

**TOWN OF GUILDERLAND
PLANNING BOARD
March 25, 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

Bob Feller, Counsel (substitution)
Jan Weston, Planning Administrator

ABSENT: Linda Clark, Counsel

Planning Borad Member, Thomas Robert 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.

Thomas Robert, Planning Board Member, started the meeting

MATTER OF VIVENZO – Ostrander Road

Thomas Robert announced that this was a concept presentation of a four-lot subdivision of 98 acres. Zoned RA-3. John Vivenzo presenting.

Jan Weston, Town Planner, read the comments of the Planning Department as follows:
Vivenzo – Ostrander Road

The applicant has requested concept approval to cut three lots off of this 98 parcel. The site, split by Ostrander Road, is wooded and slopes from the town road down to the adjacent Tawasentha Park and the Normanskill. I have the following comments:

- The lots all meet the required 3 acre minimum but must be adjusted to meet the 200 ft. width at the building line requirement.
- It is my understanding that the applicant proposes to extend the water district to bring municipal water to the site.

- Building envelopes and proposed septic locations must be shown on the final plat.
- The limits of grading and clearing must be shown on the final plat.
- Since this project is adjacent to a Town Park I asked Dennis Moore if the Town would be interested in a parkland donation. He has no interest in a land donation and would rather the 1500.00 'in lieu of' fee.

No objection to concept approval contingent on the above being addressed.

John Vivenzo presenting: I am proposing to subdivide off three 3-acre parcels for my family members. Each parcel will be a little over 3 acres and will border right into the park. I have just started the process in getting an engineer in doing the water study to make sure that I meet all the state mandates for the water pressures and the topo readings were done.

Ms. Weston stated: Your lots will need to meet the 200 ft. width at the building line. Right now some of them are short of that.

Mr. Vivenzo said that he would take care of that.

Ms. Weston also told him that you would need to show on the plans the proposed septic system location.

Mr. Vivenzo mentioned that some of my family members have not designed their homes yet. Can we hold off on this and just start the process and then let them submit their plans for the septic system?

Ms. Weston explained that we would like to see the proposed locations to make sure that everything will fit on the lots.

(Chairman Feeney took over the meeting)

Chairman stated: On any of the neighboring wells, you will need to maintain a minimum of 100 ft. from the septic system. Your surveyor should be able to pick up the location of the wells and delineate the 100 ft.. If the well is down gradient where you are going to propose your septic, then you may need 200 ft. to meet the Health Department requirements.

We just need to make sure that the lots that are being created don't end up being a problem later on. My guess is that you may need an engineered system. What we might have you do, if you do not want to do the work up front, is the have the lots big enough to accommodate an engineered system.

Chairman stated: The only question that I have is the note that your surveyor has put on the plans regarding the issue with the encroachment going on.

Mr. Vivenzo explained: My neighbor never had a survey done and when I purchased the property I did a boundary survey. Part of his lawn where he has his wood stack, is actually on my property. The surveyor was in there last week and this has been resolved.

Bob Feller stated that you could have them file a correction deed so that the survey would be amended to reflect the correct boundary line.

Lindsay Childs asked about the pond on lot 3. Is that the pond that runs into the deep ravines toward Rt. 146?

Mr. Vivenzo stated: No, it is not that one. This pond sits on my property and on the town property and is behind the walking bridge at Tawasentha Park.

Lindsay Childs stated: When we were laying out the trail in Tawasentha Park, we did look at that pond and we thought that it would be very nice to run a trail to that pond. If we could get just a small parcel around that pond to be dedicated to the Town, I think that it would allow a very nice enhancement to the walking trail.

Chairman wanted to know if the applicant would consider donating some of the property around the pond to the town, then you will not have to apply the parkland fee of \$1500.00 per lot.

Mr. Vivenzo said he would think about it. I would be more receptive to giving that half-acre of land that is landlocked, to the town and then the town would have access from the park to Ostrander Road.

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

Terry Coburn wanted to know if you have plans to further subdivide the other large piece?

Mr. Vivenzo said no he does not at this time.

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

Chairman stated: You will need to show us the limits of grading and clearing, and the building envelopes, and the proposed septic locations. Also, you will need to provide us with an erosion and sedimentation control plan for the whole subdivision or for each lot.

Chairman asked for a motion to approve the concept plan and it was so moved by Terry Coburn and seconded by Michael Cleary and carried by a 7-0 vote by the Board.

MATTER OF O'CONNOR – Gardner Road

Chairman Feeney announced that this was a concept presentation of a resubdivision of 3 existing lots to reconfigure them into larger conforming lots. Zoned RA-3.

Jan Weston, Town Planner, read the comments of the Planning Department as follows:
O'Connor – Gardner Road

The applicant had made an application for a lot line amendment to redefine the boundaries of three existing lots. Currently the applicant owns two undersized lots along Gardner Road and 98 acres stretching west from the road. However, because of the Black Creek that runs through the property, and possible other environmental constraints, the Zoning Administrator and myself felt that the Planning Board should review this application. My comments are as follows:

- The subdivision will take two non-conforming lots and make them conform to the Rural Agricultural zoning.
- Each lot will be 20 to 40 acres in size and will be more than adequate to site a house.
- Because of the environmental features, the building envelopes including the setbacks from the stream and pond should be shown as well as the proposed location of wells and septic.
- The proposed limits of grading and clearing should be shown.

I have no objection to this concept but more detailed information will have to be shown on the final plat.

Darren O'Connor presenting: I would like to redefine the boundaries of three existing lots that I own. One parcel, 5761 Gardner Road is about 96.5 acres, and my house is located on this lot. The other two, 5701 and 5707 Gardner Road are less than one acre each and are therefore non-conforming to existing zoning laws.

What I would like to do is to redraw the lines to render the three lots into conforming parcels. Lot A (5761 Gardner) would consist of approximately 20 acres. Lots B (5707 Gardner) approximately 40 acres, would have approximately 600 feet of frontage, while Lot C (5701 Gardner) approximately 40 acres, would remain with its existing road frontage, about 80 feet. The bottom line between Lot A, and Lot B would be the Black Creek back to the corner of the property which is the railroad tracks. This would result in three conforming lots. I have no plans on building there right away.

Chairman asked if the lots can be accessed without crossing the creek?

Mr. O'Connor said yes.

Chairman wanted to know if the Guilderland Conservation Council Committee has been out there?

Mr. O'Connor said yes they have.

Michael Cleary wanted to know if there are any buildings on the lots.

Mr. O'Connor said that there use to be a house on 5707 Gardner Road that was torn down and now there is just a garage.

Chairman mentioned that there are no access issues that would just give you clear frontage for each of the lots.

Chairman stated: Are you indicating that there are no wetlands or floodplain issues, is that correct?

Ms. Weston said that they did not have any problems with the floodplains.

Chairman added: There are certain setbacks requirements from the creek that we need to show on the plans.

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

Chairman mentioned that you would need to put a note on the final plat that states, "this property lies partially wholly within 500 feet of an Agricultural District and farming activities occur within the area. Such farming activities may include, but are not limited to activities that cause noise, dust and odors."

We will also need to see the proposed building envelopes and the proper setbacks.

Chairman asked for a motion to approve the concept for a three-lot subdivision on Gardner Road and so moved by Thomas Robert.

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

MATTER OF COCCO – Gari Lane

Chairman Feeney announced that this was a concept presentation to create 3 lots from the existing lots. Zoned R-15. John Cocco presenting.

Jan Weston, Town Planner, read the comments of the Planning Department as follows:
Cocco - 3448 & 3450 Gari Lane

The applicant is looking to cut the land from the rear of his property and that of a neighbor's to create an additional building lot, which would front on Rose Avenue. The lots appears to meet all the minimum zoning requirements for this R15 district and public water and sewer would service the new lot. No objection to concept approval.

John Cocco presenting: I am proposing to divide the lots known as 3450 Gari Lane, lot 38, and 3448 Gari Lane, lot 37 for the purpose of creating another building lot from the southeast portion of the said lots.

This action would reduce the area of lot 37 by approximately 3928 sq. ft. leaving it with an area of approximately 15, 040 sq. ft. after the subdivision. This 3928 sq. ft. of land would have to be purchased from the current owner of lot 37. The area of lot 38 would be reduced by approximately 11, 092 sq. ft., leaving it with an area of approximately 15,109 sq. ft. on which there is an existing structure. This has been designated as lot 38A on the concept plan. The new lot that was created from the area acquired from lots 37 and 38 has been designated as lot 38B. This would have an area of approximately 15, 020 sq. ft..

I have shown the building envelope in which a new building or buildings could be constructed on lot 38B, allowing for the required setbacks from the boundary lines to the building line. The area of the building envelope is 4050 sq. ft., and all three parcels will meet all the setback requirements and public water and sewer would service the new lot.

Chairman asked if there is an existing home there.

Mr. Cocco said that lot # 37 and lot # 38 has houses on them.

Thomas Robert asked about the shed in the back on lot 38A.

Chairman wanted to know if you are planning on cutting down a lot of trees.

Mr. Cocco said no. Only a few trees will come down where needed.

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

Chairman entertained a motion to approve the concept plan for a three lot subdivision on Gari Lane and it was so moved by Paul Caputo and seconded by Thomas Robert and carried by a 7-0 vote by the Board.

SITE REVIEW – GOLONKA – 2259 Western Avenue

Chairman Feeney announced that this was a site plan review to allow a bed and breakfast and special occasion receptions on site. Zoned R-15. Lynn Galonka presenting.

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

The applicant is requesting to use the residence as a bed and breakfast establishment and for catered parties both of which are permitted with a special use permit.

The applicant indicates that potential guests would number 30-40 for a small party and 125-140 for a wedding. The existing paved parking areas could accommodate a small party but for a large event the applicant has reached an agreement with the Hamilton Union Church for additional parking.

This is a beautiful historic property and it would not be appropriate to pave addition areas for an occasional large event. However, the applicant should formalize how many off site spaces are being offered by Hamilton Union and how guests would be shuttled to and from the overflow parking. No planning objections.

Lynn Golonka presenting: We have owned Rose Hill for almost 29 years and have maintained the appearance and character of the house and grounds. We did have the place on the market this year, because I thought maybe there would be someone out there would love this place as much as we do. This has not happened with the market the way it is now.

We think that by having a bed and breakfast it would fit the character of the house. I think it would be very appropriate to preserve the house as it is.

Chairman stated: If there is going to be parking at the Hamilton Union, then as part of the Special Use Permit that would have to be formalized.

Mrs. Golonka stated: We were not thinking about parking at the Hamilton Union and have not approach anyone for the off-site parking. The off-site parking could be, possibly negotiated with Hannaford or Price Chopper or some commercial area. That has not been decided.

Chairman stated: Our concern would be if the site could accommodate the weddings of 100 or more people without some parking agreement. If the permit were to allow you to have events of that size, the off-site parking would have to be formalized so the town would know where the cars would be parking.

Mrs. Golonka said that there would have to some kind of off-site parking. This has not been done yet. I just want to know if the concept of this idea is acceptable to the town.

Chairman stated: That this is a permitted use with a special use permit.

Chairman wanted to know if you are going to use the house as it is.

Mrs. Golonka said that the house would be exactly as it is.

Chairman stated: If your intent is to have smaller events, then you would not need a formal agreement.

Mrs. Golonka said that I would like to.

Lindsay Childs suggested having the Guilderland Elementary School would be the most convenient place.

There was further discussion about the shared parking.

Chairman stated: If you want to come in at one time and get a threshold level of parties of 100 or more people, then you would have to establish some formal agreement for off-site parking for large events.

My only other comment would be the access point at Western Avenue. Is it wide enough to accommodate, where the private driveway is two-way traffic? This would have to be looked at by the Zoning Board of Appeals, to ensure that the access point is adequate and safe to accommodate the cars.

Chairman asked for any comments from the audience.

Hiram Eberlein, Head of the Guilderland Hamlet Neighborhood Association, was very supportive of this plan.

Chairman made a motion for Golonka, 2259 Western Avenue, and site plan approval with the following conditions:

- Formal agreement be established for off site parking for large events.
- Access at Western Avenue be reviewed to ensure it is adequately sized/designed to accommodate anticipated traffic.

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

MEETING ADJOURNED: 8:30 P.M.

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O’CONNOR – Gardner Road

COCCO – Gari Lane

GALONKA – 2259 Western Avenue