

**TOWN OF GUILDERLAND  
PLANNING BOARD**

**June 13, 2012**

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

PRESENT: Stephen Feeney, Chairman  
James Cohen  
Herb Henning's  
Michael Cleary  
Theresa Coburn  
Paul Caputo

ABSENT: Thomas Robert & Jan Weston

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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.  
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Note: Michael Cleary came in late.

**HALL – 3770 Carman Road**

Chairman Feeney announced that this was a site plan review to allow an optometrist  
office in a vacant space at Carman Plaza. Zoned - Local Business. Michelle Hall  
presenting.

Terry Coburn read the comments of the Planning Department as follows:

Hall - 3770 Carman Road

The applicant has requested a special use permit to use a vacant space at Carman Plaza  
for an optometrist's office. No planning objections.

Dave Fusco, Carman Plaza, owner, presenting: Michelle Hall will be putting in an  
optometric practice at 3770 Carman Road at Carman Plaza. There will be approximately  
3-4 employees and there will be eye exams and deliveries twice a month of eyeglass  
frames, contact lens solutions and office supplies.

Chairman stated that this is pretty straight forward. My only problem is the handicap  
access and I witnessed someone struggling to get in the restaurant, above the curb, and  
noticed that the one handicap ramp is gated for the daycare center and another one further  
down. Should there be another handicap accessible ramp?

Mr. Fusco explained: The one that is gated by the day care center, there are actually two gates. One gate to get up on the sidewalk and a gate to get down the sidewalk.

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

Chairman was willing to make a motion to recommend approval for the site plan approval in the matter of Michelle Hall, at 3770 Carman Road, seconded by Paul Caputo, and carried by a 5-0 vote by the Board. (Michael Cleary was absent for this review)  
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**SEUS – Sheffield Ave.**

Chairman Feeney announced that this was a concept presentation of a proposed 2 lot subdivision of 8.3 acres. Zoned R-40. Mark Seus presenting.

Terry Coburn read the comments of the Planning Department as follows;

Seus - Sheffield Ave

The applicant has applied for concept approval to divide an 8.3 acre lot into two building lots. The land is zoned R-40 and is located between the Logan Manor and Georgetown Square subdivisions. The site is fully treed and has a gentle slope southward to a stream located in the south east corner. I have the following comments:

- The main issue is that of access. Sheffield Drive is a paper street that was dedicated to the Town in July of 1993. There are both water and sewer lines that run through the right-of-way between the two subdivisions. The applicant will need to explore options to obtain either ownership or an easement over the paper street.
- The final plat should show the limits of clearing and grading and a SWPPP should be prepared, if needed.

No objection to concept approval contingent on legal access being established.

Mark Seus presenting: I am now under contract for this piece of property contingent on gaining subdivision approval, and will deal with the legal issue of the access, and I do believe that all the setbacks meet all of the requirements.

Chairman stated: The main issue is that legal access. Right now that lot does not have legal frontage.

Chairman asked how does the town access the storm water pond to maintain it? You will need to explore options to obtain either ownership or an easement over the paper street.

Chairman stated that the main issue is that you don't have a right to access that at this point. If it is town own land, it would be an issue for the Town Board and they would have to grant you some sort of easement.

Chairman stated that we would need to determine whether there are any wetlands.

Chairman asked about the future collector street that runs through key portions of the property in the subdivision of Georgetown Square.

Mr. Seus discussed that with Ms. Weston, Town Planner, and explained that the origins of that go back a ways, predated Empire Avenue, and related to a bridge on Old State Road. Her thought was that it will not go through.

Chairman stated that would be a legal issue that needs to be extinguish. It does appear that it is not relevant anymore.

Chairman asked if there are any more comments from the Planning Board and there was none.

Chairman asked for any comments from the audience.

Scott Olson, 6240 Empire Avenue, submitted a letter to the Planning Board in regards to the numerous concerns and issues with respect to this application. In 2006, with the consent of the owner of the property, we retained the services of ERS Consultant, to perform a wetlands reconnaissance of the property. We hired ERS at that time since we were contemplating purchasing the property. The wetlands reconnaissance was performed and the conclusion of the wetlands reconnaissance confirmed that approximately 3 acres of the eight acres of property constituted wetlands.

Another concern was that the review of the materials submitted by the applicant failed to comply with the concept plan requirements of the subdivision law. (Letter on file)

There was further discussion about the wetlands and how many lots can they have.

Chairman stated that they will need to get a licensed surveyor or engineer containing all the information required by the Town's subdivision regulations and to include the wetland delineations.

Mr. Olson stated that it is a paper street and the town does not have a deed for it and found out that the builder for Logan Manor still has the deed. I think that it was accepted for dedication several years back, but the deed never was conveyed. Also, I have an issue with the location of the driveways. This is unacceptable for me.

Chairman stated that this is a legal issue that has to be resolved.

Joseph Digrado, 6242 Empire Ave., was also concerned about the location of the driveways and concerned about the water table being extremely high and the access road.

James Cohen wanted to know if you could move the houses further back to give you more room to be away from your neighbors.

Chairman stated: You may want to resolve your access and your title issue first before you spend money on an environmental engineer. Once you get that access issue worked out, I would then work on determining where those wetlands are, and who has jurisdiction over them.

Chairman asked for a motion to move forward with this concept, so moved by Michael Cleary, seconded by Terry Coburn and carried by a 6-0 vote by the Board.

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**CARVER REALTY –Old State Road**

Chairman Feeney announced that this was a concept presentation of a proposed 10 lot subdivision of 23.6 acres. Zoned – R30. Nick Costa presenting.

Terry Coburn, Town Planner, read the comments of the Planning Department as follows:  
 Carver - Old State Road

The applicant has applied for concept approval for a 10 lot, conservation subdivision. The land was formerly farmed, is relatively flat except for a sand knoll on the eastern side. There are a few fingers of federal wetlands and it has a drainage ditch running along the northern and easterly boundaries.

The parcel is zoned R30 which would require lot widths of 150 ft. However, since the applicant is requesting a conservation subdivision, the lots can be clustered down to an 80 ft width. I have the following comments:

- There is a 13.5 acre lot proposed as a conservation area. The proposed ownership and use of the land needs to be determined.
- Old State Road has become a very busy road and in the area just west of Gardenvue Drive there is both a vertical and horizontal curve that restricts sight distance. Having a series of driveways, closely spaced, will create a very unsafe condition.
- Proposed grading should be shown.
- Drainage in this area has been a significant and ongoing problem. How drainage will work, especially who will be responsible for maintaining the drainage ditch, should be addressed.

Because of the safety issues with numerous driveways accessing Old State Road, I would not recommend this design which allows the lots to be reduced to a 100 ft. width. Keeping the basic 150 ft. width and sharing curbcuts should be required.

Nick Costa. Ingalls & Associates, presenting: The existing parcel is about 23.6 acres and we have selected a Conservation Subdivision designing layout for 10 single-family lots which allows us to conserve a large piece of the parcel containing a total of 13.6 acres. That is about 57% of the parcel.

The Conservation requirements are 50% of the parcel. That 13.6 acres is in an area where it has historically flooded. There would be no development within that 13.6 acres area.

What we have done is attempted to recreate what is already in place along Old State Road with the driveways. We will have nine driveways and two of the lots will share one driveway. The proposed development will take care of the stormwater from the impervious area by recharging it into the sandy soils. We would like to ask for concept approval tonight.

Chairman asked if there was a conventional subdivision design submitted?

Mr. Costa said yes there was.

Chairman stated: I am assuming that you are removing all the hills there.

Chairman asked about the environmental assessment form if it was submitted and does it indicate the amount of material being removed?

Mr. Costa explained that we did do a short form and submitted that.

Chairman asked if this would be subject to NYS mining law if it wasn't a subdivision. Are you taking that amount of material out?

Chairman stated: It doesn't look like there was any attempt to try to work with the site to develop it in the most sensitive way.

Mr. Costa stated: The uplands are the only portions that can be developed. The other areas have been recorded as wet. There has been a history that there is a restriction to these stormwater runoffs in that area. That area acts as a temporary storage area because of that restriction on Old State Road. The culvert pipe isn't adequately sized. We would like to keep the 12" pipe.

There was further discussion about the amount of sand that will be removed.

Chairman stated: I really liked the previous concept when you were proposing townhouses.

Mr. Costa explained that they have met with the Town and the neighbors and they would prefer single family homes.

Chairman stated: I would think that you can place the lots and keep the vast majority of the hill. You can work with the site to get the same number of lots and have a more appealing subdivision, even if it meant additional one or two keyholes to limit driveway s further.

Mr. Costa explained that was one of our goals to limit the number of keyhole lots.

There was further discussion about how the drainage will work and who will be responsible for maintaining the drainage ditch and the ongoing problem with the drainage in this area.

Chairman asked about the ownership of the Conservation area.

Mr. Costa explained that we were actually going to extend the lots so that it would be encompassed as part of the lots, but have a restricted covenant to conserve that area, so that the lot owner couldn't change the topography or do anything with that area. To create a Homeowners Association for ten lots is not sensible. The alternative that we are considering would be to appropriate it as part of the ten lots

Chairman stated: One suggestion would be to make it part of one or two big lots.

Terry Coburn wanted to know if this puts a burden on the drainage problem on lot owners.

Chairman asked about the water table and is it high. I am assuming that the site went into some detailed engineering when they were looking at the townhouses that was proposed before for this site.

Mr. Costa added that I believe that the water table is pretty good where you are trying to put houses, but we can do test pits.

Chairman asked for any other comments from the Board.

Chairman stated: This design allows the lots to be reduced to a 100 ft. width.

Chairman asked for any comments from the audience.

Bob Smith, 5177 Woodlawn Drive, explained: I am concerned about the drainage since it has been changed and concerned about the effect downstream. I would prefer not to put any more money in my basement to keep it dry, as I had done in the past. Also, the water table in our area is very high where I am, and I think that the engineering is very important. What re course do we have and who do we go to.

Tony Cardona, represents Mr. Laraway, commented that Mr.Laraway spent about 200,000 thousand dollars in developing this townhouse plan. Supervisor Runion and Ms. Weston both supported him. We came back 3 or 4 times and met with them. They redesigned exactly what they wanted and we were putting in affordable housing. When Angelo Serafini got involved with this it all went by the way side. We did not abandon this at all, but now we are here proposing ten lots.

Kim Ankus, 29 14 W. Old State Road, had two concerns: I would like to know how this is going to effect the stream on the side of my house and also if there would be sidewalks all the way down to Lynnwood.

Chairman stated that the applicant has the right to develop the property as zoned R-30 and we are just looking at the concept of how many houses they could build. The sidewalk to the elementary school would have been great, but is not going to happen with this proposal.

The concern about the drainage downstream, the engineers would have to address this with a significant decrease in impervious area, and I am assuming that we will not increase the flow to that stream very much. This shouldn't have too much of an effect on the water table.

Philip Battaglingo, 2921 W. Old State Road, stated: Nobody knows the issues that are on this property. The drainage is the biggest issue. There is an outline drainage ditch along the property. I am all for this project and would like to see Carver succeed with this property. We just need to figure out what is the best solution for this. We cannot damage whatever is there right now. The pipe that runs along Old State Road is too small and we cannot replace that pipe according to Todd Gifford, Highway Department. We will send too much water downstream. We are just looking for a plan that works for everyone. I strongly recommend that everyone gets together with the other Boards and review all of this information and try to figure it out.

Mr. Costa further explained that this proposal does not interrupt any of the drainage ditches, or any of the wetlands. None of that is going to be impacted by this proposal. This proposal will not create any additional drainage impacts to the downstream neighbors. You will need quite a bit of water to cause ground water to build up.

Chairman stated: Are we going to fix anybody's problem downstream. This isn't going to do it. The standard is to not make it any worse. Given the size of the parcel, the soil type, and the amount of the impervious surface, it doesn't seem like it could have a lot of impact on the water table or downstream flows..

Mr. Costa stated: Our drainage model for the 100-year storm shows an elevation of 304 ft. and we are trying to avoid placing any fill within that area. We do not want to cause any more hardships.

Chairman suggested more keyhole lots.

Chris Longo, Ingalls & Associates, explained that Ms. Weston asked for that conventional or the road frontage layout which shows a maximum of 10 lots along the road frontage. Therefore, we can only have 10 lots including the two keyholes. Therefore, we could not have more keyhole lots on that piece of frontage.

David Kelley, 2978 W. Old State, was curious about the town sewage. Is town sewage on this property and will it be extended?

Mr. Costa explained that it will be extended.

Terry Coburn was disappointed that the town house development did not go through. With this development, I would like to see if there is anything that you can do about lessening the amount of curbcuts by putting two driveways together.

Carver Laraway, bought the site a few years ago explained to the Board that he has spent just under \$200,000.00 in engineering trying to get this approved. I support affordable housing and did everything the proper way and sat down after spending all this money on the renderings, meeting with the seniors in the community to hear what they wanted. Then we came in to a close door meeting with three neighbors and Mr. Serafini and then we found out that this is not what they wanted.

James Cohen would like to see less houses.

Chairman mentioned that I would rather see a few more lots and maybe get a sidewalk along the frontage as a bonus. I do agree with Ms. Weston that we should do everything we can to limit the curbcuts. I don't know why they are not utilizing the whole frontage. Spread things out some more and combine driveways.

Herb Hennings was concerned with the number of curbcuts on Old State Road.

Chairman stated that we will need to see a grading and drainage plan and would like to see T-turnarounds for the people to get in and out safely and a redesign of the conservation layout minimizing curbcuts.

Chairman Fenney made a motion to approve the concept for the ten lot subdivision on Old State Road with the following:

- Need a redesign of the conservation layout
- Minimizing curbcuts and a grading and drainage plan.

and seconded by Michael Cleary and carried by a 6-0 vote by Board.

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## **HYDROFRACKING**

Chairman Feeney announced that this was advisory opinion on a proposed amendment to the zoning law to prohibit hydrofracking in the Town of Guilderland.

Terry Coburn has read the Local Law No. 4 of 2012 – Hydrofracking as follows:

The Town has proposed an amendment to the Zoning Ordinance which would expressly prohibit hydrofracking from being considered as an allowable industrial use. Currently there are 50 specific prohibited uses and this seems an appropriate addition. No planning objections.



Chairman recommended the proposed amendment to the zoning law to prohibit hydrofracking in the town of Guilderland, seconded by Terry Coburn and carried by a 5-0 vote by the Board. (Cleary 5-0 abstained)

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MEETING ADJOURNED: 9:50 P.M.

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**SEUS – Sheffield Avenue**

**CARVER REALTY - Old State Road**

**HYDROFRACKING**