

**TOWN OF GUILDERLAND  
PLANNING BOARD**

**September 12, 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  
Thomas Robert  
Michael Cleary  
Theresa Coburn

Jan Weston, Planning Administrator

ABSENT: Paul Caputo  
Herb Henning's

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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.

Chairman Feeney asked for a motion to approve the minutes of June 13, 2012 & July 11, 2012 minutes with few minor corrections and so moved by Terry Coburn, seconded by Thomas Robert and carried by a 5-0 vote by the Board.

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**SCHAFFER – Western Turnpike**

Chairman Feeney announced that this was a public hearing on a proposed 2 lot subdivision of 37 acres. Zoned RA-3. Mark Schaffer presenting.

Terry Coburn read the Legal Notice as follows:

The case of Mark Schafer will be continued on Wednesday, September 12, 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 2 lots cut from 37 acres.

The general location of the site is at the northwest corner of Routes 20 and 158.

The property is zoned: Rural Agriculture 3

Tax Map # 26.00-1-22

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

Dated: August 15, 2012

PB 09/12/2012

Stephen Feeney, Chairman, Planning Board

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

Schafer – Route 158

The applicant has applied for final approval to cut a 4.5 acre building lot from an existing 37 acre parcel. The site has access to public water and the plan shows a proposed driveway. I have the following comments:

- The driveway curbcut will require NYSDOT approval.
- The parcel is adjacent to a County Agricultural district and a note on the plat pursuant to the Right to Farm Law should be included on the plat.
- A note on the plat should be included regarding the NYSDOT easement on the property.

No objection to final approval.

Ms. Weston also wanted to add that Bill West, Superintendent of Department of Water & Wastewater Management, sent me a memo saying that you do require a water district extension.

Chairman Feeney stated: I have a memo dated September 10, 2012, from Bill West, and read as follows: A water district extension will be required and the engineering map plans and report are required. West end mitigation fees and rate structure will apply. No sewer availability.

Chairman asked: Are you going for a water district extension for the whole parcel?

Mark Schaffer said yes for the whole parcel.

Mark Schaffer explained his proposal. This is a 4.5 acres cut out of the 37 acre parcel and is on the north end of Rt. 158. It has 479 ft. of road frontage on Rt. 158. I have met with Albany County to design the septic system and already hired an engineer to start the process for the water extension.

Thomas Robert asked if there are any restrictions for the distance of the septic system from any of the tributaries to the reservoir.

Mark Schaffer said no.

Chairman mention that the GCAC report made reference to two swales or watercourses which lead into the Normans Kill. Is there anything across there?

Mr. Schaffer explained that there is not anything across there. The Normans Kill creek is located way in back and it is at least a 1000 ft. or more.

Chairman asked about the driveway on the adjoining parcel with the easement for both access and the water line.

Mr. Schaffer mentioned that there was a road cut there before and contacted Albany County for the road cut and it was just a way for them to get into the fields and farm it. It is the best site distance located right there and also there is a patch of trees across the road that would prevent the headlights from flashing into the neighbors' homes, and we want to share a driveway. Eventually will be building my house in the back parcel. The easement would be for them to cross my property.

Chairman asked about the maintenance of the driveway.

Mr. Schaffer would have a maintenance agreement and I will be taking care of the snow plowing.

Chairman stated: You will need to provide access easement and driveway maintenance language on the final plat.

Chairman added that since all of the construction will be up front, you should be staying under an acre of disturbance.

James Cohen wanted to know what the NYSDOT permanent easement is for.

Mr. Schaffer did not even know that was there. Steve Walrath, Land Surveying & Land Planning, actually contacted DOT and are looking into having it removed. It is really not being used, and they really don't need that. .

Chairman asked if there is anybody here who would like to address the application, and there were none.

Chairman wanted to note for the record that we do have recommendation from the Albany County Planning Board, and their recommendation read as follows: Modify local approval to include: 1. The subdivision plat should include a note that the property being subdivided is located within 500' of a farm operation in the County Agricultural District as per Albany County Right to Farm Law 2007.

2: Submission of an agricultural data statement to the Town as required by Town Law for site plan, special use permit, use variance, and subdivision approval of sites within 500 ft. of a farm operation location in an agricultural district. 3. The land owner of the subdivision should notify purchasers of the lots that they must prepare a SWPPP for erosion and sediment control, if construction will disturb more than one acre of land. 4. Review by the NYSDOT for design of highway access, drainage and assessment of road capacity. 4. The location of the septic should be evaluated by Albany County Department of Health as part of the subdivision of the land. (On file)

Chairman wanted a motion to close the public hearing, so moved by Terry Coburn, seconded by Michael Cleary and carried by a 5-0 vote by the Board.

Chairman was willing to make a SEQR motion in the matter of Schaffer 2 lot subdivision. 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 minor nature of a 2-lot subdivision, one lot 4.5 acres cut from 37 acres, the provision of public water and by the Planning Board, and by the comments of the Guilderland Conservation Advisory Council, and by the environmental short form which the applicant has filled out.

The motion was seconded by Terry Coburn and carried by a 5-0 vote by the Board.

Chairman made a motion for final approval for the proposed two lot subdivision on Route 158 with the following conditions:

- NYS Department of Transportation approval for any new curb cut
- Albany County Health Department approval ( with building permit application)
- Water & Wastewater Superintendent approval with any associated fees (with building permit application)
- \$1,500.00 per dwelling unit – Park & Recreation Fund (with building permit application)
- Identify the limits of grading and clearing on the plat
- Provide access easement and driveway maintenance language
- A note on the final plat that states “this property lies partially or wholly within 500 ft. of an Agricultural District and farming activities occur within the area. Such farming activities may include, but are not limited to, activities that cause noise, dust and odors”.

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

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**HANSEN – 1434 Western Avenue**

Chairman Feeney announced that this was a site plan review to allow 875 sq. ft. on the second floor to be used for commercial office space. Zoned BNRP. Kent Hansen presenting.

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

Hansen - 1434 Western Avenue

The applicant has requested to amend his special use permit to allow for 875 sq. ft. of space on the second floor to be used as office space. Currently there is a wood flooring business and an embroidery business showroom on the ground floor, both of which have been previously approved. The second story office would be limited to a three person office with no client traffic.

No planning objection contingent on the Zoning Board determining that there is adequate parking.

Chairman Feeney noted for the record: A letter dated September 4, 2012, from Mark Macomber, to the Planning Board members, stating his concerns about having another occupant on this site and is against any more changes to this property. (Letter on File)

Kent Hansen presenting: My attorney (unable to attend) did bring it to my attention that we might need a parking variance.

Chairman stated: My understanding is that there will be a parking variance and that will be an issue with the ZBA Department.

Mr. Hansen explained that a portion of the premises is presently occupied by Hansen Wood Flooring. This is a business/non-retail operation and has been in its present location for five years. The remainder of the lower level involves use of 905 square feet by "Embroid Me". This is also a business-non retail operation. There is a showroom for display of samples and other related business wear. There are no direct sales to the general public. This tenant/use was recently approved.

This application requests addition of a second floor to the existing building for commercial office space. There would be no more than three occupants and there would be virtually no traffic generated by this office space use.

Mr. Hansen further explained the parking and the office space.

Chairman asked about the location of the dumpster.

Mr. Hansen explained that it is in the back part of the parking lot.

Chairman wanted to know that on the plans there was a reference of a parking and access easement but that is not correct. It is just an access easement. Is that true?

Mr. Hansen said that it is just an access easement for people to come around in the back.

Mr. Hansen added: The second floor has an apartment and a second office. There is a door in the front of the building as well in the back of the building for them to access the apartment. They usually use the back door.

Chairman asked if there is anyone in the audience who would like to comment.

Don Reeb, McKownville Neighborhood Association, 5 Norwood Street, mentioned that a neighbor was concerned about the noise from the dumpster that is next to his property, and felt like this was an overuse of the property and the survey is not accurate and the parking spaces are in the right-of-way.

Mr. Hansen will check into that about the survey. I thought that the survey was previously done by an engineer before he bought the property.

Mr. Feeney explained that what is in the files is a site plan that is not stamped nor signed by a professional.

Mr. Hansen stated: When we seal coated the driveway, I think the dumpster was moved and now we will be moving it back to the proposed location. As far as the boat, I will make sure that it will be gone.

There was discussion about the removal of the snow.

Chairman was willing to make a motion to recommend approval at the site plan review at 1434 Western Avenue, Hansen, with the following conditions:

- Require snow to be removed to maintain parking spaces at all times.
- Move dumpster to proposed location at the southwest corner of the rear parking lot.

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

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**TWENTY TWENTY SEVEN LLC – 2027 Western Avenue**

Chairman Feeney announced that this was a site plan review to allow the exiting building to be used for a mattress retail store. Local Business. Daniel Hershberg presenting.

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

Twenty Twenty Seven Western Avenue LLC - 2027 Western Avenue

The applicant has applied for a special use permit to convert the former Miyako restaurant into a retail mattress store. The only site plan change will be an upgrade to the outdoor lighting, which should be low level and in keeping with the surrounding properties.

The main concern with this site has always been the difficulty of exiting the parcel and with trucks being able to make deliveries. However, there does not seem to be much that can be done to improve this on site. As a specialty store the proposed use seems to be a low traffic generator and a good fit. No planning objections.

Daniel Hershberg presenting: There will be a change in tenancy in the existing commercial building from a restaurant to a retail mattress store. No changes are planned

for the access to Rt. 20 or Rt. 155, and no changes are proposed for the existing parking lot.

Mr. Hershberg explained the truck deliveries entrances and the deliveries are done before 10:00 a.m. in the morning.

Chairman wanted to know if you are painting the building.

Mr. Hershberg explained that the only changes will be an application for a new sign.

Chairman stated: This is a very tough and difficult site to get in and out and I am still concerned about the truck deliveries coming in and out.

Chairman asked about the lighting.

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

Chairman was willing to make a motion for the site plan approval at 2027 Western Avenue, Restaurant to Mattress Store with the following condition:

- Provide details for lighting to ensure full cutoff fixtures.

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

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**ELIZABETH ADAMS – 1859 Western Avenue**

Chairman Feeney announced that this was a site plan to allow a psychic consultant to occupy the real estate office building.

Chairman stated: There are no planning concerns and this is pretty straight forward.

Chairman asked for someone who was willing to move staff's opinion to approve site plan at 1859 Western Avenue, psychic consultant, so moved by Terry Coburn, seconded by Michael Cleary and carried by a 5-0 vote by the Board

MEETING ADJOURNED: 8:45 P.M.

Identify the limits of grading and clearing on the plat

Provide access easement and driveway maintenance language.

NYS Department of Transportation approval and driveway maintenance language.

In view of the fact that the property borders the Normans Kill, the development of the planned lot should include an appropriate stormwater management plan. Provided this is

done and the construction of the septic field meets with County Health Department approval.

While only one building

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