

**TOWN OF GUILDERLAND
PLANNING BOARD**

June 22, 2011

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.

Chairman Feeney asked for a motion to approve the minutes of April 27, 2011, and May 25, 2011 minutes with few minor corrections and so moved by Michael Cleary,. seconded by Thomas Robert and carried by a 5-0 vote by the Board.

SPAWN – 2845 Old State Road

Chairman Feeney announced that this was a public hearing on the final plat of a two-lot subdivision of 26.8 acres. Zoned R40. Mark Blackstone presenting.

The case of the Neil Spawn will be heard on Wednesday, June 22, 2011 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 two lots. The original farmhouse plus one additional building lot – cut from 26.8 acres.

The general location of the site is at 2845 Old State Road.

The property is zoned: R-40
Tax Map # 27.00-1-29

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

business hours.

Dated: June 8, 2011

Stephen Feeney, Chairman, Planning Board

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

Spawn – Old State Road

The applicant has requested final plat approval of a two-lot subdivision – the existing farmhouse and the balance of vacant land. A concept for 4 lots was approved in September, however, the potential buyers of the vacant land are still finalizing the size and location of the building lots. At this point the applicant has a buyer for the farmhouse and would like to complete that part of the subdivision. No objection to final approval.

Mark Blackstone presenting: At the previous appearance before the Board, they took lot 2819 and added 3 lots out of it. It's currently being reviewed by the Army Corp of Engineers and DEC relative to potential disturbances of some of the wetlands, in order to develop it at a later date. That process has been held up for quite some time and now we are proposing to take the fourth lot which was lot 2845, the three acre piece, with the existing house, barn and shed on it, and cut it out so that the applicant can sell this one lot and move forward. The wetlands have been delineated and they have reviewed by both jurisdictional authorities and they do not have any problems with the wetlands potential disturbance.

Chairman asked if there was a proposal for the whole property, in front of DEC and Army Corps of Engineers. Since the last time that we saw this, the wetland boundaries changed. Were they modified?

Mr. Blackstone said that nothing has been modified with regard to the location. The potential parties that are contemplating, creating two or three lots out of lot 2819 are in negotiation with DEC and the Army Corps of Engineer for disturbances. They do not have any problem with the location of the wetlands. It is how close the new owners would develop to the wetland boundaries. They are negotiating to what degree any disturbance could happen in that. There really is not a plan until they arrive a settle negotiation as to how much each jurisdiction is willing to let the applicant develop. They have agreed on the jurisdictions.

There is a letter in the file from Carl Parker, DEC, that has jurisdictional limitations in the letter.

Chairman stated: I have not found any letter in the files from DEC, but will take your word that it has been done. We will need to see that letter. I am assuming that we will be lead agency for SEQR purposes.

Mr. Blackstone continued: By creating a 2 lot subdivision we do not have any proposed development relative to disturbance of any wetlands on the site at this point.

James Cohen wanted to know if this lot just being broken is going to be developed at all.

Mr. Blackstone said no.

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

Chairman made a motion to close the hearing, so moved by Paul Caputo, seconded by James Cohen and carried by a 5-0 vote by the Board.

Chairman stated: Basically, everything here exists. The barn, house and a shed, and we are not creating any setback issues. The house has not been hook-up to the town water and the town sewer, but is available.

Chairman was willing to make a SEQR determination in the matter of a two-lot subdivision, Neil Spawn, 2845 Spawn Road, and read 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 minor nature of this proposal creating a lot for the existing house and barn. The wetlands map for the remaining 32.87 acreage indicates another house could be constructed with minimal disturbances of any environmental impact.

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

Chairman made a motion for preliminary and final approval for the two-lot subdivision with the following conditions:

- Town Highway Superintendent approval for any new curbcut. (2nd House on the larger lot)
- \$1,500.00 per dwelling unit – Park & Recreation Fund (with building permit application)
- \$2,085.00 per dwelling unit – sewer mitigation fee (with sewer hook-up application)

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

BLUE RHINO PROPANE – 1706 & 2080 Western Avenue

Chairman Feeney announced that this was a site plan review to allow the propane exchange at the 20 Mall Price Chopper and the Johnston Road Price Chopper. Zoned General Business. Stephen Crance presenting.

Jan Weston, Town Planner, read the comments of the Planning Board as follows:
The applicant has requested a special use permit to allow for the display and exchange of propane cylinders from outdoor cages in front of each Price Chopper location. It is not clear whether these will be fully automated kiosks or whether employees from Price Chopper will supervise the exchange.

My only comments are that the cages must be reviewed and approved by a Fire Inspector and meet all fire and building codes regarding the safe storage and dispensing of such Cylinders. Also, that signage be provided stating that vehicles may not park to load or unload in the fire lanes and that all cylinders are to remain outside.

Note: No one was there to represent the applicant.

Chairman stated: This is a very minor site plan change. The only issue is making sure that vehicles do not park to load or unload in the fire lanes and that all cylinders are to remain outside and meet all fire and building codes.

Chairman was willing to make a motion to move staff's comments and recommend approval, so moved by Michael Cleary, seconded by James Cohen and carried by a 5-0 vote by the Board.

PIGLIAVENTO – 2975 Curry Road

Jan Weston, Town Planner, announced that this was a site plan to allow an in-law apartment. The applicant requested a special use permit to allow an in-law apartment on site. This is a large 2 ½ acre keyhole parcel which ample parking.

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

Chairman was willing to make a motion for the approval for Pigliavento in-law apartment at 2975 Curry Road, and move staff's approval and recommend approval, so moved by Thomas Robert, seconded by James Cohen and carried by 5-0 vote by the Board.

**BESHA – 4770 Western Turnpike
(No one here to present this)**

Jan Weston, Town Planner, announced that the applicant is requesting a special use request for a rezone, the Besha property, the property across 84 Lumber. A couple of years ago, Mr. Besha's son came in and subdivided the property and got the back parcel rezone to RA3, to build a house. Now Mr. Besha, Sr., would like to build in front of the

property and is requesting a rezone of 15 acres from Industrial to RA-3. This would give more environmental protection to the nearby reservoir than the Industrial zoning does. I have no objection.

Chairman asked if this would be consistent with the comprehensive plan.

Ms. Weston said yes and it is surrounded by rural agriculture-3.

Chairman was looking for a motion to move staff's opinion and recommended approval of the rezone of 4770 Western Turnpike from Industrial to RA-3, with the following reason:

Down zoning of property from Industrial to RA-3 will provide increased protection of the Town water supply from the Watervliet Reservoir.

Paul Caputo was in favor of this because of the location, but generally speaking we have very little Industrial property left in the Town of Guilderland. We really need to take a good look at it and make sure that we do have an industrial zone in the appropriate areas in the Town of Guilderland.

So moved by Michael Cleary, seconded by Thomas Robert and carried by a 5-0 vote by the Board.

Chairman entertained a motion to adjourn, so moved by James Cohen, seconded by Paul Caputo and carried by a 5-0 vote by the Board.

MEETING ADJOURNED: 8:00 P.M.

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