

**TOWN OF GUILDERLAND
PLANNING BOARD**

Wednesday, September 22, 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
Michael Cleary
Thomas Robert
Kimberly Jones

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.

Chairman Feeney asked for a motion to approve the minutes of August 11, 2010 and the motion was made by Thomas Robert, seconded by Kimberly Jones, and carried by a 5-1 vote by the Board. (Paul Caputo – abstained)

MATTER OF SPAWN – 2845 W. Old State Road

Chairman Feeney announced that this was a concept presentation of a proposed 4 lot subdivision of 27 acres. Zoned R40. Mark Blackstone presenting.

Jan Weston, Town Planner, read the comments of the Planning Department as follows:
Spawn - Old State Road

The applicant is requesting concept approval for a proposed 4 lot subdivision, one lot of which contains the existing farmhouse. This property, on the northeast corner of Old State and Fuller Station Road is flat farm field and is rimmed by wetland and vegetation along the northern and eastern boundaries. I have the following comments:

- The lots all have access to public water and sewer.
- The proposed lots all far exceed the minimum one acre requirement
However, proposed building envelopes should be shown.

- The wetland on the east is part of a NYS wetland and a 100 ft. boundary should be shown. If the remaining wetlands are federal jurisdiction, a 35 - 50 ft. buffer should be shown.
- The wetland delineation should be certified.
- Proposed driveway locations should be shown and a calculation of wetland disturbance should be made.

Because of the size of the proposed lots I think that three additional building lots can be situated on this site and I have no objection to concept approval. However, the above information will all have to be shown, and found acceptable, for final approval.

Mark Blackstone presenting: The property is located at the intersection of Fuller Station Road and West Old State Road. The wetlands have been delineated to identify what our options are for potential subdivision. What we have come up with is a wetland that runs east to west along and in close proximity to the north side of West Old State Road that would require crossing. I did not get to the point of identifying potential home sites only to have a question relative to how we would create curb cuts for this. A good portion of the property is wetlands. What we are anticipating is utilizing the cross of that small wetland near the road for two curb cuts. I am anticipating the two easterly lots together and to do one curb cut sliding the driveway for the larger lot, as far west as we can to accommodate and maximize the best sight distances available. There is a little bit of a rise on West Old State and we want to mitigate that restriction of sight distances on Old State. I am anticipating a single driveway for the lot that lies farthest west and a combination curb cut to provide access for the next two lots. The option available for the larger lot provides access to create a more significant setback in the event that the purchaser of that lot can position the house further away from the road. Across from West Old State Road there are water and sewer hookups. We are restricted by the wetlands so the potential use of the land is very limited.

Chairman asked: Was there some rationale to the lot lines. Are you following a tree line?

Mr. Blackstone explained: The real estate agent mentions the potential subdivision concepts to me. In one point of time, the reason for this configuration, is that this lot, at one point in time, there was contemplation of utilizing frontage on Fuller Station Road and building in the back of the lot. Once the wetland delineation were identified some severe restrictions relative to bringing a driveway in from Fuller Station Road. It was a real significant distance to get to that high spot and the prospective purchaser backed out of buying that lot. What we ended up doing was instead of taking an extension of that lot, we created lot frontages along W. Old State for better access for water and sewer and create at the lot to the east to provide a setting that can give a sighting for a house on the twelve acre lot far in the back. There has been a lot of configuration of working on the lots.

Chairman mentioned that our main concern is that we need to get some confirmation on the wetlands. Are they DEC Jurisdiction or Army Corps of Engineer Jurisdiction? I would not advise for your client to spend any more money until we get this conformation.

Mr. Blackstone mentioned that the section that we proposed to disturb has no connection that would allow DEC to extend their jurisdiction to it. The mapping that I am aware of does include a portion of our northeasterly corner that is not very wet. We need to take into account the fact that DEC's mapping was for the entire State of New York and it is not always 100% accurate. Therefore, we will need to bring in Mr. Parker, from DEC to flag and identified them so that we can determine which is the army corps and which are the DEC's.

James Cohen wanted to know about the lot on Fuller Station Road. Are the tree lines part of this property?

Mr. Blackstone explained: The majority of the trees from north to south. About 60% of it is the woodland area and is all wet.

Chairman commented: I am assuming that someone may buy the house and barn and that there was no thought of trying to maintain a larger farm parcel, and then develop the 3 lots up front. Then if someone chose to continue farming they could.

Chairman added: Once the wetlands get resolved, then we can start looking at the building envelopes, and to show the area of disturbances.

Mr. Blackstone stated: I did not put the building envelopes on because of the buffer question with the wetlands.

Chairman stated: The sight distance is going to drive you to the east, closer to the barn for the one lot.

Mr. Blackstone said no. It is going to push it to the west. At the high spot, I would want to combine the two driveways on the top of the crest of the hill. The sight distance will be about 300 ft. minimum on the lot towards Fuller Station Road. It does impact the large lots access point.

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: Conceptually things can change because of the wetlands. You will need to get the wetland issue resolved.

Mr. Blackstone stated: This parcel will be used more of a large lot settings.

Chairman asked for a motion to approve the concept presentation for a 4 lot subdivision, Spawn, Old State Road, so moved by Paul Caputo, seconded by Michael Cleary and carried by a 6-0 vote by the Board.

MILL HILL PUD – State Farm Road

Chairman Feeney announced that this was a review of a revised concept plan for Phase 2 and 3 of the Mill Hill PUD, comprising 74 townhouses. John Michaels presenting.

Jan Weston, Town Planner read the comments of the Planning Department as follows:
Mill Hill PUD - State Farm Road

The applicant has received Town Board approval for an amended PUD, dropping the number of in Phase II and III to 74. The procedure now required that the amended site plan receive final approval from the Planning Board. However, before the applicant goes to final engineering design, he would like a general approval of the revised concept.

My comments are as follows:

- The design includes side load garages where possible which helps break up the garage dominated appearance of many townhouse developments.
- Sidewalks will be provided around the loop roads and also a connection the existing Stewart's Shop. I do, however, think that the sidewalks should connect in front of lots 4-6.
- The proposed emergency connection between Phase 1 and 3 seems awkward and it would be preferable to not have crash gates. Emergency services personal should be consulted to determine how best to handle this connection.

I have no objections to the amended concept to allow the applicant to begin preparing the detailed infrastructure plans along with the changes in stormwater management, roadway design, etc.

John Michaels, The Michaels Group, gave a little history of the PUD's approval. In 1993, this property was approved for 202 senior citizens houses with the requirement that you had to be 62 years old or older. Then in 1996, the PUD was changed again and the new change called for 88 condos and 24 townhouse units. Then in 2010, we went before the Town Board and the PUD was amended one more time. Now the proposed project is to construct 74 townhouses and we kept the age at 55 or older.

Skip Francis, CT Male Associates, PE presenting: The connection between Fathers Way out to Rt. 155 will be reviewed by DOT. They reviewed it in the mid-90's and the crash barrier will be reviewed again.. We only shifted slightly in location from where it was in the mid-90s. Emergency services will be consulted to determine how best to handle the connection between Phase 1 and Phase 3.

The design includes side load garages where possible, which helps break up the appearance of the townhouse development. They are proposing an assessor's structure out here on the cul-de-sac for the community mailboxes. There will be pedestrians' sidewalks throughout the community. The municipal water and sanitary sewer will be designed to accommodate the revised road layout and easements will be prepared to be dedicated by the Town. A Stormwater Pollution Prevention Plan will be prepared during the design phase of this project for review. The community proposes a flower garden in the middle of the cul-de-sac. One last thing was the SEQR. The Town Board was the lead agency earlier this year and declared a Negative Declaration and there will be a private Homeowner's Association set up that will have control over all the property and will make sure that it is maintained properly. Our final design is in process and we hope to submit to the Town and TDE by late October.

James Cohen asked: Do you plan on any recreation in the courtyard for passive or walking trails for the pedestrians.

Mr. Francis said that not at this time, but they will have sidewalks throughout.

Chairman asked if the townhouses would be individual lots.

Mr. Francis said no. The purchaser will purchase the footprint of their units. The homeowners association has control over all the property to make sure that they are maintained at all times.

Jan Weston, Town Planner, mentioned that when this PUD originally came in, when Armand Quadrini owned it, he gave the town 8 acres of land in Westmere where we Really wanted parkland. That was part of this project.

Chairman asked about the size of the sidewalk. On the original plans it had a 4-ft. wide sidewalk. Five feet is standard for sidewalks and would like to know why you are going to put in a 4 ½ ft. wide sidewalk.

Mr. Francis said that it is for esthetics reasons.

There was further talk about the sidewalks and what type of sidewalks and discussion about the road to be used for emergency use only between Eagle's Gates and Mill Rose Court and ways to improve it.

Michael Cleary asked if something else could be done other than the crash barrier.

Chairman added: I agree with Ms. Weston's comments about having the sidewalks connect in front of lots 4-6.

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

Mr. Francis stated that we would do the TDE's review in October of this year and then come back sometime in December or January for final approval.

Mr. Francis added: The Stormwater Pollution Prevention Plan has been reviewed back in 2006, but now the Stormwater regulations have changed now twice since then. We are aware of the stormwater design manual by NYSDEC that is published by them and has gone into new revision effective in August. This design will be in accordance with that new manual.

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

Chairman and the Planning Board approve the revised concept plan.

HARTMAN – 1204 Western Avenue

Chairman Feeney announced that this was a site plan review to allow a tobacco store to use approximately 600 sq. ft. of space in the building. Zoned General Business.

Todd Hartman presenting.

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

Hartman - 1204 Western Avenue

This is a site plan review to allow a tobacco store to use 600 sq. ft. space in this multi-use building.

All site conditions on this parcel are pre-existing. The site is almost entirely paved and a guardrail separates the parking from the parking at the adjacent Sutters Restaurant.

No planning objections.

Todd Hartman presenting: I am proposing to put in a cigar shop at 1204 Western Avenue, and this will be the fourth shop that is open in different locations. Due to our desire to eliminate underage use of tobacco, The State of New York Department of Health has recently accepted our company as a certified tobacco sales instructor. We are one of very few companies that have been accepted to certify sales associates. At our new location parking is located on the side as well as behind the building totaling 17 available spots for customers and employees. The ingress and egress is our front and only door, which will not be barricaded or obstructed in any manner.

Chairman asked if this was the only commercial place in this building.

Mr. Hartman explained that there are apartments above and I believe this is the only retail business. There was a No Tax Service office and a Barber Shop located there.

Michael Cleary had a question on the number of parking spaces needed.

Chairman asked for any comments from the audience.

Donald Reeb, President of McKownville Neighborhood Association, mention that he had some resident living close by, who was concerned about the college students and drugs, and is concerned what this place is going to be. I must say I did not do my homework and didn't have a chance to look at the file. Obviously, with all the students across the street, and the possibility that drugs do exists, but I have no ways of raising any of the questions about what is planned here. Is this an upscale cigar store and it is a place to buy bongs or illegal drugs? I know that this is a too forceful question, but I wanted to make it quite clear why it is that I am even standing here. Also, it is a very difficult area to get in and out of.

Mr. Hartman stated: I do not do drugs and will not sell drugs and no drugs will exist in that location, legal or illegal.

Chairman made a motion to move staff's opinion and recommend approval of the cigar store at 1204 Western Avenue, so moved by Michael Cleary, seconded by Paul Caputo and carried by a 6-0 vote by the Board.

MEETING ADJOURNED: 8:40 P.M.

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SPAWN – 2845 W. Old State Road

MILL HILL PUD – State Farm Road

HARTMAN - 1204 Western Avenue