

**TOWN OF GUILDERLAND
PLANNING BOARD**

February 22, 2012

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
Herb Hennings
Michael Cleary
Theresa Coburn
Paul Caputo

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 January 25, 2012, minutes with few minor corrections and so moved by Michael Cleary, seconded by Thomas Robert and carried by a 6-0 vote by the Board. (Terry Coburn abstained)

WARNER & MARTIN – Helderview Drive

Chairman Feeney announced that this was a public hearing on the final plat of a proposed 2-lot subdivision of 1.1 acres. Zoned R-20. Chris Meyer presenting.

Thomas Robert, Planning member, read the Legal Notice as follows:
The case of Lawrence Warner & Michael Martin will be heard on Wednesday, February 22, 2012 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 cut from 1.1 acres

The general location of the site is on the northwest corner of Route 20 and Helderview Drive.

The property is zoned: R-20
Tax Map # 27.17-1-41

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

Dated: February 8, 2012

Stephen Feeney, Chairman, Planning Board

Jan Weston, Town Planner, read the comments from the Planning Department as follows:
Martin – Helderview Drive

The applicant has submitted a final plat 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. Some fill is proposed with drainage being directed toward an existing swale along Route 20. No objection to final approval.

Chairman Feeney noted for the record: We have the site review from the Guilderland Conservation Advisory Council, dated December 6, 2011, and their conclusions read as follows: GCAC sees no negative impact to the environment resulting from this subdivision provided the applicants take the necessary steps to create an appropriate storm water management plan which hopefully will resolve the problem of standing water on the property without displacing it to someone else's property. As noted in the soil portion of the write up, the two types of soil on the property do pose a problem in the construction of residences, especially on Lot 1 where most of the soil is Raynham, which may prove to be better suited to a dwelling without a basement. (On File)

Chairman added: We received a letter from the Albany County Planning Board, dated February 16, 2012, and their recommendation read as follows:

Defer to local consideration. 1. This Board has found that the proposed action will have no significant countywide or intermunicipal impact. Defer to local consideration. (On file)

Chris Meyer presenting: The location is at the corner at Rt. 20 and Helderview Drive, and it is the remaining vacant residential parcel, after the Lizzi Estates was built. The property is 1.02 acres and our proposal is to divide this into two building lots. One house will be at the corner of Western Avenue and Helderview Drive, and the second building would be on Helderview Drive. Both of these lots will be fronting on Helderview Drive. We have shown the proposed house and driveway on the plans. These lots are currently much lower than the adjacent subdivision and Helderview Drive. Before the home is built, it will have to be elevated. Since this is a lower parcel than the surrounding parcels, there is natural swale along Helderview Drive. The proposal is to create a swale between the two homes and direct the water from mid lot front, and mid lot rear of these lots out to Western Turnpike.

Chairman mentioned that you are not showing the proposed first floor elevation. That needs to be raised.

Mr. Meyer explained: On the plans it will show four feet of grade elevations to be raised.

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

Chairman asked for any comments from the audience.

Chris Conner, 400 Helderview Drive, explained that a resident here in the past year, had to pay \$20,000 to redo his basement, and \$5,000 to replace a pool liner because of the high water tables. I have concerns that there is no specific elevation proposal. I would like to request to review the culvert plans and grading plans and the elevations and the drainage issues and how it would impact my property

Chairman explained that with the culverts everything will be heading down towards Western Avenue.

Chairman asked if you are proposing culverts along Helderview Drive and will you maintain that ditch flow with a culvert?

Mr. Meyer said yes. Once the homes and the driveways locations are decided, we would maintain that flow along Helderview with driveway culverts.

Chairman stated: That you will need to keep the water flowing and not back it up.

Mr. Meyer also explained that the topo portion of the requirements was waived because the property is fairly flat. The intent of the proposal is to capture the entire amount of water shed from this property within this property. It will not reach any of the neighbors and will be deposited in the ditch along Helderview and into the system on Western. Or it will flow along the rear in that swale that we are creating into that same ditch line on Western Avenue.

Mr. Meyer further explained that we proposed to fill strictly around the area of the house. In essence, we are capturing all of our runoffs.

Thomas Robert wanted to know if basements are being proposed and would they affect the water table even more.

Chairman wanted to make sure that you will not be building in the water table unless you raised up with fill.

Mr. Meyer stated that these lots are large enough that the drainage pattern in the capturing of all of our runoffs, will not change. We still have the ability to do the filling required and still be able to transport all of our water away from the neighbors into the public system.

Chairman stated: You will need to show culverts on the plans for the access drives and to maintain that ditch flow. Also, the lots need to be graded to shed water to the drainage ditch on Western Avenue.

Chairman asked for a motion to close the hearing, so moved Paul Caputo, seconded by Terry Coburn and carried by a 7-0 vote by the Board.

Chairman made a motion for the SEQR Determination 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 careful review by the Planning Board, and by the minor nature of a 2-lot residential subdivision with access to public sewer and water, and by the comments of the Guilderland Conservation Advisory Council, and the fact that the total land disturbance for the 2-lot subdivision will be less than one acre.

The motion was seconded by Thomas Robert and carried by a 7-0 vote by the Board.

Chairman made a motion to approved the final approval for the two lot subdivision on Helderview Drive with the following conditions:

- Town Highway Superintendent approval for any new curbcut.
- Town Water & Wastewater Superintendent approval (with building permit application)
- \$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)
- culverts for access driveways to be shown on final plat
- Note on plans indicating that lots shall be graded to shed water to drainage ditch on Western Avenue.

The motion was seconded by Paul Caputo and carried by a 7-0 vote by the Board.

MARINI – Willow Street

Chairman Feeney announced that this was a public hearing on the final plat of a proposed 3-lot subdivision of 2.4 acres. Zoned R-15. Chris Meyer presenting.

Thomas Robert, Planning Board Member, read the Legal Notice as follows:

The case of Vincent Marini will be continued on Wednesday, February 22, 2012 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 3 lots cut from 2.4 acres
The general location of the site is at 109 Willow Street

The property is zoned: R-15
Tax Map # 40.14-2-11

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

Dated: February 8, 2012
Stephen Feeney, Chairman, Planning Board

Jan Weston, Town Planner read the comments of the Planning Department as follows:
Marini - 109 Willow Street

The applicant has submitted a final plat to cut two building lots off the front of his 2.4 acre parcel. As requested, test pits were dug and ground water was found at 5.5 to 6 feet. The proposed lots meet the minimum zoning requirements and have access to public utilities and there are no sight distance issues. No objection to final approval.

Chairman noted for the record that we have comments from the GCAC, dated December 6, 2011, and their conclusion read as follows: Many of the trees on the lots will need to come down in order to accommodate two new dwellings, but the impact of so doing can be minimized by leaving a buffer of trees at least on the outer edge of the new lots. GCAC sees very little, if any, environmental impact from the planned subdivision provided tree cutting is kept to a minimum and a storm water management plan is put in place. (On File)

Chris Meyer presenting: The applicant would like to cut two building lots off the front of his 2.4 acre parcel. What we are currently proposing is on either side in the front, is create a 100 by 150 ft. building lot. The home that currently exists has a circular driveway. On the maps I had shown a proposed driveway for 109 Willow Street. I made a proposal that the front portions of the existing driveway will also serve our proposed dwelling on each of the lots. These lots are both going to be hooking into the existing water and sewer. Although there is no topo shown on the map, we did take elevations and test pits, to determine ground water elevations. Since we couldn't connect to the town's municipal storm sewer system, I proposed two drywells on each lot. All of the water being shed on this lot and the proposed homes, will be captured in either of the ones of the proposed drywells. We have shown the proposed flow patterns and there will be less than one acre of land being disturbed.

Thomas Robert wanted to know if you did any calculations as for the sizes of these drywells with only 5 1/2 to 6 ft. from ground water.

Mr. Meyer said that the drainage would be to a minimum.

Thomas Robert wanted to know if the U-shaped driveway is going to remain.

Mr. Meyer explained that I have shown it as remaining about 50 ft. on either sides from Willow Street in, and then being removed, and only the portion in front of the house will remain.

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

Chairman entertained a motion to close the hearing, so moved by Terry Coburn, seconded by Thomas Robert, and carried by a 7-0 vote by the Board.

Chairman added that we have a letter from the Albany Pine Bush Preserve Commission, dated November 3, 2011, in regards to having a deed restriction prohibiting the use of invasive species in the landscaping plan. Also, the impact of outdoor lighting at the proposed site should be limited by using downward facing, enclosed high-pressure sodium vapor lights rather than mercury vapor lights. (On File)

Chairman made a motion for the SEQR Determination 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 careful review by the Planning Board, and by the minor nature of a 2-lot residential subdivision with access to public sewer and water, and by the Albany Pine Bush Commission review and comments, and the total land disturbance is less than an acre, and by the comments of the Guilderland Conservation Advisory Council.

The motion was seconded by Thomas Robert, and carried by a 7-0 vote by the Board.

Chairman made a motion to approve the final plat for the proposed three-lot subdivision on Willow Street with the following conditions:

- Town Highway Superintendent approval for any new curb cut
- Water and Wastewater Superintendent approval (with building permit application)
- \$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)

- Include a list of inappropriate invasive Pine Bush landscaping species not to be planted.

The motion was seconded by Terry Coburn and carried by a 7-0 vote by the Board.

HYSENLLARI – 49 Fletcher Road

Chairman Feeney announced that this was a public hearing on the final plat of a proposed 3-lot subdivision of 5.6 acres. Zoned R-15. Chris Meyer presenting.

Thomas Robert, Planning Board Member, read the Legal Notice as follows:

Hysenllari – 49 Fletcher Road

The case of Veli Hysenllari will be heard on Wednesday, February 22, 2012 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 three lots cut from 5.6 acres, one lot containing the existing house and two additional building lots.

The general location of the site is at 49 Fletcher Road

The property is zoned: R-15

Tax Map # 51.02-3-8 and 9

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

Dated: February 7, 2012

Stephen Feeney, Chairman, Planning Board

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

Hysenllari - 49 Fletcher Road

The applicant has submitted a final plat, which is now proposed as 3 lots cut from 5.6 acres, one lot being an existing house. The removal of one lot eliminates many of the previous concerns regarding the lot width, proximity to the angle of repose and driveway locations. I have the remaining comments:

- Lot #1 is a keyhole lot and requires 1 ½ times the front and side setback requirements that must be shown on the signature plat. The submitted plat shows a 100 ft front setback that should be 52.5 ft. This would allow the proposed house to be moved forward and further away from the angle of repose setback.
- The access for lot #1 will require the removal of an existing brick garage. It also appears that a fire hydrant will need to be relocated. The applicant should obtain approval from the Water Department for this before the final plat is signed.

- The plat should show that the one leg of the “U” shaped driveway for the existing house is to be removed.
- The applicant has submitted the required SWPPP that has been approved and the court case regarding the applicant’s work without proper approvals has been adjourned in Contemplation of Dismissal.

No objection to final approval contingent on the above minor changes be reflected on the final signature plat.

Chris Meyer presenting: The owners agreed to have 3 lots instead of the 4 lots. There were a number of objections to the fourth lot and by reducing this by one lot it will allow the other lots to be bigger, and will eliminate many of the problems we were facing. We have a 25 ft. keyhole lot at the southwesterly corner of this 5.6 acre parcel. The driveway will be 200 ft. long to the proposed dwelling. The proximity of the fire hydrant was discussed with Bill West, Superintendent of Water Department, and they do not have any minimum separation requirement from a driveway to a hydrant. If the driveway works and you cleared the hydrant, it would be within code. If the applicant wanted more room, they have the option to move the hydrant 5 or 6 ft. in the neighborhood of the proposed property line, to the north between lots 1 and 2, may be an option we would pursue. The second lot is where the existing home is. That lot is 1.73 acres, and the left hand portion of that lot will remain and will be the access to the house, and the other portion that crosses lot 3 will be removed. Lot 3 is 1.5 acres, and lots 2 and 3 split the remaining road frontage on Fletcher Road to give them both the same amount of access to Fletcher and the same ability to provide a driveway to the house.

Mr. Meyer explained that we added the notation of the power lines on the plans and the proper setbacks of 1-½ times minimum on lot #1 were added. These lots will also be connecting to the town water and town sanitary sewer and provided a proposed drywell, strictly for roof drainage and or basement drain.

Chairman stated that there is one new correspondence in the files. An e-mail from Douglas Lloyd regarding draining water onto his property. We had this discussion at the last meeting. Could you tell us what you are preparing to do about the water problem?

Chris Meyer explained that either some kind of grading needs to be done to released that water or would have to be piped from the area of concern across lot #1 into the rear of that property. The owners are willing to do what is necessary. They have to give us a grading easement or a subsurface pipe, piped to a drywell.

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

Chairman asked if there is anybody here who would like to address this application.

Joe Hannan was concerned about the sizes of the lots, types of houses and the drainage.

If I were in a house that had the water issues, I would not want this process to go on. Only subdivide if it's appropriate.

Chairman stated: Where they show the location of the houses, it should work. We cannot put too much burden on the applicant because that is an existing problem. They are willing to work with the Lloyds. Also, the lots do meet all of our standards and are well within the angle of repose setbacks.

The most outstanding issue now is what are we going to do with the Lloyds problem and how do we make that notation on the plat.

Douglas Lloyd, 53 Fletcher Road, mentioned that it is a significant amount of water and I agree that the grading is the only option and will be willing to work with them.

Chairman stated: I just want to make sure that the plans will be noted with a detailed grading plan to be provided prior to the issuance of a building permit on lot to alleviate drainage problems on the lands of Lloyd.

Leyla Kiosse, 2 Shepherd Avenue, wanted to know if the maps that we were looking at in the files a different set of plans than what was in the folder.

Chairman stated: The only difference is that the required setbacks for lot 1 is 52.5 ft., not 100 ft., and not 15 ft. for the sides but 22 ½ ft. setbacks.

Leyla Kiosse wanted to know what happens to that the existing driveway for lot 2 and wanted to know who oversees the disposing of building materials.

Chairman explained that the existing driveway will be removed and it would be the building department who oversees the disposing of building materials.

Kathy Noakes, 57 Fletcher Road, had concerns about work being done illegally and for the houses to be built by code standards. I am also concerned about the erosion that has occurred during the past years on that bank going down into the creek and environmentally should be looked at by the town.

Bryan Clenahan, represents Westmere on the County Legislature, was still concerned about the drainage and the flooding and unconvinced about the assurance dealing with these flooding issues. These are existing problems but they are also made worse by the applicant's action so far and will likely be made worse if this plan goes forward. I am happy with the Board moving forward on this application, conditional on those issues being addressed.

I also requested at the last meeting, discussion about the applicant coming forward with some screening plans for how this development will effect 47 and 51 Fletcher Road, which he has not done.

I just want to ask the Board and the town to exercise real caution and diligence with this process before, with this applicant.

Chairman stated: As far as the screening plans, we typically do not require screening unless, this was a commercial property abutting residential development or if there was some environmental reasons why some setbacks or screening was needed.

The applicant has complied with what was needed. They reduced the lots to 3 lots instead of 4 lots, and they complied with our angle of repose, and the lots are all substantial in size. I believe that we are going to make a very good attempt to deal with the drainage issues on the lands of Lloyd.

Chairman stated again that I think that the applicant has addressed all of the concerns that the Board has raised and the issues by the neighbors.

Ms. Hysenllari, Daughter of Veli Hysenllari, explained that we do not even own a house on Patricia Lane and as far as Gipp Road, you are questioning the town's credential and I am sure that the house had all its inspections.

Besides the issue with the Lloyds, we understand that problem was an existing problem and if this gets approved, we will work with them to help them. We have abided by all the rules and codes. Personally, we think that this is really a reasonable request.

Terry Coburn asked that on lot 1 and lot 3, it mentions that a drywell is needed for roof drain. Who would decide if it was needed or not?

Chris Meyer addressed this. If this is a home and it is completely guttered, I would suggest directing the water rather than having a random discharge, directing it into a roof drain if there is going to be a basement. But until the exact nature of the construction is known, we cannot make this decision.

Chairman called for a motion to close the public hearing, so moved by Thomas Robert, seconded by Michael Cleary and carried by a 7-0 vote by the Board.

James Cohen mentioned that it should be referenced about the erosion on the banks and is there a particular person or provision that we sent that to.

Mr. Meyer explained that there has been some fencing that was put in to stabilize that. The angle of repose setbacks addresses at least where these houses can be placed

Chairman made a motion for SEQR Determination 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 careful review by the Planning Board, and by the minor nature of a 3-lot subdivision of 5.7 acres with access to public sewer and water, and the compliance with town angle of repose stream setback for construction and the review of the Guilderland Conservation Advisory Council.

The motion was seconded by Thomas Robert and carried by a 7-0 vote by the Board.

Chairman made a motion for final approval in the matter of Hysenllari, 49 Fletcher Road, with the following conditions:

- Town Highway Superintendent approval for any new curbcut
- Water & Wastewater Superintendent approval (with building permit application)
- \$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)
- Existing driveway for lot #2 that crosses proposed lot #3 be shown as “to be removed.”
- Detailed grading plan be provided prior to the issuance of a building permit on lot #1 to alleviate drainage problems on land of Lloyd.

The motion was seconded by Michael Cleary and carried by a 7-0 vote by the Board.

MEETING ADJOURNED: 9:20 P.M..

**TOWN OF GUILDERLAND
PLANNING BOARD**

February 22, 2012

WARNER & MARTIN – Helderview Drive

MARINI - Willow Street

HYSENLLARI – 49 Fletcher Road