

TOWN OF GUILDERLAND  
PLANNING BOARD

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Comment:

Wednesday, June 24, 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  
Theresa Coburn  
  
Linda Clark, Counsel  
Jan Weston, Planning Administrator

ABSENT: Michael Cleary & Thomas Robert  
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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.

Chairman Feeney asked for a motion to approve the minutes of May 27, 2009 minutes with few minor corrections and so moved by Terry Coburn. The motion was seconded by James Cohen and carried by a 4-0 vote by the Board.  
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**CASE OF EWING**

Chairman Feeney announced that this was a public hearing on the final plat of a two lot subdivision of 61 acres. Zoned RA-3. Richard Ewing presenting.

Linda Clark, Counsel, read the Legal Notice as follows:  
The case of the Richard Ewing will be heard on Wednesday, June 24, 2009, 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 two lots cut from 61.6 acres.

The general location of the site is at 2505 Old State Road

The property is zoned: Rural Agriculture -3  
Tax Map # 14.00-2-36

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

Dated: June 4, 2009  
Stephen Feeney, Chairman, Planning Board

Jan Weston, Town Planner, read the comments of the Planning Department as follows:  
Ewing - Old State Road

The applicant has applied for final approval to cut his existing home from the balance of his 58 acres of land in order to build a new home at the rear of his parcel.

As requested the applicant has shown the location of the well and test pits for the proposed septic system on the proposed lot. The other requirement was that he shows adequate access for emergency vehicles. There is a proposed 50 ft. turnaround, which could also be handled by a "t" turnaround, and a note stating that the driveway must be able to accommodate a 50,000-pound truck.

No objection to final approval.

Richard Ewing presenting: The 50 ft. turnaround is on the plans that you have now and I will show the location of the building envelope. Also, we will be using the common driveway.

Chairman stated: Our regulations are to show adequate access for emergency vehicles to be able to get in and out.

Chairman added: Since you are going to come across that one lot in front, then you will need to obtain an easement for that to have access and that will need to be shown on the plans and filed. Also, we will need to see some kind of a maintenance agreement.

Chairman asked about the existing culvert.

Jan Weston, Town Planner, explained that you also need to take the notes regarding the keyhole lot and to make sure that is changed on the map.

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

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

Chairman asked for a motion to close the hearing and it was so moved by Paul Caputo and seconded by James Cohen and carried by a 4-0 vote by the Board.

Chairman made a motion for the 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 Guilderland Conservation Advisory Council, and by the environmental short form

which the applicant has filled out and the minor nature of a two lot subdivision of 61.6 acres, and the avoidance of the wetlands and the environmentally sensitive areas on the site.

The motion was seconded by Terry Coburn and carried by a 4-0 vote by the Board.

Chairman was willing to make a motion to approved the final plat for the proposed two lot subdivision with the following conditions:

- Town Highway Superintendent approval
- Albany County Health Department approval (with building permit application)
- \$1,500.00 per dwelling unit – Park & Recreation Fund (with building permit application)
- Driveway access and maintenance agreement

The motion was seconded by Paul Caputo and carried by a 4-0 vote by the Board.

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**McCLELLAND – Wormer Road**

Chairman Feeney announced that this was a public hearing on the final plat of a 4 lot subdivision of 4.8 acres. Zoned R-20. Joe Bianchini presenting.

Lind Clark, Counsel, read the Legal Notice as follows:  
The case of Jon McClelland will be heard on Wednesday, June 24, 2009 at 7:30 p.m. at the Guilderland Town Hall, Route 20, Guilderland, New York 12084 for the purpose of obtaining final plat approval of an unnamed subdivision.

Such subdivision is proposed as 4 lots cut from 4.8 acres.  
The general location of the site is at 123 Wormer Road.

The property is zoned: R-20                      Tax Map # 62.00-1-31

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

Dated: June 4, 2009, Stephen Feeney, Chairman, Planning Board

Jan Weston, Town Planner, read the comments of the Planning Department as follows:  
McClelland - Wormer Road  
The applicant has requested final approval for a proposed 4-lot subdivision. There is an existing house on the property that is located in the Town of New Scotland. The land within the Town of Guilderland, which is zoned R-20, would be divided into three,

approximately one acre lots. As requested the applicant has revised the keyhole lot to reflect the increased setbacks and submitted a grading plan. Before signing the final plat an erosion sedimentation control plan and a shared access maintenance agreement will need to be submitted. No objection to final approval.

Joe Bianchini presenting: This is a 4-lot subdivision that is located on Wormer Road. There is an existing house and driveway on the property, that is located in the Town of New Scotland. What we are subdividing is all in the Town of Guilderland. One lot will be 0.90 acres, and the second lot will be 1.12 acres and the third is 1.11 acres. Lot 1 will have frontage along Wormer Road, but the access to it will be by the existing driveway that comes in. The existing driveway will be used for lot 1 and 2 and for the existing house. Lot 3 will have frontage on Wormer Road and will have a separate driveway. There are both water and sewer at the site and we will be putting in a grinder pump system for each of the houses. Lot 1 will have access to it and lot 2 will have an access easement to the existing line and lot 4 with the existing house.

There is also an existing waterline that goes up to the lands of Bennett. There was an easement that was created for that and is shown on the plans, but they didn't put the waterline in at the location that the easement was granted. Therefore, we are changing the easement to go where the waterline actually is. Lot 2 is actually a keyhole lot and we will have a 20 ft. strip that will come out. That strip will have the water and utilities for lot 2. Then lot 2 will have an access easement across the existing driveway. Lot 4, the existing lot, will have a 40 ft. strip that comes out across the existing driveway and will also contain the water and sewer lines. We did review this with William West, Superintendent Water Department, and he was satisfied with the plans.

Also, since this is a residential subdivision, we will be disturbing approximately 1.5 acres of ground. Therefore, we will submit a Stormwater Pollution Prevention Plan.

Chairman stated: You will also need to submit an erosion sedimentation control plan and a shared access maintenance agreement.

Terry Coburn asked: At one point, we had a discussion about the grinder pumps and who will be responsible for the maintenance of them. In this case, the homeowner will be responsible for the maintenance. Is this correct?

Mr. Bianchini stated: In each case, the homeowners will be responsible for the maintenance of both the laterals and the grinder pumps

Chairman stated: There should be a note on the plans stating the proposed grinder pumps and laterals are to be privately owned and maintained.

Chairman asked for any more comments from the Board.

Chairman asked for any comments from the audience

Chairman asked for a motion to close the hearing and it was so moved by Terry Coburn and seconded by James Cohen and carried by a 4-0 vote by the Board.

Chairman stated: We have correspondence in the files from Albany County Planning Board, dated: June 18, 2009 and their recommendation read as follows:  
Modify local approval to include: 1. Notification should be given to the adjacent Town of New Scotland. Advisory: ACPB does not advise creating subdivisions that include multiple easements between lots for driveway access. (On File)

I have comments from the Guilderland Conservation Advisory Council, dated January 14, 2009, and their conclusions read as follows:  
GCAC does not feel that the subdivision and subsequent development of this property will poise any noticeable negative environmental impact provided appropriate measures are taken to incorporate proper stormwater management, tree cutting is kept to a minimum, limitations of the soil as noted under the soil section of this report are considered and that any necessary remediation be taken regarding the wet area noted on proposed lot #1 and the adjacent area. (On File)

Terry Coburn asked: The existing home, in the future, will they be hooking into the sewer system and will they at that time have to pay the fee to hook in?

Chairman stated: I am assuming that when they hook in is when they will have to pay. They would have to get a permit to hook in.

Chairman was willing to make a motion for SEQR Determination in the matter of the 4 lot subdivision, lands of McClelland 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 by the environmental short form which the applicant has filled out, and the provision of Stormwater Pollution Prevention Plan with Erosion & Sedimentation Control measures.

The motion was seconded by Paul Caputo and carried by a 4-0 vote by the Board.

Chairman made a motion to approved the final plat for the proposed lot subdivision on Wormer Road with the following conditions:

- Town Highway Superintendent approval for any new curbcut.

- Town Water & Wastewater Department approval (with building permit application)
- \$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 application)
- Stormwater pollution prevention plan with erosion and sedimentation control to be submitted.
- Note on plans stating that the proposed grinder pumps and laterals are to be privately owned and maintained.
- Provide driveway access and maintenance agreement.

The motion was seconded by Paul Caputo and carried by a 4-0 vote by the Board.  
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**MATTER OF SIKUL – 2073 Western Ave.**

Chairman Feeny announced that this was a concept presentation to resubdivide .8 acres into the two original lots that were recently merged. Zoned BNRP. Dr. Sikul presenting.

Jan Weston, Town Planner, read the comments of the Planning Department as follows:  
 Sikul - 2073 & 2075 Western Avenue

The applicant is requesting concept approval to split two lots which were recently merged together. The merger was requested when Dr. Sikul had planned on physically joining the two building that contain a residence and her Just Cats veterinary business. She no longer intends on joining the buildings and would, therefore, like to reestablish the original two lot configuration. No planning objections.

Dr. Sikul presenting: I originally had plans to expand my clinic and combine the two buildings, but decided not to. The place will remain the same and the driveway will remain but just blacktopped. I would like to turn that house next door into a resident home instead.

Chairman stated: This is pretty straightforward.

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

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

Chairman moved staff's opinion to approve the concept to resubdivide .8 acres into the two original lots that were recently merged. The Board members were all in agreement.  
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## **SITE REVIEW – Curry Road rezone**

Chairman Feeny announced that this was an advisory opinion for a request to rezone 2703 Curry Road from R-10 to Industrial. Tom Andress presenting.

Jan Weston, Town Planner, read the comments from the Planning Department as follows: The applicant is requesting to rezone 2703 Curry Road from R-10 to Industrial. The parcel is 1.26 acre site which is flat and contains very little mature vegetation. There is no municipal water or sewer to the site.

This parcel is virtually an island in Guilderland, amid the NYS thruway and I 890 ramps. There are industrial and commercial uses to the north and west that are located in the Towns of Rotterdam and Colonie.

### **COMMENTS:**

Although the applicant states that this parcel would be used for storage units, anytime the Board considers a rezone, they should be looking at all the uses permitted in that new zone and whether they would be appropriate for the site. In this case, I believe this site is well suited for industrial uses. It has excellent access to the interstate highways, and is adjacent to other industrial and commercial uses.

From a zoning perspective, the site is separated from the industrially zoned Sandell manufacturing complex only by the highway access ramps. It is highly unlikely that it would ever be developed for single family, residential use.

I have no objection to this request; however, the Town of Rotterdam and Colonie should both be advised and given the opportunity to comment before the public hearing.

Tom Andress stated: Liedke Moving and Storage Company are the owner of 2703 Curry Road. The 1.26 acre portion of their lot is currently occupied by a single-family home with various out buildings. The applicant owns the adjacent property in the Town of Rotterdam that is zoned industrial. The Rotterdam property has been developed as an industrial site for Liedke Metro Movers Co., and that site has 3 storage building on the property. It is the intent to develop the rezoned land additional storage units including self-storage. The existing entrance off of Old Curry Road would be utilized as emergency access only and the proposed access would be thru the Liedke site. The 890 Carman Road exit ramp is immediately adjacent to the property. There are no other residential uses in the area.

Chairman asked about the house and will that be non-conforming.

Mr. Andress explained that the R-10 zoning would be changed into an Industrial zone. Since the house is non-conforming, what are your plans for the house?

Mr. Andress explained: The plan is to raise the house and put in the self-storage units. The house may stay there for a short duration until we do the units.

Chairman asked about the property in Rotterdam.

Mr. Andress said that the property in Rotterdam is zoned Industrial.

Chairman wanted to know who owns the field.

Mr. Andress said the state owns that huge crescent field.

Paul Caputo questioned the residential area and the way that you get to the house.

Terry Coburn stated: Addressing your concerns about things being appropriate for the site, can they rezone and limit it to a use?

Ms. Weston explained: That is almost like a used variance to do that, so I don't think that they would do that.

Linda Clark, Counsel, stated: That they would have to stay within that use. They would have to stay within the defined use.

Chairman was willing to make a motion to recommend the rezone from R-10 to industrial with the following comment:

- Consider the least intensive zone that will permit the proposed use.

It was so moved by Paul Caputo and seconded by James Cohen and carried 4-0 vote by the Board.

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MEETING ADJOURNED: 8:25 P.M.

**TOWN OF GUILDERLAND  
PLANNING BOARD**

**June 24, 2009**

**EWING - Old State Road**

**McCLELLAND – Wormer Road**

**SIKULE – 2073 Western Avenue**

**CURRY ROAD – Rezone**