

**TOWN OF GUILDERLAND
PLANNING BOARD**

October 9, 2013

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

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

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.

WILSON – 3815 Carman Road

Chairman Feeney announced the Public hearing on the final plat to subdivide a .92 acre parcel into two lots. Zoned R-20. Bill Coons presenting.

Terry Coburn, Planning Board member, the Legal Notice as follows:
The case of William Wilson will be heard on Wednesday, October 9, 2013 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 .92 acres.

The general location of the site is at 3815 Carman Road.

The property is zoned: R-20

Tax Map # 27.19-3-29

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

Dated: September 23, 2013

Stephen Feeney, Chairman, Planning Board

Jan Weston, Town Planner, read the comments of the Planning Department as follows:
Wilson - 3815 Carman Road

The applicant has applied for final subdivision approval to split a 40,000 sq. ft. lot into two building lots. The parcel is zoned R20 and received variances for the required 125 ft. width at building line.

The NYS Dept of Transportation will need to approve an additional curb cut but a shared curb cut should be considered. No planning objection.

Chairman stated for the records that we received communication from the Guilderland Conservation Advisory Council, dated June 26, 2013, and their conclusions read as follows: GCAC does not envision any negative environmental impact from development of this two lot subdivision provided care is taken in the demolition of the large structure at the rear and that appropriate measures are taken to control storm water when the lots are excavated and terraced. Planned development should result in a more pleasing sight in the neighborhood. (Letter on file)

Also, received communication from the Albany County Planned Board, dated August 15, 2013, and their recommendation read as follows: Defer to local consideration, and their advisory read as follows: It would advisable for the Town to condition the variance for a reduced lot width by reducing the curb cut to SR 146 to one shared driveway access point with a shared access agreement. The lots could still have two separate driveways, but share the curb cut in order to reduce curb cuts to the state highway. (Letter on file)

Bill Coons presenting: We did receive our approval from the Zoning Board of Appeals for the reduction of the lot width and are now looking for our final approval on the two lot subdivision.

Chairman asked about whether or not you need to show the limits of grading and clearing.

Mr. Coons explained that the site is pretty clear right now.

Chairman stated: I did speak with the Department of Transportation and saw that the driveways as you proposed, don't meet their standards. It either has to be a shared entryway or 30 ft. minimum separation between driveways. You will need a highway work permit from DOT and will want to see what you are proposing to do.

Mr. Coons explained that with the location of the lots being on Carman Road, I am trying to avoid that as much as possible. We should be able to meet the standards of DOT and would prefer to have the 30 ft. minimum separation between lots.

Chairman mentioned that DOT will have to review the number of highway access points and the location, and where that sidewalk is in relationship to elevation of the road. Another concern is how we handle the easement. Is it going to show on the plat that you are offering the easement to the town and the town will take responsibility for maintaining it and keeping clear. Or do we take the easement right away.

Chairman added that you will be tearing down one garage and leave the other one up. Is that correct?

Mr. Coons explained that we will leave one up and tear down the other garage.

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

Chairman entertained a motion to close the public hearing and so moved by Michael Cleary, seconded by James Cohen and carried by a 7-0 vote by the Board.

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 comments of the Guilderland Conservation Advisory Council, and the minor nature of a 2-lot subdivision with public sewer and water and by the environmental short form which the applicant has filled out.

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

Chairman made a motion for final approval in the matter of a 2-lot subdivision on Carman Road with the following conditions:

- 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)

- Sidewalk to be installed prior to the issuance of the first Certificate of Occupancy.
- NYSDOT review and approval to consider location and number of highway access points and location and design of sidewalk.

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

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FLETCHER – 6522 Westfall Road

Chairman Feeney announced that this was a public hearing on the final plat to subdivide 172 acres into two lots. Zoned RA-5. Steve Walrath presenting.

Terry Coburn, Town Board member, read the Legal Notice as follows;
 The case of Raymond Fletcher will be heard on Wednesday, October 9, 2013 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 172 acres.

The general location of the site is at 6522 Westfall Road.

The property is zoned: RA-5
 Tax Map # 36.00-1-12

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

Dated: September 23, 2013
 Stephen Feeney, Chairman, Planning Board

Jan Weston, Town Planner, read the comments of the Planning Board as follows;
 Fletcher - 6522 Westfall Road

The applicant has applied for final approval to separate the existing house and approximately 25 acres from the remaining 150 +/- acres. There is a cemetery on the property which requires a perpetual easement to allow public access. This easement should show on the final signature plat. No objection to final approval.

Chairman noted for the record that we have the site review comments from the Guilderland Conservation Advisory Council, dated September 4, 2013, and their conclusion read as follows: GCAC feels it would be advisable for either the Planning Board or the Town Planner to alert the Town Historian to the fact that, as noted in the "Historical Considerations" section of this report proposed Lot # 1 is the site of an old family cemetery containing remains of three American Revolutionary soldiers so that the appropriate DAR can be contacted for maintenance of the grave site. (letter on file)

Steve Walrath presenting: We will be separating 25 acres from the remaining 150+/- acres on the west side of Westfall Road. That contains the house and garage and all the property located on the east side of Westfall Road. The cemetery is also on this parcel and as far as the easement goes, there is no roadway going to the cemetery. If the DAR or the public wants to go in there, they have the right to go in there.

Ms. Weston thought that it was a law that you had to provide public access to walk and visit and maintain the site.

Paul Caputo explained that I believe that it is a legal requirement to have an access to the cemetery.

Chairman stated: You will need to show a 15 ft. wide access easement for the cemetery along the rear of the property line.

Chairman wanted to know if there are any comments from the audience.

Edward Wilson, 6564 Westfall Road, mentioned that at the last meeting the Beckers assured us that part of that property will remain forever wild. Have you checked into that?

Chairman explained that the people would check into that themselves and search the deeds. The town holds no conservation easement that I am aware of. We wouldn't have the right to enforce a private agreement between two private individuals.

Ms. Weston stated; I spoke to Dr. Beckers' daughter and she is unaware of anything in writing.

Chairman asked for any comments from the Board and they had none.

Chairman made a motion to close the hearing, so move by Michael Cleary, seconded by Thomas Robert, and carried by a 7-0 vote by the Board.

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, the minor nature of a two lots subdivision, and by the comments of the Guilderland Conservation Advisory Council, and by the environmental short form which the applicant has filled out.

Seconded by Herbert Hennings, and carried by a 7-0 vote by the Board.

Chairman made a motion for final approval for a two subdivision of Fletcher, Westfall Road, with the following conditions:

- Town Highway Superintendent approval for any new curbcut.
- Albany County Health Department approval (with building permit application)
- \$1,500.00 per dwelling unit – Park & Recreation Fund (with building permit application)
- \$2,085 per dwelling unit – sewer mitigation fee (with sewer hook-up application)
- Signature plat must show 15 ft. wide access easement for the cemetery along the rear property line.

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

MARCELLA – 3443 E. Lydius Street

Chairman Feeney announced that this was a site plan review to allow the construction of an in-law apartment. Zoned R-15 John Marcella presenting.

Jan Weston, Town Planner, read the comments of the Planning Department as follows:
Marcella - 3443 E. Lydius Street

The applicant has requested a special use permit to construct an in-law apartment on the rear of the existing house. The addition will require variances for a reduction in the required side setback and also for the apartment to be larger than the allowed 750 sq. ft.

There is a long driveway and ample parking for additional cars. No planning objection contingent on the applicant adhering to the other requirements of in-law apartments.

Chairman was willing to make a motion for approval of the construction of an In-law apartment, so moved by Michael Cleary, seconded by Paul Caputo and carried by a 7-0 vote by the Board.

MEETING ADJOURNED: 8:20 P.M.

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OCTOBER 9, 2013

WILSON – 3815 Carman Road

FLETCHER – 6522 Westfall Road

MARCELLA – 3443 E. Lydius Street