

**TOWN OF GUILDERLAND  
PLANNING BOARD**

**Wednesday, August 12, 2009**

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 (came in late)  
James Cohen  
Thomas Robert  
Theresa Coburn

ABSENT: Jan Weston, Planning Administrator,  
Linda Clark, Counsel

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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 made the motion to approve the minutes of June 24, 2009 minutes with few minor corrections and so moved by Terry Coburn and was seconded by Thomas Robert and carried by a 5-0 vote by the Board.

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Note: Robert Feller, Counsel – Substituted for Linda Clark and Michael Cleary arrived later.

**CASE OF SIKULE – 2073 Western Avenue**

Chairman Feeney announced that this was a final plat to resubdivide .8 acres into the two original lots that were recently merged. Zoned BNRP. Dr. Sikule presenting.

Robert Feller, Counsel, read the Legal Notice as follows:

The case of Susan Sikule will be heard on Wednesday, August 12, 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 splitting 2073 and 2075 Western Avenue into two separate lots.

The general location of the site is at 2073 & 2075 Western Avenue

The property is zoned: BNRP

Tax Map # 51.02-1-12

Plans are open for inspection, by appointment, at the Planning Department during

normal business hours.

Dated: July 27, 2009

Stephen Feeney, Chairman, Planning Board

Terry Coburn, Planning Board Member, read the comments of the Planning Department as follows:

Sikule - 2073 & 2075 Western Avenue

The applicant has requested final plat approval to split two lots, which were recently merged together. The merger was requested when Dr. Sikule had planned on physically joining the two buildings which 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.

Chairman Feeney stated: This is pretty straightforward.

Dr. Susan Sikule presenting: The two lots that were recently merged together, I no longer intend on joining the buildings and would like to reestablish the original two-lot configuration.

Chairman stated: We have comments from the Albany County Planning Board, dated June 18, 2009, and their recommendation read as follows:

Defer to local consideration. (On File)

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 is was so moved by Paul Caputo and seconded by Thomas Robert and carried by a 5-0 vote by the Board.

Chairman was willing to make 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 environmental short form, which the applicant has filled out, and the minor nature of basically just recreating the two lots that previously existed.

The motion was seconded by Terry Coburn and carried by a 5-0 vote by the Board.

Chairman made a motion for final approval for your proposed two-lot subdivision on Western Avenue with no conditions.

The motion was seconded by Thomas Robert and carried by a 5-0 vote for the Board.  
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**CASE OF BRUST – 155 Route 146**

Chairman Feeney announced that this was a public hearing on the final plat of a 2-lot subdivision of 15 acres. Zoned RO40. James Brust presenting.

Robert Feller, Counsel, read the Legal Notice as follows:

The case of the James Brust will be heard on Wednesday, August 12, 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 cutting the existing house from the remaining 14 acres of land.

The general location of the site is at 155 Route 146.

The property is zoned: R040  
Tax Map # 39.00-3-28

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

Dated: July 27, 2009  
Stephen Feeney, Chairman, Planning Board

Terry Coburn, Planning Board Member, read the comments of the Planning Department as follows:

Brust – 155 Route 146

The applicant has requested final plat approval for a two lot subdivision to cut the existing house from the remaining 14 acre parcel along the Route 146 frontage. The house site will contain the required 40,000 sq ft. and meet all zoning requirements. The balance of the land is wooded and gently slopes upward in the rear. It also contains a stream that runs through the western third of the parcel. Although the applicant has no plans for the land at this time, there is sufficient access and setbacks for additional building lots. No objection to final approval.

Chairman Feeney stated: This is pretty straightforward.

James Brust presenting: My father's house was set on a 15.3 acre parcel of land. Back in the early eighty's, my father got two tax bills from the Town of Guilderland. One for the 14 acres of vacant land in the back of his house, and another tax bill for the house that is on the deeded lot. At that time, the town contacted him and asked if he would like

to combine the house and the rest of the land to have just one tax bill. Everything remained that way until he passed away. We would like to reestablish the property the way it was, the house on one lot and the rest of the land will become the second lot. There is public water there to be hooked up and there is public sewer on the other side of the road. My father's house has a septic tank and leach field. The remaining lands will be for further development.

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 asked for a motion to close the hearing and so moved by James Cohen and seconded by Thomas Robert and carried by a 5-0 vote by the Board.

Chairman stated: We have some comments from the Guilderland Conservation Advisory Council, dated July 3, 2007, and summarize as follows:

If there are any adverse effects to the environment if this lot is subdivided, GCAC feels they would be minimal.

We have comments from the Albany County Planning Board, dated July 16, 2009, and their recommendation read as follows: Defer to local consideration.

Chairman was willing to make a SEQR Determination 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 environmental short form which the applicant has filled out and reviewing the comments of the Guilderland Conservation Advisory Council, and the minor nature of re-establishing the lot for the existing home without any further development of the larger 14 acre parcel.

The motion was seconded by Terry Coburn and carried by a 5-0 vote by the Board.

Chairman made a motion to approved the final plat for your proposed two lot subdivision on Route 146 with the following conditions:

- Town Water & Wastewater Superintendent approval.
- Albany County Health Department approval for any new lots in the future (with building permit application)

- NYS Department of Transportation approval for any new lots in the future (for any new curbcut)
- \$1,500.00 per dwelling unit – Park & Recreation Fund (with building permit application)

The motion was seconded by Paul Caputo and carried by a 5-0 vote by the Board.

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### **CASE OF TWENTY-WEST – Route 20**

Chairman Feeney announced that this was a presentation of the final plat of this 74 lot, clustered subdivision. RO40. Scott Lansing presenting.

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

Twenty West - Route 20

The applicant is seeking final approval for this 74 lot, clustered subdivision. The project is comprised of 181 acres, 68 acres of which will be offered as Town parkland. I have the following comments:

- The TDE has reviewed the technical plans and found them to be in substantial compliance with Town standards.
- House addresses, obtained from the Assessor's office, must be shown on the final signature plat.
- A small parcel of land is shown that will allow a pedestrian and emergency access connection to the adjacent Bavarian Chalet project. Ownership and the details of the pathway construction still needs to be determined.
- I do not see a sidewalk shown along Route 20 which I thought was to run from Twenty West Drive to the Bavarian .Chalet project.
- Ownership of the stormwater management areas is not listed.
- The land that will be dedicated to the Town of Guilderland is not noted and offered for dedication.
- The proposal incorporates grinder pumps. Although the plat notes that all maintenance of these pumps are the responsibility of the homeowner, the DEC policy has changed, and the use of this system needs to be affirmed.

No objection to final approval contingent on the above concerns being adequately addressed.

Scott Lansing, Lansing Engineering, PC, presenting: The overall parcel is approximately 181 acres and is located across from the Guilderland Town Hall. A portion of land has frontage on Rt. 20, approximately 200 ft. in, and is zoned Local Business, and the rest of the parcel is zoned RO40. We have worked with the Planning Board for quite some time to come up with the density and the layout that we do have. The project did receive a Negative Declaration in preliminary approval. Since that time we have been working with various agencies; the Army Corps of Engineers, NYS DEC, and State Historic Preservation Office, and the Albany County Department of Health, and the local water and sewer authority to obtain their approvals. Roadways on the project would be dedicated to the Town of Guilderland with the exception of one small portion that would be a private roadway. Public water and public sewer will service the project and still water will be managed on site. The overall project includes 74 lots and there is also a large amount of open space area that will be dedicated to the Town in the amount of 70.23 acres.

We have received comments from Ms. Weston and would like to go through those briefly.

We worked with the TDE, Barton & Loguidice, P.C., for a long time and have worked out all the technical comments and a sign up letter has been submitted to the Planning Board. The house addresses will be added to the final signature plat. There is a small strip of land that connects this project to the adjacent project, Mill Hollow subdivision, that we now on the subdivision plans is shown as an easement. It was formally utilized for strictly a sanitary sewer connection. But through the development, the Planning Board has determined that would be a good connection path. That will be changed from an easement to an actual dedication. Also, the materials of that pathway will be formalized on the plans. It is our understanding that the Bavarian Chalet project, Mill Hollow, is to run a sidewalk to the existing church, and then east of DeMarco Funeral Home to the existing sidewalks. The applicant is committed to put a sidewalk along the remaining of their frontage of their lands.

Mr. Lansing explained the different phases and the connections of the sidewalks.

Terry Coburn asked: How many lots will there be in Phase 1 on that one road with only one access?

Mr. Lansing stated: We have worked that out with Barton and Loguidice, P.C. and I don't have that number. I believe that we are within the number of lots that is permitted.

Thomas Robert asked: The sidewalks along the other road, would that be in the Phase 2 project?

Mr. Lansing said that is correct.

Thomas Robert mentioned that other developments had to put in a lot more sidewalks that were not even on their property.

Mr. Lansing mentioned that there will be no sidewalks in Phase 1 with an exception of a small portion. Phase 2 will include a sidewalk from Rt. 20 and all the way up to connect to the Mill Hollow and then back into the cul-de-sac.

Terry Coburn wanted to know how long are the phases and what is the length of time?

Mr. Lansing said he would have to get back to you with the answer and I will check into it. I believe that we were limiting the numbers of lots that would be constructed in Phase 1 even though the roadway would be constructed to the pump station. I believe that is limited to 13 lots.

There was further discussion about Phase 1.

Paul Caputo asked if you would be willing, if we were going to make a determination on that, for that to be a condition that Phase 1 will contain no more than 13 lots.

Mr. Lansing stated: I would need to check with the applicant.

James Cohen questioned about not doing sidewalks until Phase 2 is completed? Is that correct?

Mr. Lansing explained: There will be a sidewalk along Rt. 20 to the church and that will be deferred until Phase 2 is completed.

Chairman stated that maybe we could set a reasonable time line on the sidewalks.

Terry Coburn asked if the Mill Hollow subdivision would be responsible for any of the sidewalks.

Chairman said yes.

There was further discussion about Phase 1 and the sidewalks.

Mr. Lansing explained: Phase 1 of the project does involve a great amount of infrastructure. Not only does it involve the pump station, but also involves two very large 3-sided large culverts, which are very expensive to construct. The applicant was trying to cut the cost to a future phase if they could. Phase 2 of the project does include the sidewalk from Rt. 20 that goes in and connects back whereas Phase 1 only involves a small portion of sidewalk.

Thomas Robert asked if they could deferred the piece of sidewalk to be constructed (600 ft.) up on the top that they are going to put in Phase 1? This makes more sense to me to defer the piece on top and put it in the bottom where people will actually use it.

Chairman stated: The one in Phase 1 probably doesn't make much sense until you do Phase 2. If you are not even going to do the back of the cul-de-sac section, what is the point of doing that little piece of sidewalk?

Mr. Lansing stated: The applicant would like to wait to build a sidewalk until those lots are built out due to all the concrete trucks coming in. Once the homes are constructed then they would construct the sidewalks.

Chairman stated: For the sidewalk construction, the conditions for final approval can state that the sidewalk along Western Avenue be completed with Phase 1 and that they deferred what they were proposing to construct in Phase 1 until Phase 2.

Paul Caputo wanted to know what is the cut-off for a cul-de-sac.

Chairman stated: It is usually 13 homes.

Chairman stated: We can also condition upon the Highway Superintendent review and approval.

Terry Coburn wanted to know what if Phase II never happens.

Michael Cleary wanted to know how long do they have to do Phase II to approve it and how long does Mill Hollow have? Is there a time limit on the permit?

Chairman stated: It is my understanding that there is a standard time limit on the Special Use Permits unless there is some specific reference to a different time limit made in the resolution.

Terry Coburn was concerned about the way the economy is now, and if Phase 1 starts and we allow 30 some homes and then Phase II doesn't happen for another 5 years from now, is this all right? My concern is for safety concerns.

Michael Cleary stated: If the town Highway Department and the Fire Department didn't have a problem with it, then I would not have a problem with Phase 1.

Paul Caputo stated: I think that more of a concern is if there is an emergency in this neighborhood and they need to be evacuated, I think that is where the number 13 lots comes along. I would feel comfortable tonight is to have the motion crafted in such a way that where the Highway Superintendent and the rescue vehicles are in an agreement to the number of units that they can safely evacuate with a single access point.

Scott Lansing continued to address Ms. Weston comments about ownership of the stormwater management area not being listed in the subdivision plan. It was the applicant intent to dedicate those to the town for ownership operation and maintenance. I understand that there are some discussions with the town as to how stormwater



management areas are to be treated in the future. I am not sure if the town has come to a resolution on that.

Also, the land that will be dedicated to the Town will be noted on the final plans and offered for dedication.

Mr. Lansing added: The DEC policy has changed and it is indeed true. They do require for grinder pumps to be owned and operated by and maintained by other municipalities or the transportation corporation. This has been approved by Albany County Health Department prior to this determination. Lastly the private road will be labeled and maintained by lot 65, 67 and 68.

James Cohen asked about the small parcel of land to connect; you have said some things that have changed. Could you explain that?

Mr. Lansing explained: there is a small strip of land, (30ft. wide by 30 or 40 ft) originally intended to be an easement, because the Mill Hollow project was proposing a pump station and Twenty West was proposing a pump station. Working with the sewer authority, they did not want to maintain two pumps. The intent was to eliminate that one pump station and have the sewer come down to the other station. With that connection there was going to be a gravel access road, but thought it would be a good idea to have that as a pedestrian connection as well. Originally, that strip of land was just an easement strip for sewer utility but now it is going to be more of an access way. We are going to change it from an easement to actually a dedicated portion of land to the town.

James Cohen asked about the emergency access.

Mr. Lansing explained: What is being proposed is a 10 ft wide gravel access road and there is a possibility for emergency vehicles.

Terry Coburn asked if that pathway would be established with Phase 2.

Mr. Lansing explained: Actually that would be phase 1. But the sidewalk associated with it will be in phase 2.

Chairman stated: You will have to tie in the sewer into Phase 1 and at that time that could be a temporary emergency access for Phase 1.

Chairman wanted to know who owns that piece between Mill Hollow and yours.

Mr. Lansing stated: Now there is a 30 ft. wide easement. A small portion of that land will be owned by one of the lots within the project with an easement for the utilities. Now that the roadway is going to be there we are changing the easement to become ownership. That will be dedicated to the town as part of the roadway system.

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

Chairman stated We have already done SEQR on this project at the last meeting.

James Cohen asked how many phases would be in project.

Mr.Lansing said: There will be many phases. When we do a project like this, DEC requires us to maintain a disturbance under 5 acres. Phase 1 is over 5 acres and we do have permission from DEC to disturb that amount of acres but the other phases will be 5 acres or less.

Mr. Lansing also mentioned that the wetlands were donated on site and will be donated prior construction so the contractors know exactly where they are, and will outline the areas that are permitted to be disturbed.

Chairman mentioned that you would need a note on the plans to identify the location of the boundaries of the wetlands prior to construction. They will need to be staked or fenced out.

Mr. Lansing said that note would be added.

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

Chairman stated: You will need to put a note on the plans regarding the private road and that the town will not maintain that road and it should be noted in the deeds also.

James Cohen wanted to know if Vosburgh Drive is involved in this and then those houses on the cul-de-sac, will they exit Vosburgh Road.

Mr. Lansing said yes, and there will be 4 new lots built on Vosburgh Drive and yes they will exit Vosburgh.

Chairman asked about that stormwater management facility. Will that stormwater management facility just be picking up your new construction or does it pick parts of the existing roadway new construction or the existing drainage outlet?

Chairman made a motion for final approval for Twenty West, Rt. 20, with the following conditions:

- Town Highway Superintendent approval
- Town Designated Engineer approval
- Town Water & Wastewater Superintendent approval
- Albany County Health Department approval
- NYSDOT approval
- Dedication of parkland to the Town
- \$2,085.00 per dwelling unit – sewer mitigation fee (with sewer hook-up application)

- sidewalk to be constructed along Western Avenue during Phase I of the construction. All other sidewalks to be constructed as part of Phase II
- Note on plans indicating the method of delineating the wetlands prior to construction.
- Note on plans and in the deeds indicating that the Town will not own or maintain the private lane.

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

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### **CASE OF MAT FARMS - Depot Road**

Chairman Feeney announced that this was a presentation of the final plat of this 60 lot, clustered subdivision. Zoned RA3. Francis Bossolini presenting:

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

Mat Farms - Depot Road

The applicant has requested final plat approval for this 60 lot clustered subdivision. The proposal was redesigned to incorporate an all gravity sewer system.

- The TDE has reviewed the plans and found them to be in substantial compliance with all Town regulations. At the time of this writing, the TDE had some minor comments about the redesigned sewer system but stated that they were nothing substantial
- Street names and addresses, approved by the Assessor's office must be shown on the final signature plat.
- the Office of Parks and Recreation stated that the project would have no adverse impact on cultural resources with the condition that a vegetative buffer of trees and shrubs be planted between the rear of the 100 James Lane property and the new road.
- the neighbor across from the southern most road was concerned about the impact of headlights hitting directly on her house. I don't see any mitigation for this.
- Deed restrictions must be incorporated to prevent any further subdivision of these lots in order to maintain the approved density.

The only remaining issues seems to be ownership of the stormwater ponds. No objection to final approval.

Francis Bossolini presenting: There will be 60 lots for this conservation subdivision. The project proposes now 56 downsize clustered lots on the eastern half of the property and they will range from 15,000 sq. ft. to 25,000 to 30,000 square feet for each lot and 4 remaining lots to the west. The remaining lands of 75% of the entire 250 acre parcel contains some active farm fields, and dense forest and a large tract of DEC Army Corps of Wetlands.

To date this Board has issued preliminary plat approval and a Negative Declaration for the SEQR. We had extensive plan reviews with Albany County Department of Public Works with respect to the road cut entrances and whatever effect that our stormwater management, may or may not have on their facilities. The project has been reviewed by Albany County Department of Health for their approval. The initial proposal incorporated about 28 lots with grinder pumps and now the DEC is enforcing the municipal ownership of grinder pumps.

We were able to reexamine this and now will service the entire project with gravity sewers, therefore will not have any grinder pumps as part of this project.

We received the DEC water quality certification and the Army Corps permits and we have a very small, less than a tenth of acre crossings for the roads through the various small pieces of wetlands.

To address Ms. Weston's comments about the adjacent property and concerns about the impact of headlights hitting directly on the house. We did relocate this road slightly and if further mitigation is necessary, we are looking at some installation of some type of vegetation on those lots once the road is located.

With respect to the offsite improvements, we are connecting the sanitary sewer to an existing manhole over on School Road across the front of the property. We are also proposing a sidewalk connection from the existing sidewalk that ends in front of the school, and will come down School Road and cross on the school side of Depot Road and then at the first project intersection. The sidewalk will continue along the property line behind the utility poles to the next road and then on each project road a length of sidewalk for us to get into the project itself.

We have the same issue here with our stormwater management areas. We have no real preference if the town takes them over. Once that decision is made we will update the subdivision plat. Otherwise, there will be a homeowners association who will maintain them, however, the town wants to resolve that.

Chairman stated: Based on the county's comments, they were looking for a handicap ramp, with a sidewalk at the intersection.

Chairman asked about the bringing in sidewalks.

Chairman asked more about the sidewalks and the right-of-way.

Chairman asked what are you proposing for the midblock.

Mr. Bossolini added: We are also proposing a stone dust gravel path between the two roads through the green open space in the middle.

Chairman stated: The other comment was regarding the one private drive and the ditch to be constructed should detain the stormwater.

Mr. Bossolini explained: The county has some concerns about existing drainage issues in the area. We will keep as much storage on site as we can. We have worked with the county closely on the stormwater management plans.

Thomas Robert wanted to know if you are going to have basements in all the buildings. In a typical plan they call for a storm line from the sump pump.

Mr. Bossolini said that where it is possible we would connect into a catch basin if we had one in the front. There are other places where we have access to drainage swale at the rear of the lot. That will be in our stormwater management calculations.

James Cohen asked about the private road on Meadowdale Road.

Mr. Bossolini explained that is a single lot and is a combination of two existing lots. There is a 60 ft. access there and there will be one driveway.

Chairman wanted to know about the ownership of the open space.

Mr. Bossolini stated: Because there are several parcels that Mr. Matulewicz owns, he is going to maintain ownership of that. It will be covered by whatever restrictions and limitations on the use that are part of the conservation subdivision. His intentions are to continue to farm that. The parcel to the east is under different ownership and the homeowners association will own that.

Chairman mentioned that you need to provide conservation easement language and deed restriction language for both the HOA lands and privately held conservation area. This needs to be noted on the final plat.

Robert Feller, Council, added: The deed restriction and the easement is sort of the same instrument. The deed would make reference to the conservation easement. The conservation subdivision doesn't speak to the ownership of the land.

Chairman added: A conservation easement will be filed and that will give the town protection. In this case there will be two separate ownership. The intentions are to preserve and allow agriculture to continue on the one parcel.

Terry Coburn agreed that Ms. Weston recommended deed restrictions to be incorporated to prevent further subdivision in order to maintain the approved density.

Chairman stated: That will be a condition of approval. That appropriate conservation easements and deed restrictions to be reviewed and approved by the Town Attorney as to form content.

Terry Coburn added: Another comment from Ms. Weston was about the neighbor who lives across the road and the impact of headlights

Chairman stated: We can put a condition on that, if it is not satisfactory for blocking the lights with a few shrubs, perhaps they can put some type of a buffer on the corner. Hopefully they will stand by their word and this should be on record.

Mr. Bossolini stated: Should there be an issue with the lights then we could do a small type of a landscape buffer if the neighbors have any further concerns.

Terry Coburn further added: What about this that the Parks and Recreation want a vegetative buffer of trees planted between the rear of the 100 James Lane.

Mr. Bossolini stated: This is where the applicant lives now and we are showing a little bit of a berm and some plantings on that to screen that house. That is shown on the plans.

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

Chairman stated: We had already gone through SEQR review, and the County has been reviewing the project extensively. The sidewalk issue will be dealt with at the actual permit stage.

Mr. Bossolini stated: In regards to the sidewalk issue, we have to get a formal work permit from the county, which will incorporate the water tap, our sewer line crossing and sidewalks issues. Details will be provided for at that time.

Chairman added: The TDE has a letter in the files that basically said that at this time the Planning Board should consider final subdivision approval subject to the applicant addressing minor comments. (On File)

Chairman was willing to make a motion for final approval for Mat Farms – Depot Road with the following conditions:

- Town Highway Superintendent approval
- Town Designated Engineer approval
- Town Water & Wastewater Superintendent approval
- Albany County Health Department approval
- Albany County Highway Department 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 application)
- provide vegetative buffer as requested by NYS OPRH
- provide landscaping plan for stormwater management areas
- provide sidewalk details
- provide conservation easement language and deed restriction language for both the HOA lands and privately held conservation area.
- Plans should provide notes indicating the limitations on the future use of the open space property.

The motion was seconded by Thomas Robert and carried by a 6-0 vote by the Board.

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Chairman noted for the record: The site reviews for Trustco bank – 2050 Western Avenue and Brown – 871 Alt.-Voorheesville Road were cancelled.

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**MATTER OF PAONESSA – Norfolk Street**

Chairman Feeney announced that this was a concept presentation of a 5-lot subdivision of 1.5 acres. Zoned R-10. Francis Bossolini presenting.

Chairman Feeney announced that this was a concept presentation of a 5 lot subdivision of 1.5 acres. Zoned R-10. Francis Bossolini presenting.

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

Paonessa - Norfolk Street

This is a concept review for a proposed 16 lot subdivision, 5 lots of which will be in the Town of Guilderland. The property is densely vegetated and relatively flat except the parcel is lower than Monroe Avenue creating somewhat of a bowl effect. I have the following comments:

- Although the lots meet the requirements of the R10 district, one of the lots is keyholed. Our regulations state that in order to create a keyhole lot, the same number of lots must be able to be achieved without the keyhole. Under this circumstance, I don't think five lots are achievable in this space.
- The elimination of one lot will allow for a better design with more appropriately sized building envelopes.
- Drainage will be a major issue as the proposal is interspersed with federal wetlands and there are areas of standing water just to the west of the property.
- Limits of grading and clearing must be shown and the applicant should try to save as many mature trees as possible.
- Bill West has requested that all Guilderland and Bethlehem water and sewer lines be shown on the map and report.
- Because the subdivision should be reviewed in its entirety, especially for drainage issues, coordination with the Town of Bethlehem will be crucial.

I don't object to concept approval with the elimination of the keyhole lot, but I would be hesitant to go much further until we can coordinate engineering review with the Town of Bethlehem.

Francis Bossolini presenting: This property is located southwest of Monroe Avenue and Norfolk Street, east of Woodscape development in the McKownville area of the Town abutting the Town of Bethlehem boundary line.

The applicant is proposing 5 lots in the Town of Guilderland on the existing street. The wetlands have been delineated, and identified, and to be shown on the map. Water and sewer service the area. The zoning is R-10 and we do have a keyhole flag lot.

Chairman asked how the stormwater for the entire development would be handled?

Mr. Bossolini explained: We are looking at a stormwater management detention pond that will be able to do our water quantity control. The water quality control might have to be more localized controls for the houses. No roadways will be built in this town. The stormwater will be handled by the existing system that is on Monroe and Norfolk Street. This project will be reviewed by DEC as its entirety even though parts of the other lots are in the Town of Bethlehem.

Chairman asked how would you access the stormwater for maintenance.

Mr. Bossolini stated: There is a paper street that we can use.

Paul Caputo wanted to know if you have addressed Ms. Weston's comments about getting rid of the keyhole lot.

Mr. Bossolini said that was the first time he heard this. If we design this with a cul-de-sac we would not have any keyhole lots.

Paul Caputo mentioned that this would have to be approved by this Board.

Chairman Feeney asked for any comments from the audience.

Tina Weimers, Woodscape, stated: On your maps they show the federal wetlands. What I like to point out is that on the other side of the wetlands is the Woodscape subdivision, and there are two sets of townhouses in each of six units. This entire area drains into the wetlands and there is permanent standing water through mid-June that stands in the woods behind up to the second unit of Woodscape. I am very concern that if all of the woods here are disturbed in order to build houses, that is going to increase that water significantly and we will end up having problems in our back yard. I am worried about the water situation there and the storm drains and how they going to handle the water that runs off.

Chairman stated: The wetland boundary will be verified as far as this project goes. The Army Corps needs to be satisfied and the wetlands will be accurately delineated.

Mr. Bossolini stated: In our final drainage design, we need to accommodate whatever increase runoffs maybe created by building this subdivision. Our initial review of this is



that alternately the water goes to the east. Our intention is to take as much of that water and detain it into some kind of pond down to the Bethlehem portion of that subdivision.

Thomas Robert mentioned the piece that is on the Guilderland side of the subdivision is quite separate from that and the contours don't indicate that it is a natural slope.

Mr. Bossolini added: It may involve an installation of closed drainage or something to get the flow to move that way. We have not worked that out yet.

Chairman stated: The Guilderland Conservation Advisory Council has been out to the site on August 4, 2009 and will give you a copy of their comments. (On File)

Chairman asked if you had any response from Bethlehem yet.

Mr. Bossolini stated: We went to their Development Planning Committee, which is more staff level, and gave us their first brush of comments. We have not appeared before the Planning Commission.

Chairman stated: When I talked with them they were not happy with some of the lots. We would typically discourage those lots that are so close and impacting the wetlands. I don't know what their policy will ultimately be. We clearly would want the minimum 50 ft. setbacks and would want to make sure that the homeowners would have yards and the ability to put up swing sets and sheds. Otherwise, they will start to use the wetlands. Also, the stormwater management and the overall impacts needs to be coordinated. What is going to be the impact of the entirety of the development to the community?

Chairman stated: The Board would be more comfortable for concept approval for the four lots and that would be satisfying to Ms. Weston's comments of eliminating the one keyhole lot. You will need to demonstrate that the lots are achievable in this space.

Chairman was willing to make a motion for concept approval with the elimination of the keyhole lot and the understanding that the applicant can come back doing a more detailed engineering and discussions with the Town of Bethlehem and demonstrate that they can meet our standards for an additional lot.

The motion was seconded by Paul Caputo and carried by a 6-0 vote by the Board.

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#### **MEPPEN – 2563 Western Avenue**

Chairman Feeney announced that this was a site plan review to allow a jewelry store in the Park Place Plaza. Zoned Local Business. Elizabeth Meppen presenting.

Terry Coburn read the comments from the Town Planner, Jan Weston.

The applicant is requesting a special use permit to use a vacant space at the Park Place plaza for a jewelry shop. This plaza has ample parking and no site plan changes are proposed. No planning objections.

Elizabeth Ellen presenting: We will be selling handmade jewelry and related accessories. We may have 1-2 employees in the future. We expect small deliveries of jewelry supplies.

Chairman stated: This is pretty straightforward.

Paul Caputo stated: I think that this is great and welcome to the town. I would like to state for the record I would like to have a paragraph by the Zoning Officer as to how the current special use permit is being changed in this particular instance. A number of times on these special use permits, that we have a paragraph from the zoning officer as to why this person is in front of us and how it is different from what was there before. I do want to reiterate that again for the record. I notice that there is a juicy burger coming to the town and I don't think that was in front of this board. That was in the old Albany medical center building. Why was this not in front of us?

Chairman made a motion for the site plan approval in the matter of Meppen, 2563 Western Avenue, for Park Place Plaza.

The motion was seconded by Thomas Robert and carried by a 6-0 vote by the Board.

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Meeting Adjourned: 9:45 P.M.

**TOWN OF GUILDERLAND  
PLANNING BOARD**

**August 12, 2009**

**SIKULE – 2073 Western Avenue**

**BRUST – 155 Route 146**

**TWENTY WEST – Route 20**

**MAT FARMS – Depot Road**

**PAONESSA – Norfolk Street**

**MEPPEN – 2563 Western Avenue**