot have more than one person working at the home occupation.

Paul Caputo stated: The difference here is that these people report to work here.

Michael Cleary stated: The question would be whether two cars are going to affect the neighborhood parking.

Liesse Mohr wanted to know why his personal vehicles are not parked in his own garage down by the house.

Thomas Robert suggested that we could recommend having the vehicles park on the other side of the garage or behind the fence.

Linda Clark, Counsel stated: What this board has to consider is the impacts on the neighborhood. One thing that we can talk about is the mitigation that some of the neighbors are looking for in terms of vegetation, which was a subject at an earlier meeting.

Chairman stated: This has been fenced and I am assuming that was one of the conditions of approval.

Michael Cleary mentioned that I would be comfortable if the employees park their vehicles behind the fence and that they take into consideration having a motion light.

Ms. Weston explained: It was my understanding that the workers were coming in and picking up commercial vehicles at this site and leaving with those vehicles.

Paul Caputo asked about the trees that were taken down.

Gary Warnken explained that he did take some down but his neighbor took down more trees along his stripe of land.

Morris Warner, 33 Willey Street, suggested having more lights because of how dark it is.

Chairman made the motion to recommend approval for this site plan review with the following suggestions:

- Employee parking be shielded from view of neighbors
- Lighting on the garage should not spill over to neighboring property
- Consider planting trees in the front of the garage to better screen view from neighbors.

The motion was seconded by Michael Cleary and carried by a 5-2 vote by the Board.  
(Paul Caputo, Terry Coburn against)

Paul Caputo would like to see this with having conditions and not suggestions.

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## **SITE REVIEW – Ronnie’s Motorsports – 2337 Western Avenue**

Chairman Feeney announced that this was a site plan review for a change of tenancy from farm and tractor equipment to motor sports sales and service. Zoned Local Business. Wayne Ouimet presenting.

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

Ronnie’s Motorsports - 2337 Western Avenue

The applicant has requested a special use permit for a change in tenancy at the building formerly used for farm and tractor equipment to be used for the sale and service of motorcycles, ATVs, snowmobiles and watercraft. I have the following comments:

- While the sale of recreational vehicles is permitted in the General Business district, I do not see them listed in the Local Business district. The Zoning Administrator should make a determination whether this is a permitted use.
- The Letter of Intent states that the tenant may display motorcycles, ATVs and snowmobiles on the exterior of the building. The site plan should show where the outdoor display would be how it will be defined.
- This would be a good opportunity to enhance the limited landscaping around this building and site.

Ronald Quiment, father of Wayne, will be presenting this plan instead. We have been in the motorcycle business for the last fifty-three years. Our desires are to sell new and pre-owned motorcycles and snowmobiles, watercraft and all-terrain vehicles.

Linda Clark, Counsel, asked if this would be your first store in New York.

Mr. Quiment said yes it is.

Michael Cleary asked if there would be any RVs, cars, or trucks to be sold?

Mr. Quiment said no. From time to time we have taken in a vehicle for trade, for instance a car, but usually wholesale it right away.

James Cohen wanted to know if all the other stores have the same name, and ownership.

Mr. Quiment stated: They are all Ronnie’s stores but they are not all the same identical ownership.

Lindsay Childs asked: When you indicated that you are operating a business selling services and detailing of new and preowned vehicles, that is not what you really meant.

Mr. Quiment explained: I do not mean selling cars.

Chairman stated: I think that this is a good use. This should not generate that many auto trips.

We will need to see at least on the plans, some indication on the location of the outside display area, and the landscaping plan.

Mr. Quiment stated: To clarify the outside display, that means that I would have to bring everything out in the morning and then bring it in at night. Is that correct?

Chairman said that is correct. Will you be doing any repairs?

Mr. Quiment explained that there will be a mechanic that services the units that we prepare for sale. We are not soliciting service per se but will have a mechanic.

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

Lindsay Childs would appreciate an updated site plan. The building is surrounded by asphalt right off and that is not showing on the map and would like to see more landscaping. I think that the applicant should provide a more detail-landscaping plan.

Chairman made a motion for the site plan approval in the matter of Ronnie's Motorsports, 2337 Western Avenue, with the following conditions:

- Provide detailed landscaping plan.
- Identify location of outdoor display area.

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

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#### **SITE REVIEW – 2028 Western Avenue**

Chairman Feeney announced that this was a site plan review to allow the building to be converted to an ice cream/snack stand. Zoned Local Business. Valerie Thomas presenting.

Jan Weston, Town Planner, read the comments of the Planning Department as follows:  
Thomas - 2028 Western Avenue

The applicant has requested a special use permit to convert the existing single-family residence into an ice cream and snack business. The building is on the corner of Western and Norman Avenues, between the CVS and the Mezza Notte restaurant. I have the following comments:

- The parking lot entrance will be from Norman Avenue with no curbcuts onto Western. Further, the entrance will be opposite the side of the CVS building so there should be no direct impact on a residence.
- The plan shows the required 18 parking spaces, 3 of which they propose to bank. On a hot summer weekend night I would anticipate the need for much more parking but there is additional land if this should become a problem.
- There are residences to the east and south of the proposed parking. The plan proposes a landscaped berm for buffering with some short trees and bushes. I am not sure this will be enough to screen the neighbors from the lighting, or from the trash that will inevitably blow around.
- The plan shows a picnic area but the number of tables and seats should be determined. It should be determined whether these seats should count in the parking calculations.

Overall, I think this is a good plan. But every effort should be made to screen the adjoining neighbors from the noise, parking and lighting.

Valerie Thomas presenting: Right now it is a single family home and I would like to upgrade it to an ice cream stand. My architecture and myself have been working very closely with Donald Cropsey, to get the right amount of structure and enough land and buffers for the back. I would like to propose to convert the dwelling to a pleasant family oriented ice cream and snacks business consisting of soft and hard ice cream. Initially, as well as hamburgers and hot dogs, etc. in the future.

My operation will be 11AM to 11PM daily and will have 3 employees at one time and it will be seasonal. Any and all deliveries, consisting of paper products, dairy products, etc will be delivered before opening time.

James Cohen wanted to know if you are going to have a walk up window and where are you going to serve?

Theodore Kondoprias, Architect, explained the two access roads and how they will be served from both the west side as well as the north side. There will be two windows that the customers will be able to get served.

Mr. Kondoprias also explained how they would get to the picnic area.

Paul Caputo asked if you will put a no left-hand turn sign there so the people do not go down to the neighborhood.

Mr. Kondoprias said yes. There should be enough area here to be able to do a two-point turn.

Terry Coburn questioned the driveway from Western Avenue to the front of it and Norman Avenue.

Chairman stated: Getting in and out of that location might not be the easiest. Taking a left-hand turn out of `Norman Avenue onto Western Avenue is not going to be easy.

There was further discussion about the left-hand turn and looking for a safer route to take.

Chairman stated: On the site plan, I believe that you are going to have to indicate to the Zoning Board of Appeals how many seats that are being proposed in the facility and outside in the picnic area. This will dictate how much parking you will need and there are no curbing details on the plans that I have.

Are you planning on separating the pedestrian traffic from the access in and out as best as you can? You will need to explain this.

Thomas Robert wanted to know if there is going to be a sidewalk and you will need to define the limits of blacktop instead of having yellow strips, have some concrete walking surface that is separated. You should define the entrance better and would suggest shoving the parking lot back a little and then you will have a little more room to work with around the building.

Chairman mentioned that the parking lot almost seems too tight to the building. First of all, getting into that handicap space you will have to back in. Also, you are showing parking spaces, 9,10, and 11 as employee parking. Typically, you really need a turnout or you will need to make the parking space deeper.

I am uncomfortable with the way the parking lot is laid out, and the traffic flow, and the potential one-way how tight it is to the building, and the fact that it dead-ends.

Furthermore, the pedestrians are not clearly separated from the accessing vehicles, and you will need to have some type of screening for the neighbors. This really needs a little more thought.

There was further discussion about the parking.

Chairman added: You might want to also consider making another curb cut. We just want to have the safest plan that works for you and everyone else.

You will also need to show a detail-landscaping plan.

Lindsay Childs further added: However you design the parking lot, you should be very careful how people drive in and out of the parking lot at night that the lights from the cars doesn't infringe on the neighbors. You will need some dense landscaping.

Thomas Robert suggested for the handicap parking space that you should have an access isle on the right side.



Chairman made a motion to recommend approval for 2028 Western Avenue, with the following conditions:

- Detailed landscaping plan including proposed outdoor seating and number of seats inside.
- Modify parking lot plan to provide better vehicular circulation and pedestrian separation. Considerations should include: moving the parking lot to the south; providing one-way drive aisle with additional curb cut on Norman Avenue.

The motion was seconded by Terry Coburn and carried by a 7-0 vote by the Board.

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Meeting Adjourned: 9:20 p.m.

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**WARNKEN – 107 Van Patten Lane**

**RONNIE’S MOTORSPORTS – 2337 Western Avenue**

**THOMAS – 2028 Western Avenue**