

TOWN OF GUILDERLAND
PLANNING BOARD
September 23, 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
Theresa Coburn
Paul Caputo

Linda Clark, Counsel
Jan Weston, Planning Administrator

ABSENT:

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 June 24, 2009 and August 12, 2009 minutes with few minor corrections and so moved by Terry Coburn. The motion was seconded by Thomas Robert and carried by a 6-0 vote by the Board.

CASE OF MILLER – Siver Road

Chairman Feeney announced that this was a public hearing on the final plat of a 3-lot subdivision of 3 acres. Zoned R-15. Troy Miller presenting.

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.

Linda Clark, Counsel, read the Legal Notice as follows:
The case of the Troy Miller will be heard on Wednesday, September 23, 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 three lots cut from 3 acres.

The general location of the site is at 1096 Siver Road.

The property is zoned: R-15
Tax Map # 40.00-1-10

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

Dated: September 2, 2009

Stephen Feeney, Chairman, Planning Board

Jan Weston, Town Planner, read the comments from the Planning Department as follows: The applicant has requested final approval for this three-lot subdivision. The land is heavily wooded with some rolling topography, which eventually slopes down to the Hungerkill to the west. The applicant is proposing one lot fronting Saver Road with two back keyhole lots, which will share an access drive. The lots all meet the zoning regulations and will have access to municipal water and sewer. I have the following comments:

- The limits of grading and clearing have been shown but an Erosion & Sedimentation Plan must be submitted and approved.
- As much of the vegetation as possible should remain to help buffer the houses on Willow Street which are higher in elevation and also to prevent erosion into the Hungerkill.
- A shared access and maintenance agreement will need to be submitted.
- Deeds and a note on the plat stating that the undisturbed wetland areas are to remain undisturbed during and after construction.
- an engineer assigned to review the proposed culvert to insure adequate drainage and sight distance of the driveway.

No objection to final approval.

Chairman noted for the record: The first application was in the year of 2005 and there are several other letters that are filed. Some of the letters that were filed are from Kimberly Irwin, dated June 21, 2005, and Angela Stott, dated June 22, 2005 and Steven & Nancy Clarke, dated August 9, 2005 regarding drainage problems. (On File)

A letter from the Army Corps of Engineers, from Andrew Dangler, dated July 22, 2009, concurring with the wetlands delineation and the general permit that is required. Also, have comments from the Guilderland Conservation Advisory Council, dated July 5, 2005 and summarized as follows: Although plan will necessitate excavating some of the site in order to create sufficient areas for the three planned estate building sites, the planned

development should have minimal adverse effect on the environment provided the natural swales are not disturbed to a degree that they would hinder the natural drainage of the area which in turn could have a negative effect on the neighboring properties. (On File)

Troy Miller presenting: After a long continuation, we finalized the ownership of the land that was in dispute. We basically kept the subdivision as it was approved at the concept hearing . We have a grinder pump system for the housing and the curb cut has been staked out with a shared driveway. The topography is where the wetlands have landed on the property line on the dissecting of lot 1 and lot 2. Then on lot 1 there is a culvert where the water empties into and flagged as wetlands and will not be disturbed.

Chairman mentioned that he had a conversation with your engineer today from ABD Engineers and we discussed a few different things. He was going to give us some analysis of the actual drainage calculation. The Highway Superintendent wanted to make sure of the culvert size under the proposed driveway access on Siver Road. There were some issue with the site distance at that point and I think that he staked the `centerline of the drive looking towards Siver. The site distance maybe slightly limited at that location. I know that the Highway Superintendent wanted for you to provide calculations of what the site distance was.

I believe that an erosion sedimentation control plan was submitted. Has Mr. Stone, Stormwater Designated Management, reviewed the SWPPP?

Ms. Weston stated: I do not know if the paperwork has been submitted

Chairman added: We will need some drafts on your maintenance agreement for the road and the culvert.

Ms. Weston said that the drafts are in the files.

Chairman stated: We had a discussion with your engineer about actually putting restriction lines on the lots as far as the limits of grading and clearing that mirrored the setbacks. We need to make sure that the wetlands are not encroached upon and that the drainage swale remains in their natural state. We had some discussion between lots 2 and 3.

We had some discussion about potentially establishing a larger setback on Siver Road with a “no disturbance” area and just keep that drainage area clear. On lot 2, would be just the boundary on the eastern northern most boundary line and not the actual setback line to build that corridor. That will give you a pretty good swap area. Not the setback line on lot 2 but the actual lot line.

We recognize some of the drainage off of Willow comes down through and you will need to rationalize for the culvert size. We will need to do our environmental review also.

We have anticipated continuing until the issues are resolved.

Linda Clark, Counsel, wanted to know if there is an encroachment showing with the box wire fence and has that been resolved?

Mr. Miller stated that he has met with Mr. Ebert and I will be putting in a deed restriction a “no clearing” along 15 ft. of that property and Mr. Ebert is going to do the same on his.

Chairman added: You may need an extension of the hammerhead so that you could facilitate an emergency vehicle to make it a little easier.

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

Chairman asked for any comments from the audience.

Robert Lynch, 34 Hamilton Street wanted to know why he did not receive any notice for the first hearing back in 2005. Also, wanted to know if there is going thru to Hamilton Street?

Chairman said no. I don’t believe that the property goes that far.

Mr. Miller added: If someone buys that lot they cannot put a driveway in there. There is a right-of-way there. We have made an agreement to abolish the ingress and egress right-of-way of it for the utilities easement in the event that I may need it.

Chairman added: This will need to be shown on the map.

Deb Spawn, 1005 Siver Road, totally objects to this subdivision. I do not want to see any more new homes going in.

Linda Clark, Counsel, explained: There is a committee now that is looking at some of these zoning issues.

Chairman added: This property is zoned the way it is and we can restrict certain things and make sure that certain protection is implemented. In this case, the 3-acre parcel, we are limited.

Steven Clark, Willow Street, was very happy to hear that the town is anticipating a review of the erosion sedimentation control plan and the proposed culverts that will be required. Will I be able to look at the results of those reviews?

Chairman stated: We will have some response at the next meeting.

Mr. Clark’s particular concern was mainly with the drainage that will be impacted by this proposal. Also, concerned about the size and location of the culvert that will be used. I am anxious to see and to be able to comment on what the town’s considering as a reasonable protection for the landowners and the environment. There is a considerable

concern not of just mine, but anybody who resides in that area about the culvert. Another concern would be with the wildlife species. There is going to be an impact on the environment by the development.

Terry Coburn thought that having 3 houses on 3 acres is not a huge impact on the environment.

Chairman stated Obviously, we will need to protect the wetlands and will have substantial setbacks above and beyond what the Army Corps of Engineers is requiring. I have been on the site and its not remnant Pine Bush and the soil is not that great. There really has not been a lot of development during the 46 years I have lived here. I think that Willow Street has remained the same over that time. Down on Siver Road the only new house are these three. Drainage is a legitimate issue.

Obviously, these people are going to get the brunt of the drainage. This will need to be accommodated for and clearly the culverts need to be adequately sized, the driveway entrance needs to be safe, and we need to establish additional setbacks from the wetlands and the drainage corridors above and beyond what the Army Corps of Engineers would require.

I am not sure how much more from the environmental protection standpoint that we can go. The limits of grading and clearing they will need to adhere to and a permanent restriction on any further clearing. Would this be best in a deed restriction and would that be something that would the town holds a conservation easement? How would you recommend that?

Linda Clark, Counsel, said a deed restriction.

Chairman added: Then this should be enforceable by the neighbors.

Chairman stated: The ultimate resolution of it is is it a deed restriction or is it a conservation easement or can you name a third party enforcement like the Army Corps of Engineers for the deed restriction. This is something that we would have to look into.

Linda Clark, Counsel stated: Can we just have it as a condition of approval?

Chairman said: We can have a condition of approval of “no disturbance” with a deed restriction.

James Cohen asked about the driveway and is a 60ft. wide driveway mandated?

Chairman stated: The driveway is only going to be 16 ft. wide and they will need to provide us with a cross section of how it is going to be constructed.

Chairman made a motion to continue the hearing and it was so moved by Terry Coburn and seconded by Paul Caputo and carried by a 6-0 vote by the Board.

Chairman made a SEQR motion 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 an erosion sedimentation control plan, and the provision of proposed setbacks from the drainage way and Army Corps of wetlands to permanently restrict. Any further clearing or encroachment thereon, and the provision of adequately sized culverts to be determined by engineering analysis to insure that stormwater flowed that occurs across the property will not be impeded and will continue to flow in its natural state.

The motion was seconded by Michael Cleary and carried by a 6-0 vote by the Board.

Chairman stated: We will continue the hearing and looking forward to hearing an engineer analysis that we can make available for the culvert, site distance and the drainage analysis.

Chairman added that the neighbors would be notified as to when the next meeting will be for this hearing will be.

Linda Clark, Counsel, wanted to know if the non-disturbance area will be shown on the Plat and conditioned on the plat?

Chairman said yes. Both will be shown on the plat at the final approval.

STIE REVIEW – NORTH – 1670 Western Avenue

Chairman announced that this site plan review was cancelled.

SITE PLAN REVIEW – VOJNAR – 6458 Posson Road

Chairman Feeney announced that this was a site plan review to allow the creation of a private family cemetery. Zoned RO-40. William Vojnar presenting.

Dori Vojnar presenting: I have talked with Donald Cropsey, Zoning Administrator, about creating a private family cemetery on our property. He mentioned that we would have to have a special use permit. He pointed out that our surveyor didn't leave enough land. He left us 19 ft. of it. We proposed to go with the idea of moving the location next to 6470 Posson Road, which is owned by my father. There is no 6458 address. That is property next door to my mother's trailer. My father resides at 6459 and the whole property is resided by the Vojnar family except myself. We have 42 acres of land and would like to

use this land for 12 private lots. We have 100 ft. from my mother's trailer, my father owns the road from Western Avenue in, and the town maintains it down to the farm. This was my father's wish that the property would never be sold or developed. It would be turned into plots to the State of New York.

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

The applicant is seeking a special use permit to allow for a small, family cemetery on their farm. The area will be more than 100 ft. from any other residential property line as required by our zoning ordinance. My only comments are that the boundaries of the proposed cemetery should be delineated and that I believe some kind of easement has to be provided to the cemetery to allow for public access. This should be shown of the official site plan.

Chairman stated: You will just need an identification of the appropriate location of the cemetery. The descendants should have access and perpetuity to the cemetery.

Ms. Vojnar said that we have provided access road to the cemetery. We have an easement for ingress and egress over fifty feet wide by one hundred feet long strip of land for the access to the proposed cemetery parcel.

Chairman asked for a motion to recommend and approve the site plan proposal as long as access is provided for, and it was so moved by Paul Caputo and seconded by James Cohen and carried by a 6-0 vote by the Board.

SITE REVIEW – Roofing Professionals – 2460 Western Avenue

Chairman Feeney announced that this was a site plan review to allow a roofing business to use the existing building. Zoned Local Business. Charlie Jones presenting.

Jan Weston, Town Planner, read the comments of the Planning Department as follows:
Roofing Professional - 2460 Western Avenue

The applicant is requesting a special use permit to use the building, formerly containing a consignment shop, for a roofing sales office. No roofing materials will be stored on site. No planning objections.

Chairman Feeney stated: This is pretty straightforward. Does any of the Board have any questions for Mr. Jones?

Terry Coburn asked about the four sales representatives. Will they be at your shop at the same time and do you have adequate parking?

Charlie Jones said that they will all be working at the same time and there is adequate parking.

Chairman asked for a motion to move staff's opinion and it was so moved by Michael Cleary, seconded by Thomas Robert, and carried by a 6-0 vote by the Board.

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VOJNAR – 6458 Posson Road

ROOFING PROFESSIONAL – 2460 Western Avenue