

**TOWN OF GUILDERLAND
PLANNING BOARD**

Wednesday, April 14, 2010

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

PRESENT: Stephen Feeney, Chairman
Paul Caputo
James Cohen
Theresa Coburn
Michael Cleary
Kimberly Clark

Linda Clark, Counsel
Jan Weston, Planning Administrator

ABSENT: Thomas Robert

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.

CASE OF YIP – Church Road

Chairman Feeney announced that this was a public hearing on the preliminary plat of a 12 lot clustered subdivision of 151 acres. Zoned Rural Agriculture – 3.
Scott Lansing presenting.

Linda Clark, Counsel, read the Legal Notice as following comments:

The case of Alice Yip will be heard on Wednesday, April 14, 2010 at 7:30 p.m. at the Guilderland Town Hall, Route 20, Guilderland, New York 12084 for the purpose of obtaining preliminary approval for an unnamed subdivision.

Such subdivision is proposed as a conservation subdivision containing 12 building lots and approximately 98 acres of conserved open space.

The general location of the site is on the south side of Church Road across from Newman Road.

The property is zoned: Rural Agricultural - 3
Tax Map # 63.00-1-7 & 7.2

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

Dated: March 30, 2010
Stephen Feeney, Chairman, Planning Board

Jan Weston, Town Planner, read the comments from the Planning Department as follows: The applicant has requested preliminary plat approval for this proposed conservation subdivision. Since the concept meeting, the plan has been reduced from 13 buildings lots to 12 and the applicant has submitted full engineered drawings which the TDE has stated are in substantial compliance with Town standards. Still there are some major items that need to be resolved:

- The open space is proposed to be held in private ownership as part of lot #6. This does qualify for the density bonus, however, there has been nothing submitted as to how this land will be permanently protected. At the very least, the Town should have a conservation easement on this land.
- I still advocate for this land, or a portion of it, to have some public access, especially since the lands surrounding it are all vacant and the entire area provides a contiguous open space corridor from Schoolhouse Road to Johnston Road and also to the Canturbury Park open space. If all this land is held privately, it essentially cuts off any future connectivity.
- No building envelopes are shown. This needs to be done to show the proper setbacks from the wetlands, angle of repose, etc.
- The applicant should be aware that the Town would soon be passing drainage legislation that will require them to pay into a fund to provide for the future maintenance of the stormwater facilities.
- Lots 4, 5 and 6 will all have driveways that are over 400 ft. long. The Westmere Fire Department has gone on record stating that this is a problem for them and would like to have the houses have sprinkler systems, or perhaps an additional hydrant need to be provided. Also, the driveways will need to be constructed to allow for emergency vehicles.
- As requested, the plans now show a strip of land to be deeded to the Town to provide for 30 ft. ownership from the centerline of Church Road.

I have no objections to granting preliminary approval based on the TDE's technical review. However, whether to grant the density bonus for open space that will have no public access is still open to discussion.

Scott Lansing presenting: Our ultimate goal tonight is asking the Board's consideration for Negative Declaration of the project and preliminary approval. The existing conditions of the site are located off the southern portion of Church Road, across from Newman Road and Zion Road at the southern portion of Church Road. There are approximately

151 acres, and there are a few open areas. As far as the surrounding uses, it is primarily residential and public water and public sewer is available. We have done a complete boundary survey, site topography, and the wetland delineation of both the Army Corps of Engineers and DEC wetlands, and have investigated developing the utilities for the parcel. We also have taken the data for the parcel and prepared a comprehensive environmental constraint map outlining the setbacks from the wetlands and a 100 ft. setback from intermittent waters courses and the angle of repose reserve and the protective slopes setbacks. We have submitted the map in a detailed format for the Board to review.

The applicant has taken away a parcel and come up with a conservation layout for 12 lots and did look at the density determination for the parcel. As part of the conservation subdivision regulations, we did take a look at two sections where we felt the density bonus did apply to the project, and would require 60% or more of the parcel to be held as open space. The second one was relative to contiguous open space. There are also other density bonuses that are available for the project including public access, two conservation areas, and protection of historically significant resources, and sidewalks, and provision of public water and any other item the Board wants.

The applicant is going for the conservation contiguous open space. The applicant is proposing the 12 lots and it will be a clustered subdivision and reducing the size of the roadway from the 10 lots scenario of providing more of a buffer along Church Road, trying to limit the number of homes along the Church Road side to preserve the natural features of that area.

The layout does propose all the development in the open areas and we are not imposing any of the wetland impact for the parcel. Open space area for the parcel includes 91.03 acres total and that will be incorporated into lot 6. There will be a deed restriction portion for lot 6 and that open space will be the vast majority along the southern side.

The roadways have been designed in accordance to town standards and will be dedicated to the town for ownership and maintenance. The water and sewer has been designed according to town standards. Stormwater management is managed on site, did receive comments from Barton & Loguidice, and did reply a response to those comments and feel that we had addressed those comments adequately.

Chairman stated: One of my biggest concerns is when I look at the conservation subdivision I don't understand why you are proposing 600ft. driveways with 10% slopes. A 10% slope is quite steep and why keyhole lots. You can fit the same number of lots without the keyhole lots.

The fire department has expressed their concerns providing firefighting water supply to these structures. .

I cannot approve this with the keyhole lots. The driveways are long with a 10% slope, and there are issues with getting emergency vehicles up those steep driveways and would be hard to maintain in the winter months. The impact on Church Road would be the access point.

Paul Caputo was also concerned about the 600 ft. long driveways. I don't like the fact that there is no public access to the site, no real public lands where the people can enjoy the conservation subdivision. It is unclear to me why the conventional layout is not preferred.

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

Chairman asked if anyone here would like to address this application.

T.R. Alez, my property connects on the other side of this proposal, and I am against this project and any other development. I am concern about the water and sewer, and the roads and the number of lots that they want to build.

Sandy Smith, Church Rd., was concerned about the driveways and the emergency vehicles getting back there. I have a long driveway and wished that I did not have one due to the fact the emergency vehicles cannot get back there to us. I am also concerned about the drainage and where it is going to go and the ravine being filled.

Chairman stated: As far as the drainage goes, our town-designated engineer will be able to address that. They are providing a stormwater pollution prevention plan and stormwater management facility and the ravine will not be filled and will remain part of the preserves corridor.

Bradley Grant, TDE, gave a short presentation about the stormwater management plan, and the location of the stormwater management facility and the slopes.

Chairman asked if the site distance was looked at.

Mr. Grant said that was done in the January review and the entrance has been moved and did improved the site distance. I had discussion with William West, Water Department, on the long driveways and obviously there is an issue with the emergency vehicles.

There was further discussion about the grading and the cul-de-sac and the driveways.

Jeff McLaughlin, Church Road, had a few concerns. The main concern is the traffic increase. Also, will the land that is not being developed be accessible to the public?

Chairman stated: The land not being developed, right now the applicant is saying no it will not be. It will be preserve forever preserve and it will be in private hands as it stands now.

Paul Caputo wanted to know what the percentage of buildable land is not being used.

Chairman stated: That a minimum of 50% of the sites total buildable land shall be included into the conservation area.

Scott Lansing mentioned that they are required to provide 18.13 acres of buildable land within the open space, and they are providing 22.89 acres. The calculations are all in the revised narrative.

James Cohen stated: You are looking for a density bonus and probably qualify for it but public access is something this board would be interested in.

Scott Lansing felt that the density bonus and the density that we are proposing right now, I feel is appropriate now.

Chairman mentioned that the concern is why the three long keyhole lots for no apparent reason.

Terry Coburn added: Maybe to mitigate it, if they could bring the cul-de-sac, bring one of the lots, and then just have two keyhole lots with half the driveway.

Chairman stated: The main concerns of the Board was eliminating the extended keyhole lots, the lack of public access to some of the open space, and whether the design met the intent of the conservation subdivision provisions.

Chairman entertained a motion to continue the hearing and the motion was seconded by Paul Caputo and carried by a 6-0 vote by the Board.

TWENTY-WEST – Route 20

Chairman Feeney announced that this was a review of proposed phasing plan. Scott Lansing presenting.

Jan Weston, Town Planner, read the comments of the Planning Department as follows: The applicant is requesting approval for a phasing plan for this approved 76-lot subdivision. The phasing will allow him to file the plat and construct the infrastructure in stages.

Phase I will be the extension of Vosburgh Road and all the parkland will be dedicated to the Town.

Phase II will begin the first road, down to the pump station. However, because it will only have one access until Phase III is done, the number of houses permitted should be limited until such time as a second access point is constructed. 13 lots are our standard for one access roads. Also, the sidewalks and trails will be done during this phase.

The TDE has reviewed the plan and determined that each phase can stand on its own, meaning that even if the next phase were not built, all the infrastructure would still work correctly. No planning objections to the phasing plan.

Scott Lansing presenting: I would just like to note that these two plan sheets 35 and 36 are the original set that was provided to the Planning Board and was reviewed by Barton & Loguidice, P.C. It outlines the Phasing IV the infrastructure on the project so that each phase is independent as far as water, storm and sewer and each one functions adequately and does not rely on another phase. This was provided in the original drawings.

The only thing that the applicant is proposing is to file the actual subdivision maps in accordance with this basic plan that was reviewed and approved by the Planning Board. We submitted to the Albany County Health Department the phasing drawings and they approved them.

Chairman mentioned that the only question that came up at the last meeting was the sidewalks.

James Cohen stated: The schedule is that the sidewalk is to be constructed along Western Avenue during Phase I of the construction and all other sidewalks will be constructed as part of Phase II.

Chairman asked if there is a limitation on the number of lots they can do on Phase II.

Ms. Weston stated: Our subdivision regulations say that is a guideline. There are a total of 34 lots in Phase II and they will build a whole road because they have to come down to the pump station, but they will only get 13 building permits until they have a second access.

Chairman made a motion to approve the phasing plan as submitted for Twenty West and the motion was approved by Michael Cleary, seconded by Jim Cohen, and carried by a 6-0 vote by the Board.

PENNACCHIA – Western Avenue

Chairman Feeney announced that this was a site plan review to allow U-Haul rentals

Jan Weston, Town Planner, read the comments of the Planning Department as follows: The applicant is requesting an amendment to the special use permit that would allow him to rent U-Hauls. This property, zoned for general business, contains Joe's service station, gasoline bays and used car sales. The rear of the property had been used for the storage of used and junked cars, but most have recently been removed. U-Haul rentals are in keeping with the general use of this property, although some effort should be made to add green space and landscaping, and especially a buffer or screening for the resident to the south and from Vosburgh Road.

Mario Pennacchia presenting. I am the owner and operator of Joe's Service Station. I am trying to develop a situation that looks cleaner and neater. I had meetings with U-Haul and review utilizing the business in Guilderland. I thought this would be an improvement to the station.

Chairman asked about the many vehicles there.

Mr. Pennacchia explained that I purchased all the vehicles for the purpose of removing them. and reselling them. All the vehicles will be gone on both sides on Vosburgh Road. I lease the property and want to utilize it for everything that its worth.

Terry Coburn wanted to know how many U-Hauls will be stored there and will you need additional office space.

Mr. Pennacchia said about four to six vehicles, and we will not need any additional office space.

Terry Coburn also wanted to know if you plan on doing any landscaping.

Mr. Pennacchia said yes he is planning to do that with planters.

Linda Clark, Counsel, wanted to know how do you plan on screening the site.

Chairman asked if DEC had any problems with this. Was there a consent order on this property, is there any problems with the tanks underground. Also, were the tanks ever replaced?

Mr. Pennacchia explained: We have some work being done by DEC to restore the property and yes, the tanks were replaced and all the test has been preformed.

Chairman was willing to make a motion to approve this site plan review for U-Haul rentals at 2594 Western Avenue with the following recommendation with the following condition:

- _ Provide a landscaping plan to better screen the site from adjoining properties.

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

LEININGER – 4503 Western Tpke.

Chairman Feeney announced that this was a site plan review to operate a landscaping business at 4503 Western Tpke.

Jan Weston, Town Planner commented: The Lenningers have been operating the Red Oak Landscaping Business in a residential zone. They were told by the Town that they needed to do something about that. They did go out and found a piece of property zoned Rural Agricultural where this use is permitted. They will be building a 40 x 60 ft. garage there is an existing curb cut that the DOT has already approved. Their septic system is going to be 300 ft. from the reservoir and approved by the Health Department and there will be one bathroom in the garage. They plan on putting up a garage and do some landscaping around the place and come into full compliance to the towns requirement.

Paul Caputo wanted to know if the City of Watervliet been notified?

Ms. Weston said that she assumes that the Zoning Board has notified them.

Chairman stated: My only concern is the wetlands in that vicinity and that is state regulated wetlands and just want to make sure that they comply with any state wetlands. The County Health Department would want a 100 ft. wetland buffer and a 300 ft. buffer from the edge of the water to the edge of any septic system

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

Chairman made a motion for the SUP in the matter of Leininger Landscaping business, 4503 Western Tpke. with the following conditions:

- County Health Department approval of septic system
- Compliance with any NYSDEC wetlands requirement

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

MEETING ADJOURNED: 9:15 P.M.

**TOWN OF GUILDERLAND
PLANNING BOARD**

April 14, 2010

YIP - Church Road

TWENTY-WEST – Route 20

PENNACHIA – Western Avenue

LEININGER – Western Turnpike

,