

**TOWN OF GUILDERLAND
PLANNING BOARD**

September 9, 2009

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

PRESENT: Stephen Feeney, Chairman
James Cohen
Thomas Robert
Michael Cleary
Paul Caputo

Linda Clark, Counsel
Jan Weston, Planning Administrator

ABSENT: Terry Coburn

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.

MATTER OF PAGODA – Depot Road

Chairman Feeney announced that this was a concept presentation of a proposed 2-lot subdivision of 1.1 acres. Zoned R15. Greg Meyer presenting.

Jan Weston, Town Planner, read the comments of the Planning Department as follows: This two lot subdivision review was continued because of questions regarding the wetlands and access to sewer. The applicant has since applied for, and received, a permit from the Army Corps to fill a small section of the wetlands for the building lot and the driveway location. He has also submitted the utility easement that will allow access to bring public sewer lines onto the property.

I have no objection to concept approval but would suggest that the following be provided for final approval:

- Albany County approval for the curb cut at that location and
- The building envelop reduced on the plat to reflect the limitations of the wetland boundary.

Grey Meyer presenting: I have dealt with some of the issues that were brought up at the last meeting. One was dealing with the sewer issue as to whether we had access or not to

this lot. I did some research and submitted in the last package a deed stating that the original owner of this property had reserved for himself an easement across to the lot. He does have access for the sanitary easement to hook up to this building and access to the public utilities there.

The other issue was dealing with the Army Corps of Engineers. The delineation has been done prior to this and we had confirmed everything..

The paperwork has been approved through the Army Corps that was submitted to you. We submitted the drawings with this delineations and I believe that the Army Corps has signed off on it with this design. The wetland as delineated here is 0.38 acres of which I believe it is less than half percent that is being infringed upon, right out at the entrance for the driveway along Depot Road for the access.

Chairman stated: Did we get that restricted covenant language?

Mr. Meyer said no.

Chairman stated: We will need to see that

Chairman added: The special conditions in the permit from the Army Corps of Engineers states that you are going to execute that. What is the permit permanently protecting?

Mr. Meyer explained: What is going to be protected is everything outside this area for the driveway impact.

Everything else is going to be maintained, as far as the wetlands itself. As far as I know there is not a buffer that is required in that permit, but everything outside of here would amount to the 0.36 acres.

Michael Cleary wanted to know what about the 0.13 acres on top?

Mr. Meyer was not sure.

Chairman stated: On the next map you are going to have to show the area to be permanently protected and we will need to see the restricted covenant language. Also, you are not going to be required to have an erosion sedimentation control plan, but we will want to see a grading plan and how in fact you are going to build around the wetlands. You will need to show how you are going to stake out the wetlands and establish the erosion sedimentation control plan.

Chairman wanted to know if you had any correspondence with the county on the driveway.

Mr. Meyer stated: We had a correspondence from the county but not specific to this one, but in general. We are actually dealing with the project to the rear of it which is Dutchman Acres. They are looking at as a whole and still in the process of looking at the intersection of School Road and Depot Road. They do not have any comments for the driveway at this time.

Chairman stated: You will need a curb cut approval.

Ms. Weston added: My concern is because that curb cut seems to be very close to the intersection as to whether or not they would approve a curb cut there.

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

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

Chairman stated: We have received correspondence from the Department of Water & Wastewater, William West, dated January 7, 2009 and summarize as follows: If this is the intent then the applicant should show all proposed sewer improvements/easements as was originally done and asked for in the previous proposal. Sewer mitigation fee shall apply and sanitary sewer will be available. (On File)

We do have comments from the Guilderland Conservation Advisory Council, dated February 23, 2009, and their conclusion was as follows: GCAC strongly feels that further development of this 1.1 acre site should be denied. (On File)

The Army Corps of Engineers has agreed to allow with the proposed conditions.

Chairman 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 comments of the Guilderland Conservation Advisory Council, and by the environmental short form which the applicant has filled out, and the correspondence from the Army Corps of Engineers permit including restrictive covenant to permanently preserving 0.36 acre of non-impacted wetlands and 01.3 acre of upland.

The motion was seconded by Michael Cleary and carried by a 5-0 vote by the Board.

Chairman entertained a motion for concept approval for the two-lot subdivision on Depot Road. Obviously, there will be conditions associated with the final approval. There will be the approval from the Albany County approval for the curb cut, and the building envelop reduced so as not to encroach into the wetland, and they will want to see the restrictive covenant language, and the sewer connections fees.

The motion was seconded by Thomas Robert and carried by a 5-0 vote by the Board.

MATTER OF WOODSFIELD ESTATES – Lydius Street

Chairman Feeney announced that this was a request to amend the sidewalk width shown on final plat of this approved subdivision. Joe Bianchine presenting.

Jan Weston, Town Planner, had comments from the Planning Department.
Woodsfield

The applicant has requested to amend the final filed plat for the Woodsfield subdivision. The revision reflects the reduction of the sidewalk from 8 foot to 6 foot as it crosses the Hungerkill ravine. This revision is requested because field conditions make it impossible to safely install the sidewalk given the existing slope and required rip rap. No objection to the amended final plat.

Joe Bianchine presenting: Part of this project was to install sidewalks from Traber Road all the way to DiCapro Park. Those sidewalks are in. There is a problem in the way that the low point in the roadway dips down and we did installed slope protection to stabilize the slopes there, and about a 300 ft. section we installed an 8ft. wide sidewalk to widen it out.

Unfortunately, with the stone fill that we put on the slope protection, we cannot put in the 8ft. wide sidewalk there. Therefore, we are requesting to amend the sidewalk width from an 8 ft. wide to a 6ft. wide sidewalk. There will still be guardrails along the backside of the sidewalk.

Chairman wanted to know if the guardrail has been installed.

Mr. Bianchine said that it has not been installed yet.

James Cohen asked if it is going to be on the streetside?

Mr. Bianchine said that it will be on the backside of the sidewalk away from the street and will put it as far away as we can and still be able to drive the post.

Chairman entertained a motion to amend the sidewalk width.

The motion was seconded by Michael Cleary and carried by a 5-0 vote by the Board.

MATTER OF SONENBURG – 38 Ann Drive

Chairman Feeney announced that this was a site plan review for a customary home occupation for an accounting office. Zoned R-15. Samuel Sonenburg presenting.
Jan Weston, Town Planner, read the comments from the Planning Department as follows:
Sonenberg - 38 Anne Drive

The applicant has applied for a special use permit for a customary home occupation where he will conduct his accounting business. This is a single family home on a cul-de-sac with ample parking. There are no other employees and no clients come to the house. No planning objections.

Chairman stated: This is pretty straight forward. There is no signage or employees.

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 entertained a motion to approve the site plan for a customary home occupation at 38 Anne Drive.

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

MATTER OF MILLER – 2390 Western Avenue

Chairman Feeney announced that this was a site plan review to amend the special use permit to allow a design center on the second floor. Troy Miller presenting.

Jan Weston, Town Planner, read the comments of the Planning Department as follows:
Miller - 2390 Western Avenue

The applicant has requested to amend his special use permit to allow for a retail showroom on the second floor. Originally approved as an office building, the amendment would allow for some design showroom sales. The site is zoned local business and has ample parking space to accommodate this use. No planning objections.

Troy Miller, presenting: I am the owner of the building and have a real estate company on the first floor since January and now are working on finishing the upstairs for the design center. The Design Center on 20 allows both builders and end users the opportunity to view and demonstrate the materials as they would be incorporated into the home of an end user. The center will not provide “cash and carry” capabilities. Rather Design on 20 will offer private consultation space where visitors may meet with the company reps and design experts.

Chairman stated: This is pretty straight forward.

Chairman entertained a motion for site plan approval in the matter of Troy Miller to amend the SUP for a Design center on the second floor and it was so moved by James Cohen.

The motion was seconded by Thomas Robert and carried by a 5-0 vote by the Board.

MATTER OF TRUSTCO BANK – 2050 Western Avenue

Chairman Feeney announced that this was a site plan review to allow an ATM at the existing drive thru. Zoned - General Business. James Tobin presenting.

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

Trustco Bank - 2050 Western Avenue

The applicant is requesting a special use permit to place an ATM machine at the existing drive thru window. I have the following concerns:

- There is no lighting plan submitted. Information about how the area will be lit should be reviewed to insure that the lighting is not a nuisance to surrounding drivers or neighbors.
- I question whether this machine will be used by pedestrians and whether there are any accommodations to protect them from vehicular traffic.

No planning objections if these questions can be adequately addressed. James Tobin, Architect, presenting: the installation of a 24 hr automated teller machine in the existing drive thru teller lane at this existing branch bank.

I can answer the questions that were raised in Ms. Weston's comments. The lighting plan has been submitted to you and also the lighting fixtures and the bank is required by the Department of Banking in the State of New York to maintain certain foot candles. Basically there is radius of 60 ft. to maintain at least one-foot candle. As you go back 30 ft. it is 2 ft. candle. The lighting levels have been reduced recently last year. What we intend to do is to add an ATM thru the existing wall on the building. There currently is a drive thru in the building and want to add the ATM machine with a canopy over the machine. We will be installing two light fixtures on the building and one pole light on the lighting.

Chairman wanted to know if there is only the one lane that is going to serve the both.

Mr. Tobin said yes, only the one lane.

Chairman entertained a motion for site plan approval for Trustco Bank, 2050 Western Avenue and it was so moved by Michael Cleary, and was seconded by Michael Cleary and carried by a 5-0 vote by the Board.

SITE REVIEW OF CUNNINGHAM – 2 Gilmore Terrace

Chairman Feeney announced that this was a site plan review for an in-law-apartment. Mary Cunningham presenting.

Jan Weston, Town Planner, read the comments of the Planning Department as follows:
Cunningham - 2 Gilmore Terrace

The applicant has requested a special use permit to allow for an in-law apartment. The existing home is a non-conforming two family house, on a cul-de-sac with many two family homes. The driveway is a double width that would allow for possibly 6 cars. No objection contingent on the applicant meeting all the requirements of the accessory apartment law.

Mary Cunningham presenting: This is a two family house There is actually two driveways and we do have ample parking.

Chairman stated: This is pretty straight forward.

There were no comments from the Board.

Chairman entertained a motion for site plan approval to allow an in-law-apartment on 2 Gilmore Terrace and it was so moved by Michael Cleary and seconded by James Cohen and carried by a 5-0 vote by the Board.

SITE REIVEW – BROWN – 871 Alt.-Voorheesville

Chairman Feeney announced that this was a site plan review to allow a landscaping customary home occupation. Geoffrey Brown presenting.

Jan Weston, Town Planner, read the comments of the Planning Department as follows;
Brown - 871 Alt. Voors Road

The applicant has applied for a special use permit to allow a landscaping business as a customary home occupation. Apparently employees report to this site, pick up trucks and supplies, and then go to the job site. A home occupation in this Rural Agricultural 5 district allows up to three persons out side the family and the applicant states he has four employees. Further, this is a 3-acre parcel located in a 5 acre minimum lot size district.

I don't have an issue with the use, especially since the RA5 district also allows for landscape contracting facilities. However, since this is a small lot with residential neighbors, care must be taken to insure that the use is not disruptive to the neighborhood. Number of employees should be limited, parking of commercial vehicles should be limited and unobtrusive and any on site supplies should be adequately screened from the public and neighbor's view.

Geoffrey Brown presenting: I park my trucks at my home. Next door to that would be the large lot where I am storing my mulch and soils. In back of this I have an additional 20 acres of land that is vacant land.

James Cohen wanted to know how often do you go over there.

Mr. Brown said every other day, depending on the need.

Chairman asked how many employees do you have.

Mr. Brown explained that there are only two employees.

Mr. Brown said no.

Chairman asked Ms. Weston. Are you satisfied from a planning perspective that we don't have an issue? You were looking to see that the parking of vehicles is limited, unobtrusive, and screened from the neighbors.

Mr. Brown added: I would like to say also that the only reasons why the trucks are parked by my house is because of theft. I cannot leave anything over at those vacant pieces of land. The trucks are in my driveway because of security reasons.

Ms. Weston added: I don't have an issue with this. I would have liked to see something on paper that showed the location of the soils and mulch piles. Maybe you could screen the mulch piles and soils.

Mr. Brown stated: When I drive by the state and town facilities, I see their materials out in the open. I could screen them but that is making it uncustomary to any other establishment.

Michael Cleary wanted to know how close is your nearest neighbor.

Mr. Brown said about 1000ft. away.

Chairman entertained a motion to recommend approval to the site plan review to allow a landscaping customary home occupation with the following conditions: to provide a little more detailed site plan to the Zoning Board of Appeals that indicates the location of the piles and where the vehicles are stored, and it was so moved by Michael Cleary. The motion was seconded by Thomas Robert

Chairman made a motion to recommend site plan approval to allow a landscaping customary home occupation with the following conditions:

- provide a side plan showing location of stored landscaping materials and parked vehicles in relation to surrounding properties.

The motion was seconded by Michael Cleary and carried by a 5-0 vote by the Board.

MEETING ADJOURNED: 8:28 P.M.

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PAGODA – Depot Road

WOODSFIELD ESTATES - Lydius Street

SONENBURG – 38 Anne Drive

MILLER - 2390 Western Avenue

TRUSTCO BANK – 2050 Western Avenue

CUNNINGHAM – 2 Gilmore Terrace

BROWN – 871 Alt-Voorheesville Road