

**TOWN OF GUILDERLAND
PLANNING BOARD**

July 13, 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
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 22, 2011 minutes with few minor corrections and so moved by Michael Cleary, seconded by Thomas Robert and carried by a 5-1 vote by the Board. (Terry Coburn abstained)

SIDHU – 28 McKown Road

Chairman Feeney announced that this was a site plan review for an in-law apartment.

Jan Weston, Town Planner, read the comments of the Planning Department as follows:
Sidhu - 28 McKown Road

The applicant has requested a special use permit for an in-law apartment. This property is over five acres and the house is set back from the road. There is ample parking. No planning objection contingent on the applicant meeting the other requirements of an in-law apartment.

Chairman asked if this is an existing in-law apartment or is this to be constructed?

Ms. Weston said that it is to be constructed.

Gurpreet Sidhu presenting: We would like to convert the storage attic space by adding a bedroom, bathroom, and a kitchen. The portion that was the laundry room will be converted into a kitchen. There is plenty of space and we have a large lot.

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

Chairman entertained a motion to move staff's opinion for the approval of the in-law apartment at 28 McKown Road, so moved by Paul Caputo, and seconded by James Cohen and carried by a 6-0 vote by the Board.

PAONESSA – Norfolk Street

Chairman Feeney announced that this was a continued public hearing on the final plat of a 4-lot subdivision of 1.5 acres. Zoned R-10. Francis Bossolini presenting.

Linda Clark, Counsel, read the Legal Notice as follows:

The case of the Tom Paonessa will be continued on Wednesday, July 13, 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 four lots cut from 1.5 acres.

The general location of the site is at the southwest corner of Monroe Avenue and Norfolk Street.

The property is zoned: R-10.

Tax Map # 63.12-2-50

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

Dated: June 29, 2011

Stephen Feeney, Chairman, Planning Board

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

Paonessa - Norfolk Street

This is a hearing on the final plat of a proposed 5-lot subdivision. An additional 9 lots are proposed in the Town of Bethlehem. I have the following comments:

- Drainage is an issue as there are areas of standing water just to the west of the property. The applicant is showing private dry wells on each property which the Town has said is adequate.
- Grading has been shown and a SWPPP has been submitted.

- Both Guilderland and Bethlehem officials have met on this matter and agreed to how the water and sewer improvements would be resolved, including a new sewer main along Monroe Avenue.
- It was my impression that Norfolk Street was to be improved to a 24 ft. pavement width. I will confirm this with the Highway Dept. Prior to the meeting.
- Street addresses must be shown of the final signature plat.
- A TDE should be appointed to inspect the installation of any new infrastructure.

I have no objection to granting final approval contingent on the SWPPP being approved before signature.

Francis Bossolini, Ingalls & Assocs, presented: This is a continued presentation of a project that straddles the Guilderland and Bethlehem Town Line. Part of it is in Bethlehem, and we are here for the lots in Guilderland. Since the last time that we were here, we spent quite a bit of time and effort with municipal officials to resolve the issue of where the town line is and who owns what utilities. We have made a determination of the town line from some mapping which more or less cuts through at an angle. There were some existing utilities that appear to be in the Town of Bethlehem that actually is connected to the Guilderland utility system. Then there was some further research that indicated that those lots that were connected to the Guilderland utilities were being assessed by the Town of Guilderland. Therefore, a compromise was made calling out a town assessment line that actually coincides with the sidelines of our property.

Ms. Weston wanted to know who was that compromised with. Our assessor didn't seem to know anything about it.

Mr. Bossolini explained that the town of Bethlehem made that determination. My understanding is that they had communication with the Town of Guilderland at least at some level and corroborated that determination. Part of the issue was that the existing water along Norfolk Street was connected to the Guilderland system. Although the geographic map indicated that the town line was somewhat north of some of those lots, the Bethlehem assessor determined that these lots were being assessed by the Town of Guilderland. This is how they directed us to indicate the lots on the map. So anything to the north of this assessment line was being assessed by the Town of Guilderland and not the Town of Bethlehem.

Ms. Weston stated: I think that is true with the existing houses. I think it is that vacant lot, because the house itself will be in Bethlehem and therefore most likely assessed by them.

Chairman stated: The Guilderland utilities serve lot 5 and this is where it ends. Then this would be an out-of-district users if it outside of the Town. We cannot have a district outside the town.

Ms. Weston added: This is what Bill West, Superintendent of Water Department, is trying to avoid. Now is the time for the utilities to be cut off where they should be cut off.

Mr. Bossolini explained that on the east side of Norfolk Street there are four houses. Three of which maybe the fourth one is connected to the Guilderland utilities. Now the Town of Bethlehem is saying that the fourth one is being assessed by the Town of Bethlehem.

Ms. Weston explained that now is the time to cut off the utilities to where they need to be cut off. Mr. West doesn't want that water line pushed back and stubbed for whatever is going to be assessed in Guilderland. This is what Mr. West wants now. He doesn't want his utilities going into Bethlehem because they are going to be served by Bethlehem utilities anyways.

Mr. Bossolini stated: That is the end of the existing utilities. We did proposed that initially to disconnect the Guilderland utilities and connect everybody to Bethlehem. That is where the determination of these lots were being assessed by Guilderland and already were connected to Guilderland utilities. The town of Bethlehem's opinion is to leave all that is well enough alone.

Ms. Weston said that this needs to be resolved.

There was further discussion about the utilities and who is being assessed.

Mr. Bossolini also explained that he doesn't have any issues with out-of-district users. One of the issues is we are trying to minimize the amount of infrastructure.

Ms. Weston stated: The existing houses are not a problem, but it is that vacant lot 5 where the house with the brand new construction is going to be in Bethlehem. This is what Mr. West and the assessors were discussing. Mr. West does not have an issue if the whole thing is going to be assess in Guilderland.

Chairman stated: Where they are proposing the line, it makes sense to me.

Mr. Bossolini stated: The utilities on Norfolk Street are on the Guilderland record map.

James Cohen wanted to know if lot 4 has an existing house.

Paul Caputo wanted to know if we can just have a letter from both of the Towns agreeing to who is going to assess what.

Linda Clark, Counsel, added: We really need to agree to abide by the lines that have been historically set.

Ms. Weston added that she does not know what it needs, but the right people just need to agree and do it.

Mr. Bossolini wanted to know if we just need a determination from the assessor's office before we can act.

Mr. Bossolini explained the road construction. It was determine that Norfolk Street will be widened to the town's standard pavement width right out to Monroe Avenue. Bethlehem standards are 24 ft pavement width while Guilderland is 24 ft. width plus 3 ft. wings on each side.

Chairman wanted to know if the stormwater along the road itself will be flowing down towards Bethlehem.

Mr. Bossolini explained that a majority of the water is collected and then goes to a set of catch basins in the town of Bethlehem and then on to the south where we have a stormwater catch basin.

There was further discussion about the stormwater.

Chairman stated: You did the wetland map and you stayed fairly far away. Lot 1 is the closes, is that correct?

Mr. Bossolini explained that it goes along the edges of lot 1 and at the rear of lot 4, about 1/10 of an acre comes into lot 5 at the rear of the lot. On this project, we do have impacts on the property itself in that same wetland complex. It comes back onto the property in the Town of Bethlehem and we applied for a permit and received the authorization for those impacts. One of the conditions is that the remaining wetlands on the property has to be preserved. There will be a deed restriction filed with that to limit any further disturbance.

Chairman asked if you are proposing drywells for the lots in town.

Mr. Bossolini said that lots 1,2 and 3 are soil tested and drywells would be sufficient.

Chairman asked about the groundwater.

Mr. Bossolini stated: There were some comments from some residents of the Woodscape project about the wetland and potentially it is encroaching, so our SWPPP shows the stormwater calculations and shows that we have no net increase flow to that wetland area. We are installing a sewer line to two lots into Woodscape Drive to provide sanitary sewer.

Chairman stated: I think that the town of Bethlehem should coordinate their review and be the Lead Agency. We cannot take any action until the SEQR is complete and we don't feel that we can take any SEQR decision because the vast majority of the project would be in Bethlehem.

I would prefer at least to have discussion with Bethlehem before we take any kind of final action. We did continue the hearing and we did note that there are letters on file from some neighbors from our last hearing. The main issue was the wetlands drainage and the thruway.

Mr. Bossolini explained that we have space for a berm at the rear of a couple of lots that back up to the thruway. Bethlehem will require us to note on the plans and disclosures in the contract of sale that this is near the thruway and might be subject to noise impact.

Chairman stated: If the houses on the existing segment of street were determined to be impacted by the expansion of the road, then the thruway would already construct something.

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

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

Chairman entertained a motion to close the hearing, so moved by Thomas Robert, seconded by James Cohen and carried by a 6-0 vote by the Board.

Chairman entertained a motion to table any final action on the application until we clarify some of the issues with Bethlehem as follows:

- SEQR Process
- assessment and utility services

so moved by Paul Caputo, seconded by Michael Cleary and carried by a 6-0 vote by the Board.

MAT FARMS – Depot Road

Chairman Feeney announced that this was a discussion regarding proposed revisions to phasing plan. Francis Bossolini presenting.

Francis Bossolini presenting: What is happening here is that if you recall when the Board approved Mat Farms project, we presented a phasing plan that had phase 1 and then phase 2. Now we have a potential homebuilder who would like to buy the project and they have some ideas on how they want to build out the project. I would like to get an opinion from this Board on record.

I have a hand sketch sheet that shows the way that the builder would like to do this. Their thought process was to build a long cul-de-sac as phase 1 and then build the second

street as phase 2. In this manner, they would not have heavy construction traffic driving by any houses that has already been built. The problem I see is that the cul-de-sac would have 33 lots. If this Board was to entertain that, that would be great.

Chairman stated: We are limited to 13 lots on a cul-de-sac, therefore this is a concern that it could be an awful long time potentially before that second road goes in., if ever. We would be very reluctant to approve that. Is there some alternative that you have been thinking about.

Mr. Bossolini explained that on the other proposal there would be 3 phases. The first two would be constructing each road to a certain length where we construct a temporary turnaround. The cul-de-sac would have 18 to 19 lots.

Chairman explained that we couldn't approve any sort of phasing plan without discussing it with the TDE, the Highway Superintendent and the other parties. The issue with the first one was that it had long roads with only one entrance in town now.

Terry Coburn wanted to know if it would be possible if you could approve the 18 lots but only issue 13 building permits.

Chairman stated: I think that we are more comfortable with the 18 lots and limit the number of building permits that can be issued. That is one way for applying with our standards until the roads connected through. From a highway standpoint, they would be more concerned with, will they be able to turnaround. Can the vehicles easily plow the roads, and for the buses to get in and out and the emergency vehicles? My sense is that they would rather see a cul-de-sac.

There was further discussion about the best phasing for the project.

Linda Clark, Counsel, suggested: To build the road for Phase 1 and limit the number of houses.

Chairman suggested also that you can build the one long road and limited the number of lots.

Mr. Bossolini explained that doesn't give us much advantage and you would still have all those utilities to put in. It would take care of one problem and not the other.

Thomas Robert mentioned that our concern is that it does not get completed.

Chairman stated: The first proposal seems like an awful lot of lots. That is something we never have done, and maybe the second one could work.

Terry Coburn suggested establishing an escrow account, then if phase 3 never takes place, to build a town standard road, and then connecting those two roads, then we would have a bond.

Chairman stated: In some ways it could be very expensive for your client to hold that kind of money in advance. We wouldn't really want a bond. Then you would have to deal with the insurance company.

Mr. Bossolini explained that the Board is going to be acceptable to some kind of phasing plan. If we can set up a public hearing or at least talk about it for the August meeting so that we can act on it.

Chairman stated: Nothing is changing in what was approved. The subdivision is going to be what it is. We can talk about the need for a public hearing . We are not changing anything. It is just how this is going to be constructed. The main issues are the infrastructure and with the Highway Superintendent, and the Fire Chief, and some of the internal comments. A temporary cul-de-sac, does that mean a full blown cul-de-sac that will be built to our standards, and just only there temporarily. This will need to be taken into account because you are building it up and then ripping it up.

Ms. Weston, Town Planner, suggested to let him go around to the different departments and see how they feel about it. You will also need a Town Designated Engineer's approval and the Water Department's approval.

Chairman entertained a motion to adjourned, so moved by Thomas Robert, seconded by Paul Caputo and carried by a 6-0 vote by the Board.

MEETING ADJOURNED:

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MAT FARMS – Depot Road

SIDHU – 28 McKown Road

