

**TOWN OF GUILDERLAND
PLANNING BOARD**

December 14, 2011

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

PRESENT: Stephen Feeney, Chairman
James Cohen
Michael Cleary
Theresa Coburn
Paul Caputo
Thomas Robert

Linda Clark, Counsel

ABSENT: Jan Weston, Planning Administrator

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 November 9, 2011 minutes with few minor corrections and so moved by Thomas Robert, seconded by Michael Cleary and carried by a 6-0 vote by the Board.

Warner & Martin – Helderview Drive

Chairman Feeney announced that this was a proposed 2 lot subdivision of 1 acre. Lawrence Warner presenting.

Linda Clark, Counsel read the Planning Department comments as follows:

Warner & Martin - Helderview Drive

The applicant has requested to divide a vacant 1.1 acre parcel into two building lots. The lots are flat and wooded, meet the required R20 zoning requirements and have access to public water and sewer. My only comments are:

- This property seems to create a small bowl, lower than the road and the adjoining house, and it appears that water collects here. A stormwater plan will need to address this.
- lot #1 is a corner lot and shows the correct front setbacks from both roads, but a 50 ft. rear yard setback must be shown. No objection to concept approval.

Lawrence Warner presenting: Our proposal is to divide the vacant 1.1 acre into two building lots. The property is below the road on Helderberg Avenue but on the Western Turnpike side. It is level with the house behind it. As far as collecting water, I have walked the land several times and hadn't seen any water issue or problems.

Thomas Robert mentioned that you will need to submit a stormwater management plan.

Chairman added: We would also need to see a grading plan and the proposed elevations. At this point you really don't know where you are going to be shedding water. You can't create any more water on someone else's property.

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

Chairman asked for any neighbors who would like to address the applicant.

Christopher Connor, 400 Helderview Drive, concern other than the water, is that there are a set of 60 ft. high evergreen trees that formed a edge wood line for the property line, and I am not sure if they are on my property or the applicants and that needs to be confirmed. I would also like to keep the trees between the two properties as a buffer.

Chairman mentioned that you have less than an acre of disturbance and you will not need a stormwater pollution prevention plan, other than the grading plan that will be provided. Also you will need to show the 50 ft. rear setback.

Chairman entertained a motion to approve the concept for the 2-lot subdivision, so moved by Michael Cleary, seconded by Thomas Robert and carried by a 6-0 vote by the Board.

SCHWORM – 200 Foster Lane

Chairman Feeney announced that this is a proposed 2-lot subdivision of 7 acres. Zoned R-15. Joe Bianchine presenting.

Linda Clark, Counsel, read the comments of the Planning Department as follows:

Schworm - 200 Foster Lane

The applicant has applied to subdivide a 7-acre parcel into three lots which one lot will include the existing house and two additional building lots. One lot is zoned R15 and has road frontage onto French's Mill Road and the other lot is mostly zoned RA 3 and will be keyholed from the existing Foster Lane access.

The land is flat and mostly wooded. All lots will have access to municipal water and sewer. A SWPPP and clearing plan should be submitted before final review. No objection to concept approval.

Joe Bianchine, ABD Engineers Surveyor presenting: The applicant has recently purchased 7 acres of land on French's Mill Road, across from the Town Highway Garage, and has an access road that goes back to the Town ball fields. There is an

existing house and garage that sits in on a private road. The intent is to subdivide it so that the existing house will remain on 3 ½ acres of land, and will be in the RA-3 zoned. The new lot will be in the R-15 zone and a RA-3 zone and does meet all the zoning requirements. Lot 3 will have 0.59 acres, and is about 25,661 sq. ft., and the frontage is on Frenchs Mill Road and meets all the setbacks, and has public water and sewer. The land is relatively flat and the two new houses will be between two existing houses, and one of the lots will be keyhole from the existing Foster Lane access.

Chairman wanted to know where that zoning line is.

Mr. Bianchine explained the different zoning lines and the setbacks. The houses will be about 350 ft. back and the building code of 500 ft. does not come into play.

Chairman mentioned that you would need to submit a grading plan and show the utility connections.

Mr. Bianchine explained that this is just a basic erosion sediment control features and will provide that along with the location of the silt fencing. The land is flat and we added the topography to the plans since then.

Chairman stated: The only issue would be a stabilized construction entrance.

Michael Cleary wanted to know where the two building envelopes are.

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

Chairman entertained a motion to approve the concept for the 2-lot subdivision at Frenchs Mill Road, so moved by Paul Caputo, seconded by Terry Coburn and carried by a 6-0 vote by the Board.

Chairman Feeney announced that the application for Pangburn, 6099 Veeder Road, has been cancelled.

HYSENLLARI - 49 Fletcher Road

Chairman Feeney announced that this was a continued concept presentation for a proposed 4-lot subdivision of 5.6 acres. Zoned R-15. Chris Meyer presenting.

Linda Clark, Counsel, read the comments of the Planning Department as follows:
Hysenllari - 49 Fletcher Road

The applicant has submitted a concept for a 4-lot subdivision of 5.6 acres in an R-15 zone. The site contains one house and is located on the east side of the Hungerkill. The property was heavily wooded but the majority of trees have been recently removed. I have the following comments:

- Lot #1 is a keyhole lot and requires 1 ½ times the front and side setback requirements. The building envelope should reflect this.

- The access for lot #1 will require the removal of an existing brick garage. It also appears that a fire hydrant may need to be relocated. The applicant should get approval from the Water Department for this.
- Because lots 3 and 4 are narrow and pie shaped, the building envelope does not start until the 100 ft. width at building line. This needs to be adjusted on the plat. Also, the 100 ft. width should run parallel to the road, which would push the setback for lot #3 even further back.
- The shape also forces two driveway curbcuts that will be too close together and located on a curve.
- because of the limited building envelopes on lots 3 and 4, the proposed houses will be backed up to the angle of repose setback. This will most likely lead to future variance requests from that setback for sheds, decks, pools, etc.
- The applicant has submitted the required SWPPP that has been approved.

Although the submitted plan meets all the minimum zoning requirements, I think that lots 3 and 4 are too tight a squeeze. This design forces the proposed house behind the adjoining houses, allows for no useable backyard for accessory structures and creates too many driveways in an awkward location. If the lots were combined, it would create a much better design.

Chris Meyer, O.J. Meyer & Son presenting: What we have done is that lot #1 which is the keyhole lot, has 25 ft. of road frontage on Fletcher Road and approximately 2 ½ acres. Lot 2 contains the existing dwelling and provides 250 ft. of road frontage. We have created a lot that gives that lot a 100 ft. at the building line and provides a little more than minimum sideline requirements and is a little over 1.2 acres.

The difference in this plan is that lot 3, the most easterly lot, originally was planned to be two lots. We have since combined that into one, eliminating one proposed dwelling, one proposed road cut, and now that lot will have 2.2 acres of land. We were hoping that by consolidating lots 3 & 4 into one lot would eliminate most if not, all of the original design flaws, as written in the comment letter.

Chairman stated: Typically, we would want the lines to be radial. I certainly think that 3 lots is a good proposal. One of the reason why was because you had the non-radial line. Is there any reason why you wouldn't continue that line straight and just give the lot between 2 and 3 that straight radial line? Our code states that it should be radial.

Chairman asked about the garage.

Mr. Meyer explained that the proposal is for the existing detached garage to come down, and a driveway would be put in place of that to access the lot in the rear.

Chairman asked about the setbacks for the proposed keyhole lot. Are they the 1 ½ times the requirement?

Mr. Meyer explained that the 1 ½ times the requirement would have to be modified. Instead of 35 ft. we will show 52 ft and instead of 15 ft. we will show 22 ½ ft..

Chairman asked for any comments from the Board.

Chairman wanted to know if the erosion sedimentation control plan was completed and submitted.

Mr. Meyer stated that the paper work has been complete, accepted, and submitted to the Department of Environmental Conservation.

Chairman asked if that shows a complete grading plan based on this three lot subdivision.

Mr. Meyer explained that for the subdivision itself would be a separate plan submitted once we have the concept approved.

Chairman asked about the number of curbcuts.

Mr. Meyer explained that there are two cuts for the existing home. The one will remain as the access for the existing structure, and the most easterly cut will be removed and will be replaced by a cut a little further to the east for the home on lot #3 and then one additional for lot #1.

Chairman asked for any comments from the audience.

Mrs. Keenholts, Fletcher Road, wanted to know where the third house was going and is the driveway coming out on that blind spot from that house. Our issue with the proposal has not been about the change in the neighborhood, or about trees being cut, but the problem was that he has not played by the rules and has altered the property. We feel that a full environmental review should be done because the property has issues with landslides, drainage, and flooding. We would like to ask the Board to delay approving the proposed subdivision and we are concerned that there hasn't been any circumvention of the rules, and that whatever rules would apply for an environmental review are applied. The other major concern was the blind curb and the danger of that corner. Also, with the keyhole lot, it makes it more difficult for emergency vehicles to access the property and puts them at risk.

Chairman stated that the proposal in front of us complies except for the non-radial line that will be changed by our code. There is no need for any variances and that he is in compliance. The only violation was that the site was disturbed in excess of an acre without an erosion sedimentation control plan being provided to the town. Everything has been resolved now with the correct paperwork.

Shohreh Karimipour, 39 Fletcher Road, asked about the Notice of Intent and wanted to know about the erosion sedimentation control plan, and how much disturbance of land and how these lots will change the landscape. I would like to emphasize on the point that these lots are adjacent to a trout stream and concerned about the buffer and the slope around it and the lots are narrow and long. Also, concerned about overflow parking.

Chairman explained that my understanding was that they wouldn't submit a full SWPPP and Notice of Intent until they did a full grading plan for the subdivision. Also, we have a fairly restricted angle of repose requirement in town. Before final approval, we would have a detailed erosion sedimentation plan showing limits of grading and clearing and the angle repose itself.

Mr. Meyers explained that the angle of repose averages around 160 ft. to 170 ft. from the stream, plus there is another 30 ft. buffer, which gets up into the 200 ft. range. The houses across from the stream are multi-family large buildings that are built half the distance compared to what we are proposing.

David Shamlian, Blockhouse Creek, wanted to know if the topo established for the current plan was from a recent survey?

I would also like for the Board to consider that given the contour of the topo and the stream and the sensitivity of this, I would ask that the Board consider having a TDE to review this. I would like to review this new concept since it just came in and would ask that you consider tabling this hearing.

Chairman explained that the intensity of this subdivision has gotten less. I am not sure what else people would look at other than the utilities details and what I would ask an engineer to review.

The contour map that we see would be an engineer's plan based on the actual survey. They would have to provide us, for the keyhole lot, a foundation survey before they can move forward.

Mr. Myers added: The contour mapping that you see is about 45 days old and were shot at the base of the stream approximately every 30 to 40 ft. We shot at the top of the bank in order to identify the exact angle of repose. We may have to go back and double our intensity of shots to pinpoint the angle of repose. The angle of repose is a bit of a difficult line to establish. We did walk with some members of the GCAC two weekends ago and the chairman had a more conservative angle of repose than I did.

With this current map we adopted their angle of repose and moved it towards Fletcher Road about 20 ft. at their suggestion.

Douglas Lloyd, 53 Fletcher Road, was concerned about the new driveway on lot 4 being built next to my property, that it be graded in a way that there will not be any more problems with any extra water.

Mr. Meyer explained that we would make that part of our engineering to remedy the problem in that area of the yard.

There was further discussion about the drainage and the grading being done along the driveways.

Donald Noakes, 57 Fletcher Road, wanted to know if you will have a licensed engineer inspect the property before any thing is done.

Chairman explained that this Board was not made aware of any violation done on the property plus the appropriate paperwork for the SWPPP plan has been submitted to the town, and now we can move forward with this application.

If there were an extension of municipal services where we need an independent engineers review, we would bring in a licensed engineer.

Mr. Noakes wanted to know if the rest of the land is going to be preserved.

Chairman stated that it cannot be developed anymore, and the angle of repose limits the extent of where structures can be built.

Linda Clark, Counsel, added that the angle of repose alone covers about 40% of the property.

Lisa Bertrand, 59 Fletcher Road, would like to see her lot location on the map so that it will be on the record for the revised map. The town subdivision requirements require an accurate listing of all the properties and structures within 200 ft. or more. Also, suggested for the Planning Department to wait for a revised map before approving the concept.

Brian Cleavehan, 30 Woodlake Road, wanted to reiterate all of the concerns raised by the neighbors tonight. I would like to ask the Board to please be respectful for the rights and concerns of the neighbors. There are real environmental and flooding concerns, the traffic safety, and the effects it will have on the neighbors. I would also urge the Board to strongly consider an independent engineering review on the effects of this property and to make sure that the applicant follows all the rules and codes.

Chairman stated that anything that is going to be done or required to be done, is going to show on the plans.

Chris Meyers also explained that what we would like to do now is to use the time for now until they come back, to negotiate with the owner to see what we can work out with the concerns.

Terry Coburn wanted to know if we have the GCAC comments.

Chairman said yes we do. One comment of theirs was that if the subdivision is approved that it be for three lots whereby lots 3 and 4 would be combined into one lot affording an opportunity to meet the 100 foot building requirement with the residence on that combined lot being placed closer to the roadway. (On file)

James Cohen stated: I have been on the Board for ten years and I have seldom seen this amount of distrust in a neighborhood as I have tonight. I have to believe that there are some ingredients of truth with the concerns that they have.

Barbara Johnson, lives off Fletcher Road, talked about the extensive trees being cut down, the logging and questioned why that was allowed and were informed that it is his property to do what he wants. Extensive logging was done daily until they were asked to stop the work by the Town. Three times the applicant was informed by the Town to stop the work and it finally did stop. My question is that who is going to oversee this project further when it takes its place down the road by the applicant. I can see and I am concerned about the erosion over in Heritage Village. What is our guarantee as neighbors that this will not occur on Fletcher Road? I ask the Board tonight that you look at all the neighbors who are here tonight and the many letters written to you and consider all of this before you go ahead and approve this proposal.

Alida Hysenlleri, owner of this application, wanted to address some of the neighbors concern about the trees being cut. I am not familiar with how it was when my dad cut down the trees. My father did go to the town hall to see if he needed a permit to cut down the trees and was told that he did not. Then after the trees were being cut, then they stopped him from cutting. We are not here to go against the laws and not here to give the neighbors any trouble. The trees that were already cut were within the envelope of where we were planning to build the new homes.

Also, we do want to follow whatever the town laws are and that the land does comply with the laws of the town. We also combined the two lots into one where now we have 3 lots instead of 4. I understand their concerns and would appreciate the fair approval that everyone else receives in similar situations.

Chairman stated: I feel that 3 lots are entirely reasonable with this property and don't see any need at all for any potential variances. They all comply in all respects with our code. The angle of repose setback is established and the building envelopes are established. The keyhole lot needs to meet the town code and you will need to get a foundation survey. The building setbacks for these homes being built are an average 200 ft. from the top of the slope. I did walk the land and I didn't think that they had cleared much more than what they had said. I did not see any cutting in the ravine although people are allowed to cut in the ravine if they want to.

Chairman made a motion to approve the concept for 3 lots, 49 Fletcher Road, Hysenllari, seconded by Michael Cleary and carried by a 6-0 vote by the Board.

SITE REVIEW - Barbara Heller - 2563 Western Avenue

Chairman Feeney announced that this was a site review for a Special Use Permit to allow a beauty salon as tenant in an existing shopping center at Park Plaza.

Chairman stated: This is a very minor application and Ms. Weston has no planning objections.

Chairman made a motion to move staffs' opinion in the matter of Heller, 2563 Western Avenue, for a SUP to use a vacant space at Park Plaza for a Beauty Salon, seconded by Michael Cleary and carried by a 6-0 vote by the Board.

MEETING ADJOURNED: 9:45 P.M.

**TOWN OF GUILDERLAND
PLANNING BOARD**

Wednesday, December 14, 2011

WARNER & MARTIN - Helderview Drive

SCHWORM – 200 Foster Lane

HYSENLLARI – 49 Fletcher Road

HELLER – Park Plaza

