

**TOWN OF GUILDERLAND
PLANNING BOARD
October 14, 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

Jan Weston, Planning Administrator

ABSENT: Linda Clark, Counsel

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 September 9, 2009 & September 23, 2009 minutes with few minor corrections, and it was so moved by Paul Caputo and seconded by Thomas Robert and carried by a 5-0 vote by the Board. (Terry Coburn abstained)

Chairman Feeney made the motion to approve the minutes of September 23, 2009 with a few minor corrections, and it was so moved by Thomas Robert and seconded by Michael Cleary and carried by a 6-0 vote by the Board.

Chairman Feeney announced that the site plan review for Christ Church – Charles Park was adjourned at the request of the applicant.

MATTER OF HYSENLLARI – 49 Fleigel Avenue

Chairman Feeney announced that this was a concept presentation to split a .21 acre parcel into two lots. Zoned R-15. Veli Hysenllari presenting.

Jan Weston, Town Planner, read the comments of the Planning Department as follows:
Hysenllari – 49 Fliegel Avenue

The applicant is seeking concept approval for a proposed two lot subdivision on Fliegel Avenue. There is currently a vacant house on the property which the applicant will demolish. The lots, shown as #13 and 15 on the map, would each be 50ft. X 125 ft.

which would require significant variances from the R15 zoning regulations. However, the majority of lots in this area are similar in size so they would be in character with the surrounding neighborhood.

Once the existing house is demolished the site will need to be re-graded. This should be done carefully as not to impact the adjoining neighbors. No objection to concept approval.

Chairman stated: The only communication that we have is from the Guilderland Conservation Advisory Council, dated October 5, 2009, and is on file.

Bob Sanderberg, Friend of Veli Hysenllari presenting: We are proposing two existing adjoining lots with one existing house. The lots are each 50 ft. X 125 ft. which would require significant variances. The vacant house on the property will be demolished and there is public water and sewer.

Chairman stated: The GCAC comments mentioned that there is an empty septic tank to the rear of the house and that need to come out. This was one of the concerns and the other was the grading plan that needs to be submitted.

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

Chairman asked if there are any neighbors who would like to address this Board.

Reena Paul, 20 Henry Street, lives right behind them and her concern was with the grading and the water.

Chairman asked if it was sandy soil.

Reena Paul said yes it is sandy soil, but my only concern is that the water stills collects in my basement. We have a high water table.

Chairman stated: The grading definitely has to be addressed

Carl Tabaino, 32 Fliegel Ave., talking in reference to Donna Jenson who lives directly behind that property, 22 Henry Street. There is about a 45 degree pitch from the back property down to her house and it is graded to the back and not graded to the front. Another problem in question is the existing septic system that is on the property and also one of the high concerns is the high water table.

Michael Cleary explained that the septic system will be coming out. Also, as for the grading, the current water must stay there and not go to the adjoining lot and they cannot make the situation any worse.

Mr. Tabaino wanted to know what happens in the long term if it does get worse?

Thomas Robert explained that they will have to design it such, that, engineering wise, at least doesn't make it any worse, and they could make it better.

Mr. Tabaino asked about the right-of-way.

Chairman explained that it is a 50 ft. right-of-way. It is exactly what the survey map will show.

Mr. Tabaino stated: What the problem will be is that within the future, there will be an issue if somebody decided to change the property. What will be the square footage of the home?

Chairman explained: The square footage that they are proposing is similar to the rest of the neighborhood. They would each be 50 ft. X 125 ft, which would require significant variances from the R15 zoning regulation. They will not be doing anything different than the rest of the neighborhood. It will be up to the Zoning Board of Appeals as to whether they feel that the area variance is warranted or not.

Mr. Tabaino wanted to know who actually monitors the size of the drainage and the piping that goes in the property, that is the internal drainage within the property itself. What is the diameter of drainage within the property itself?

Chairman stated: They will have to meet the building code as to whatever the lot is going to be for a sewer line and water line?

Mr. Tabaino wanted to know what is the diameter of the drainage that is within the property itself? I am talking about the entire sewer and drainage lines.

Michael Cleary explained: The sewer lines have nothing to do with the owners of that property. They have to meet building codes as to whatever the lot is going to be.

Ms. Weston suggested that perhaps we should ask the developers as to when they come back for preliminary final approval, to explain how they are going to handle the drainage.

Chairman stated: They will have to show the sewer connection and how they are going to be connected to the town's sewer line.

Mr. Tabaino said that he is talking about the internal structure of the property.

Michael Cleary said that there might not be any. When they come up with a proposal, they will review it and there might be none or there might be some, and at that time we will make a determination.

Mr. Tabaino asked: I thought that there was a 15,000 sq. ft. wide lot requirement for each home.

Chairman explained: That is why they are going to need an area variance. The rest of the neighborhood is similar to what they are proposing to do. However, the zoning is for 15,000 sq. ft. lots. They need to go to the Zoning Board of Appeals to see if they can get the area variance granted for the lot size and setbacks.

Chairman added: They will need to show on the plans, the building envelope and to show the location of the house and the grading and drainage plans.

Terry Coburn mention that another concern that the GCAC had was the demolition of the house and that the asbestos sidings to be properly handled.

Chairman made a motion to approve the concept for two lots at 49 Fliegel Avenue and it was so moved by Michael Cleary, seconded by Thomas Robert, and carried by a 6-0 vote by the Board.

MATTER OF DUTCHMAN ACRES – School Road

Chairman Feeney announced that this was a update and discussion on a proposed 34 lot hamlet development. Zoned Country Hamlet (pending). Chris Meyer presenting.

Jan Weston, Town Planner, read the comments of the Planning Department as follows:
Dutchman Acres

This 34 lot clustered, country hamlet development that has already received conceptual site plan approval. However, because of the recent Guilderland Hamlet study and some of the ideas that came out of the public workshops, I thought it would be a good idea to revisit the concept with the Planning Board before the developer begins engineering design. Some of the design issues yet to be determined are as follows:

- Should the roadway have through access to School Road? In most cases, connectivity is desirable. However, there have been many School Road neighbors stating that the road cannot handle any additional traffic. There is also the question of whether a through road would become a cut through as it would be directly opposite one of the school's parking lots. If the road is to connect to School Road, the roadway should be designed to discouraged this cut through movement.
- A pedestrian connection should be shown to connect directly from Dutchman Place to Nielsen Road.
- Off sight improvements should include a sidewalk from Dutchman Place, along the west side of School Road and to connect with the sidewalk at the corner of School and Route 146. Whether a sidewalk along Depot Road to Rt. 146 should be determined
- Any on-site trails should form a continuous loop.

- The provision and location of an on-site recreation area should be discussed.

In preparation of preliminary plans the developer should also be considering the architectural and other design standards for country hamlets and how they will be implemented in this entire development and especially in regard to the 12 unit building and its accessory parking lot.

Chairman Feeney stated for the record. I received communication from Lisa Long, 20 School Road & Jean & Marijan Zacharkevic, 18 School Road, dated October 14, 2009, in regards to that this subdivision should not be approved with the following reasons: 1. Proposed subdivision will double hamlets area and population 2. A huge undertaking for Guilderland Center Hamlet. 3. Black Creek being in danger of water pollution. 4. Is in flood zone area with existing wetlands and high water table. 5. The traffic increase. 6. Noise Pollution and 7. High School football night games are illuminated and casts bright light over School Road and surrounding areas.

Also, they find this subdivision is designed for maximum profit and the clustered 34 single-family lots should be scaled back on one-acre lots. (On File)

Chris Meyer presenting: About two years ago we received the concept approval that enabled us to get before the Town Board to received our conditional rezone to country hamlet. After three appearances before the Board, we did get that conditional approval. The design that we had before you with the lots has remained exactly the same as the last time that you saw it.

At the School Road end there is a cluster of 25 single family homes, and at the Depot Road end at the beginning of the new proposed road, there will be 4 two-family homes and there will be a 12 unit senior apartment building. The main difference on this plan is that there will be a detention pond. That area will take all of the stormwater that is produced by the improvements that will be made. It will be filtered, stored, and then discharge at a control rate into Black Creek. We also added sidewalks throughout the community and it was recommended that we add sidewalks on School Road in front of our project. We created a walking trail and that trail comes from School Road along the rear of the homes between our development and Nielson Road development along the detention basin back to the proposed recreation area, and along the Black Creek to Depot Road, and then coming back towards Depot Road to the beginning of our road.

One issue that we did look into was the amount of walking trails in there and whether they would be necessary or they could actually be a nuisance both to the people in the proposed development and the existing development, and the placement of the recreation area. In conversation with the Town Board as well as with some of the residents, we are not sure that the recreation area in that location would be a good idea. It may serve people not in the direct neighborhood more than it would the people that are there. It may be a source of another nuisance to the residents.

Another issue is whether we want to have the thru street. We have made two submittals – 104 & 105 and did have input from the neighbors on the drainage. The traffic is also another concern.

Mr. Meyer further explained the drainage pattern and how we are providing the overflow when a heavy storm comes and how it cannot take all the water, but will be able to take some of that water into the system as well.

Mr. Meyer also explained that the Town Board wanted us to provide an updated traffic study which we have done. Creighton Manning Engineering did the traffic study and their conclusion was based on the results of their analysis that the proposed Dutchmen Acres Residential Development will not result in any significant traffic impacts to existing or future traffic condition. Emergency access for public pedestrian and bicycle access is recommended from the site to School Road. Public vehicular access to School Road is not recommended.

We had submitted a letter from the Albany County Department of Public Works. Their conclusions read as follows: we concur that vehicular access to CR202 School Road is not desirable. It would invite cut-through traffic avoiding the CR 201/CR202 intersection. A mountable curb and a stabilized connection from the curb to the cul-de-sac could be used to provide an alternate entrance for emergency vehicles and pedestrians. A provision should be included in the maintenance plan to ensure it is passable during winter weather. (On file)

Based on the initial concerns of the neighbors in regards to traffic condition, Creighton Manning and the Department of Public of Works presented our plan with a cul-de-sac, emergency vehicle access, but no access from our development to School Road, and no access from the school or School Road using that development as a potential short cut.

Chairman stated: It always was a concern of mine to not have the road go through. It seems to me if the road was pushed further to the north you could eliminate the attractiveness of that cut- thru. From the traffic standpoint, I don't see it if it makes a difference whether there is an access road or not. People will end up at the intersection of Rt. 146 and School Road. What is being proposed now, I think that it is difficult to provide a pedestrian connection to Nielson Road. I think that this Board, all along, wanted to see some sidewalk connection from Nielson Road. The way that it is laid out now, I don't see how that can happen.

I have concerns about the barricade to School Road . It is much safer to have a road that goes through. I would like to suggest the elimination of the barricades and to have the addition of three more houses on School Road.

Mr. Meyer explained: We have a footpath at School Road along the rear of several of the homes going into Neilson. Our concern is that if we provide a direct connection it has to go between two homes. There is not a lot of room there.

Chairman stated: I don't believe that is the case. I have done a quick sketch today where it doesn't go between any houses and would like to have comments from Creighton

Manning or the county on this proposal. A concern that I have also is the layout if the senior center. I do not understand the parking in the front.

There was further discussion about the sidewalks and the cut thru and the access.

Terry Coburn had a concern with the cul-de-sac having so many homes on it. I thought the limit to a cul-de-sac was 13 houses.

Chairman had some comments about the stormwater drainage and the piping and having using a bio swale instead of piping.

Chairman suggested that the recreation area should be just open space.

Mr. Meyer added: I have talked to a number of residents in the adjoining development, and two or three residents in this development about not being in favor of the trails. Their concerns about the trail was that by having these trails invites people who you do not know and who can come from anywheres.

Thomas Robert mentioned that regardless whether or not you have trails kids will still walk back there.

Chairman added: The trail system can be debated and I don't think that this is going to be done tonight because we have the homeowner's association issues with the property.

My main concern is that the way that you have it designed now, there is no convenient easy way to have pedestrian access to Neilson Road. Another concern is that we now have to get a cul-de-sac with another forever barricade that will have to be maintained by the town.

I suggest the elimination of the barricades and the addition of three more houses on School Road. From our perspective it's much safer to have a road that goes through.

Also, the only traffic issue is the cut-thru traffic in your neighborhood.

James Cohen liked the design but had concerns about the cars taking a left hand turn leaving the school and the stacking of cars at both ends of School Road.

Paul Caputo asked for Mr. Meyer to include in his request to Creighton Manning and DPW information about how many cars are likely to head toward Altamont on Depot Road and the impacts on it during the peak hours.

Chairman's key issue was the access for pedestrians to Neilsen Road.

Mr. Meyer stated: What we can do in interim, is to see if we can adjust that access similarly to what you have proposed, and see if that affects your opinion at all. Right now the county is doing a study at School Road and Depot Road and there is a potential for a round-about road in the future..

Chairman stated: To me the recreation area does not make a lot of sense. The loop trail could be seen as a nuisance and needs to be discussed further, and the location of the apartment buildings and the parking should be located on the side and the sidewalks on the senior side of the road.

The biggest issue is the road. If you are going to stay with this design, then how would you accomplish the Nielson Road connection?

Ms. Weston added: In my opinion, what is sketched out here is a preferred plan. The opinion of the board is to give the residents a chance to be able to react to it.

Chairman stated: Once we get the comments from the Albany County DPW to know what their position is on this, then we can move on.

Ms. Weston stated: We need to decide on a conceptual plan and then they will be able to go to the design stage and then come back for the preliminary hearing.

Chairman asked for any comments from the audience.

Kelly Gardner, 14 Neilson Road, attended all the meetings. Neilson Road is a very narrow dead end street. Now it seems that the Board is now talking a connection to Neilson Road. That was never proposed before. I see no benefit to Neilson Road to have a walk through that will draw more of the kids through our neighborhood and I am against this. I am also concerned about the traffic impact.

Dr. Susan Weeks, 472 Rt. 146, and I sit at the advisory board for the Guilderland Hamlet and also in the process along with other residents in forming a Guilderland Center Association for residents. We have great concerns about the density of the population, the water situation in terms of the water shed, and the fact that it is connected to one of the most important wetlands, that is the Black Creek. Another concern is the traffic. The only thing that is an improvement is having sidewalks. The roundabout road will take another ten to fifteen years before anything happens. Therefore, we are not in favor of this proposal unless they downsize it.

Chairman explained that from a stormwater issue, it is designed to handle all the water and to not discharge it.

Mr. Meyer, Owner and Applicant, also added: The Black Creek will not take any more water, but if anything, it will take less. We are concentrating and controlling it at a release rate that will probably lessen the water. The water quality will be better.

James Cohen wanted Ms. Weston to address the history of the pedestrian connections.

Mr. Weston, Town Planner, explained: We have always stated that we want a pedestrian connection and originally we were going to go down that 60 ft. strip that the developers owned. We got feedback from the residents on Neilson Road saying that they did not want people walking in their back yards. That is why we moved it to the street.

Chairman stated: We have been saying that we want that pedestrian connection to Neilson Road. The right-of-way went away at some point for the vehicular connection so you can no longer do a typical grid pattern that you see in a Hamlet.

Terry Coburn added: If we don't provide it, kids will make their own path.

Chairman stated: As far as the process goes, you will need to talk to the Department of Public Works and get the issue resolved as soon as possible. You will need a more detailed design and need to address some of the issues such as the trails, property ownership, and the actual storm drainage whether it will be swale or piped the whole way and the extended sidewalks system.

Mr. Meyer stated that the sidewalk connection will be just in our community. At the last Hamlet meeting, they mentioned in a positive way that this project can provide improvements to the community.

Chairman ended the discussion.

MASON – 1415 Western Ave.

Chairman Fenney announced that this was a site plan review to allow a customary home occupation for home inspections and property management. Zoned R10. Dennis Mason presenting.

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

Mason - 1415 Western Avenue

The applicant has applied for a special use permit for a home occupation that entails property management and home inspections. The applicant states that no equipment is stored on his property and no clients came to the address. No planning objections.

Dennis Mason presenting: I would like to be allowed to have a customary home occupation to turn my one bedroom to allow an office inside my home for the use of a home inspector business by owner. I am a license home inspector and would like to service buildings.

Chairman asked for any comments from the Board.

Thomas Robert wanted to know if you have any employees.

Mr. Mason said that there will not be any employees.

James Cohen wanted to know what the garage is used for.

Mr. Mason said that it will be for my wife's car and some storage. I did borrow a trailer from my brother because we are moving things in and out of the house. We had a house fire a couple of months ago and lost everything.

Chairman asked for any comments from the neighbors.

Don Reeb, President of Neighborhood Association of McKownville, stated that there has been more than one truck at his place. The concern is whether or not there is that there is a resident in a neighborhood home. The concern is that with the commercial truck being parked there, it certainly created a question of whether or not this is a business or just a resident. The Homeowners Association would strongly opposed to having a business there. Also, there could be things stored there that normally are not expected to be stored at the home.

Ms. Weston stated: that it is a zoning law that commercial vehicles should be off site or stored. That will be up to the Zoning Board.

Mrs. Mason wanted to know if it is the lettering on the truck or the commercial license plate. They can both be removed.

Chairman stated: We will recommend to the Zoning Board that no commercial vehicles to be stored outside. This is the Zoning Law.

Mr. Reeb stated: Until the violation is taken care of and resolved, it seems to me prudent for the Board to await a decision

Chairman made a motion to move staff's opinion to recommend this site review for a home occupation with the following condition: no commercial vehicles being stored outside and it was so moved by Thomas Robert, seconded by Terry Coburn, and carried by a 6-0 vote by the Board

Lininger – 23 Hite Court

Chairman Feeney announced that this was a site plan review for customary home occupation involving a landscaping business. Zoned R-20. Rich Leininger presenting.

Jan Weston , Town Planner, read the comments of the Planning Department as follows:
Leininger - 23 Hite Court

The applicant has requested a special use permit to run his landscaping business from the site as a home occupation. Currently, the property is a staging area where employees come to pick up numerous landscaping trucks that are stored on the property. This is not an acceptable use in a residential district. However, the owner has stated that he will be relocating the truck to another location. If that is the case, I have no planning objections to the site being used strictly as a home office.

Rich Leininger presenting: I would like to request to operate our landscaping business office from our residence. A portion of one room in the existing house will be used for an office. No deliveries will be received at this address except standard US mail delivery. At present, there are trucks there and they will be moved.

Chairman mentioned that the trucks will need to be in a garage or move off site.

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

Chairman asked for any comments from the Board.

James Cohen wanted to know what is the time frame to move the trucks.

Michael Cleary explained that there is no trucks to be stored on site now. This is a home business.

Mr. Leininger said that this will be taken care of.

Chairman stated: We have no problem with you running this business out of the home. It is just that it is in a residential district and you cannot store lots of vehicles.

Thomas Robert wanted to know how many employees will you have coming to the house.

Mr. Leininger explained that there will not be anybody coming to the house.

Chairman made a motion to move staff's opinion to recommend this site review as long as no commercial vehicles will be stored or parked on site in accordance with the law. It was so moved by Michael Cleary and seconded by Terry Coburn and carried by a 6-0 vote by the Board.

MEETING ADJOURNED: 10:18

**TOWN OF GUILDERLAND
PLANNING BOARD**

Wednesday, October 14, 2009

HYSENLLARI – 49 Fliegel Ave.

DUTCHMEN ACRES - School Road

MASON – 1415 Western Avenue

LEININGER – 23 Hite Court

CHRIST CHURCH - Charles Park