

**TOWN OF GUILDERLAND  
PLANNING BOARD**

**June 11, 2014**

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

PRESENT: Stephen Feeney, Chairman  
Thomas Robert  
Herb Hennings  
Michael Cleary  
Theresa Coburn  
Bruce Sherwin  
James Cohen

Jan Weston, Town Planner

ABSENT:

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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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**WEY – GI Road**

Chairman Feeney announced that this was a public hearing on the final plat of a 2 lot subdivision of 80 acres. Zoned RA-3. Jodi Wey presenting.

Terry Coburn, Planning Board Member, read the Legal Notice as follows:

The case of Aaron and Jodi Wey will be heard on Wednesday, June 11, 2014 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 81 acres.  
The general location of the site is at the end of GI Road.

The property is zoned: RA-3  
Tax Map # 37.00-3-19

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

Dated: May 28, 2014  
Stephen Feeney, Chairman, Planning Board

Jan Weston, Town Planner, read the comments as follows:

Chairman stated: We received correspondence from the Village of Altamont, dated December 4, 2013, approving your request to connect to the Village Water System for the 2 lot subdivision. (On file)

There is correspondence from the Army Corps of Engineers, dated February 26, 2014, in regards to the permit. This office provided the activity complies with the terms and conditions of the Nationwide Permits and the permit conditions listed in Section B. No. 14. (On file)

Another letter from the Department of Environmental Conservation dated February 27, 2014, for the water quality certification. (On file)

A letter from GCAC site review, dated March 3, 2014, for Jodi Wey parcel and part of their conclusion reads as follows: GCAC sees only minimal amount of impact to the environment by this proposed subdivision provided (1) appropriate steps are followed for the septic systems under guidance of the County Health Department, (2) a stormwater management plan be established (3) wetland disturbance be kept to a minimum when the driveway is constructed for Lot #1, and (4) that tree cutting be kept to a minimum to maintain the buffer provided by the existing trees. (On file)

Steve Walrath presenting: The parcel is approximately 80 acres, and they are subdividing 3.48 acres out of it on the north side and the parcel is at the end of GI Road. We have the Highway Superintendent approval, and the approval from the Village of Altamont for water, and the Army Corps of Engineers issued a permit for the driveway through the wetlands, and the Water Quality certification from DEC.

Chairman mention that my only question is the turn-around. You are not showing it on the plans. Also, will that be an easement that the town will take care of it.

Mr. Walrath said yes. There is that parcel that is 62ft. by 162 ft. that was a reservation in the deed for a possible turnaround at the end of GI road. We were going to use that strip and give it to the town and all of that area is outside of the wetlands.

Chairman stated: I will just condition it upon compliance with the Army Corps of Engineers review letter. Is this the existing language for the easement that you are proposing for that parcel and is it adequate for the Highway Superintendent?

Mr. Walrath explained that we can certainly write the language for the easement that meets approval.

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

Chairman entertained a motion to close the hearing, so moved by Terry Coburn, seconded by Thomas Robert.

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 the US Army Corps of Engineers review and Nationwide Permit issuance and the NYS DEC Water Quality and Certification 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 Thomas Robert and carried by a 7-0 vote by the Board.

Chairman asked about the limits of grading and clearing. Are they over an acre threshold and are we looking at an erosion sedimentation control plan? You will have to comply with the wetland limits and they need to be identified.

- Mr. Walrath assumed that they are over an acre. We will need to do an erosion and sedimentation control plan.

Chairman made a motion to approve the final for the proposed two lot subdivision on GI road with the following conditions:

- Town Highway Superintendent approval
- Village Water & Wastewater Superintendent approval (with building permit application)
- \$1,500.00 per dwelling unit – Park & Recreation Fund (with building permit application)
- Submission of an erosion and sedimentation plan

Seconded Terry Coburn and carried by a 7-0 +vote by the Board.

### **RICARD – Furbeck Road**

Chairman Feeney announced that this was a concept presentation of a proposed 3 lot subdivision of 19 acres. Zoned RA-5. Stephen Walrath presenting.

Jan Weston, Town Planner, read the comments of the Planning Department as follows:  
Ricard – 2901 Furbeck Road

The applicant has applied for concept approval to subdivide a 19 acre parcel into three building lots in an RA-5 district. The property is on the north side of Furbeck and rises steeply from the road until it plateaus somewhat midway back. I have the following comments.

- There is a stream that runs through the northwest corner of the property that should be shown along with the 100 ft. setback.

- The grades of the driveways should be determined. Driveways should not be greater than 10%.

The proposed lots are large enough to accommodate wells and engineered septic systems. No objection to concept approval.

Mr. Walrath presenting: The applicant has 19 acres and would like to subdivide into three building lots. Lot 1 is 6 acres and there is about 500 ft. road frontage. Then there will be 2 keyhole lots in the back. Lot 2 is 8 acres, and lot 3 is 5.3 acres. Lots 2, & 3 will share a common driveway and both will have about 15 ft. to 20 ft. frontage. I am aware of the creek and know that there are some wetlands there, and will find out if they are subject to Army Corps of Engineers jurisdiction. There are some courses that are steep and will have to check and make sure it is under 10% and the driveway could be move around. We can reconfigure the lot lines to accommodate that.

Chairman stated that you will need to be in compliance for the driveway and meet the New York State Fire/Building code. Also, you will need a note that it is in the Agriculture district on the plans.

Chairman asked if the Duanesburg Town Clerk has been notified. Ms. Weston said yes.

Chairman asked for any comments from the Board.

Thomas Robert asked about the trees in the middle of the parcel.

Herb Henning's wanted to know if that is also a keyhole lot in the Town of Duanesburg.

Mr. Walrath said yes. There is a 60 ft. wide strip of land that the Ricards owned that accesses to the land that they own in Duanesburg. The applicant also intends to keep an easement between lots 2 & 3, going to the common roadway to get into that property.

Chairman asked if there are any neighbors in the audience who would like to address this application.

Barbara Chepaitas, 2824 Furbeck Rd., had questions on the lots and how far from the road will they be.

Chairman explained that they will need to meet the setback requirements and the access will be on Furbeck Road.

Samson Dykeman, 2775 Furbeck Road, had concerns over the stream. The last owner of that property and their family wanted to subdivide at that time, and proposed a subdivision in the Schenectady County side. My concern is that this Board is limited to the Schenectady County side, and the only access will be from Furbeck Road. The potential of impact to Furbeck Road is there. The Board needs to be aware of that. Also the big concern was the emergency access and the elevations of that road and at that time it was more than 10% and that should be addressed.

There was further discussion on the access road and discussion how we want to make sure that we are not creating a landlock parcel.

Bruce Sherwin asked about the water situation.

Chairman entertained a motion for concept approval in the matter of Ricardo, Furbeck Road, so moved by Michael Cleary, and seconded by Thomas Robert and approved by a 7-0 vote by the Board.

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### **TRI-WAY – 2430 and 2444 Western Avenue**

Chairman Feeney announced that this was a public hearing of the final plat of a request to amend the existing lot lines. Zoned Local Business. Anthony Stellato presenting.

Terry Coburn read the Legal Notice as follows;

The case of Tri-Way Services will be heard on Wednesday, at June 11, 2014 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 an adjustment of the existing lot line.

The general location of the site is at 2430 & 2444 Western Avenue.

The property is zoned: Local Business

Tax Map # 39.00-3-54 & 55

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

Dated: May 20, 2014

Stephen Feeney, Chairman, Planning Board

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

The applicant has applied for final approval to adjust a lot line between 2430 and 2444 Western Avenue. No new lots are being created. My only comment is that the easement shown along the rear of parcel #1 should be a perpetual easement. No objection to final approval.

Stephanie Bitter is here with Kevin Tacher, CHA: We are looking for final approval to adjust a lot line between 2430 and 2444 Western Avenue. The parcel is located on the southwest corner of Routes 20 and 146. Parcel 1 has a 1.35 acre parcel and Parcel 2 has 1.00 acres. The deeded description does not match up with what the tax map lines demonstrates. It is assumed that tax parcel boundaries were re-drawn at some point without filing a revised map or deed. There is two ingress and egress for the utility easements that are also part of this proposal. One is on Western Avenue and it will be a

shared access between the two parcels. The other is along the back side coming from Rt. 146. This lot line adjustment is also to support the rezoning application. The interior line does not match up to what the tax map parcels represent.

Kevin Thacher, CHA gave a brief presentation in regards to the new easements being proposed. There is existing water easement along Western Ave., and the proposed access easement will be a shared access between the two sites and a shared access for the utility easement across the rear of this parcel.

Chairman stated: It does not make sense why you are moving forward prior to not knowing exactly where the driveway will be located and access driveway on Western Ave. The easements can shift and the lot lines could shift and we should wait until we get DOT's approval.

Stephanie Bitter explained that this is only for the rezoning of Parcel 1. Parcel 2 is not part of the request.

Chairman stated: This will provide them with a reasonable description for the rezone request.

Bruce Sherwood wanted to know more of the reason why you need to do this now.

Chairman Feeney asked if there is anyone in the audience that would like to address this application.

John Haluska, 3135 Lone Pine Road, was concerned about the deteriorating buildings that we seem to allow in the town. I object to the subdivision of this lot as it is presented. I object for the bank building sitting around as it is. I would like to suggest why not combine the whole into one and move Cumberland Farms to face the corner

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

Chairman stated: I do not see any issue with the actual lot line adjustment. The two lots we have now are quite awkward. With the lot line adjustment you will create two conforming better developable parcels.

Bruce Sherwin didn't understand why isn't this being developed all at one time. I just can't divorce the fact that we are just not looking at this as a whole in terms of an overall plan. There are just too many loose ends about what might happen and what might change.

Michael Clearly questioned why they are not rezoning both lots at the same time.-  
m Terry Coburn would like to see it made into one very large lot and zoned General Business.

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 lot line adjustment with no additional lots created.

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

Chairman noted for the record that there was a referral to Albany County Planning Board 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.

Chairman made a motion for final approval in the matter of Tri-Way, 2444 Western Avenue, lot line adjustment with no conditions, seconded by Thomas Robert and carried by a 7-0 vote by the Board.

#### **TRI-WAY – 2444 Western Avenue**

Chairman Feeney announced this was a recommendation to to the Town Board on a request to rezoned 2444 Western Avenue from Local Business to General Business.

Jan Weston, Town Planner, read the comments of the Planning Board as follows;

#### **APPLICANT REQUEST**

The applicant has requested a rezone for two tax parcels at the southwest corner of Routes 20 and 146 from Local Business to General Business. The request is being made to allow one of the properties to be used as a Cumberland Convenience store. There are no plans for the second parcel at this time. (Letter on File)

Stephanie Bittner, Bartlett, Pontiff, Stewart & Rhodes, P.C., explained that we are requesting this rezone as initially proposed in the last application so that we can construct 4500 sq. ft. convenient store with 6 fueling stations. With the requested change in zone, this proposed use would be permitted with a Special Use Permit and Site Plan review. The applicant still believes that this proposal is consistent with the Neighborhood's Plan in the at the proposal is an appropriate commercial use for an abandoned parcel, which upon its review traffic mitigation will be further discussed to address the concerns of the intersection.

.The other building is not part of this zoning request. The applicant would like to revitalize this corner with something new and modern and we understand that the area is known as the Western Gateway of the Guilderland Hamlet Neighborhood and we feel that this is a perfect fit. As indicated the Guilderland Hamlet Neighborhood Plan had

issues for the Western Gateway which needed to be addressed. The issues were as follows:

- (1) Encouraging renewal and reuse; (2) Ensuring development of roadside properties;
- (2) Retaining a sense of transition (4) Pedestrian connection

We did address all their issues and we believe that this zoning amendment would be in accordance with the Town of Guilderland's Comprehensive Plan, since this proposal addresses the priorities which were in the vision for the Western Gateway.

Stephanie Bittner further explained the traffic, and more of the design and the sidewalks along Western Avenue and Route 146, and is ready and willing to work with DOT.

Chairman stated: One of this Boards biggest concerns is the traffic. I know that the traffic study has been submitted to the Town Board. One concern is that the two curbcuts on Rt. 146. My sense is that it will not happen. We will wait for final decision from DOT. Also, you are proposing a full movement driveway on Western Avenue, and I am assuming that there will be no left-hand turns out of that.

This Board would like to have the comments back from DOT before we can make a recommendation. There are still concerns with driveway access and the traffic patterns.

Thomas Burke, President of Tri-Way Services, mentioned that there are issues to be considered but we are not asking you to approve the project. What we would like is a recommendation to the Town Board supporting the zone change that is consistent with the character and nature of that community.

Herb Hennings wanted to know about the site where the bank is located. What is going to happen to the bank building that is there now?

Thomas Burke explained that they are planning to demolish that building. We have attempted to try and sell this piece for some time now. We have several parties interested, but they want to see action on this corner first. Nothing is going to happen until Cumberland Farms takes over the other parcel.

Chairman wanted to know if this will stay as part of the SUP/site plan approval that you presented to the Town, and is it going to show that building being raised.

Mr. Burke said no. It's a separate tax parcel and will be done in steps. I was hoping that tonight we can get just an indication of support for the rezone to General Business with the understanding that there are issues to be resolved regarding traffic access.

Chairman explained that we will need correspondence from DOT before we make our final decision. The Zoning Board of Appeals will be the Lead Agency on the SUP/site plan.



Chairman made a motion to table the matter of Tri-Way - 2444 Western Avenue, until such a time that we receive correspondence from NYSDOT regarding the traffic study submitted by the applicant.

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### **QUADRINI – Kraus Road rear**

Chairman Feeney announced that this was a recommendation to the Town Board on a request to rezone property in the rear of Kraus Road from RO40 to Multiple Residence.

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

#### **APPLICANT REQUEST:**

##### **APPLICANT REQUEST**

The applicant has requested to rezone 6.2 acres of vacant land from RO40 to Multiple residence for the purpose of building two 4 unit condo buildings.

##### **SITE REVIEW**

The parcel is generally flat with scrub type vegetation. 3.2 acres of the parcel would be used for the condominiums while the remaining 2.7 acres would be dedicated to the Town for parkland.

##### **NEIGHBORHOOD REVIEW**

The parcel is located adjacent to Oxford Heights apartments, east of Kraus Road, south of Cosmos Plaza and west of and adjacent to the 8 acre parkland parcel recently donated to the Town by BBL.

#### **COMMENTS**

- There are known wetlands in this area and delineation should be conducted to determine the location of buildable land.
- The land is adjacent to an existing MR zone and the location of the proposed new buildings will have no adverse impact on the surrounding neighborhood.
- The donation of the parkland not only adds to the recently donated parkland, it will also buffer the houses on Kraus Road from further development.
- The developer is also offering a multi use path through the property that will allow a good portion of the Westmere neighborhood to access the future parkland without having to go around to Western Avenue or Johnston Road.
- The MR zone allows for 12 units per acre. Once this parcel is rezoned there would be no restriction on the applicant applying for up to 36 units on the 3.2 acres.

I would recommend this rezone request with the following conditions:

- That the rezone include only enough land to allow for the 2 multi unit buildings to prevent any future requests for further MR uses.
- that the multi- use pathway be constructed prior to COs.
- That the dividing line be altered to include the land behind 42 Kraus Road (F) as parkland.

Jan Weston, AICP  
Town Planner

Town of Guilderland  
PO Box 339  
Guilderland, New York 12084

518-356-1980

Armand Quadrini presenting: I would like to apply for a rezoning of a 6.2 acre parcel of land on Ashford Drive. The land is zoned RO40 and we would like to be rezoned to MR so that we would be able to build (8) condos, (2) buildings of (4) each with attached garages and one single family house at the northern area. The parcel would only be accessible from Ashford Drive and to Johnston Road. The site shows some wetlands that have been delineated which is adjacent to the proposed Town Park. There is plenty of land left over and are staying with the Masterplan and able to retain a bike path.

Ms. Weston explained that my concern is that the rezone includes only enough land to allow for the 2 multi unit buildings to prevent any future requests for further MR uses.

Once it's zoned MR, and 5 years later, you come in and ask for more units to be built. I have no problem with the (2) units on Ashford but I hate to see it encroach behind there because then you are in to a single family neighborhood. My recommendation was to only rezone a very small amount of acre to allow for those two units, so that there is no possibility, that in the future someone can come in and add more units.

Chairman suggested that the proposed southern property line for lot #1 be shifted south approximately 100 ft. to follow northern boundary of the existing paper street.

Chairman wanted to know if Ms. Weston would recommend that the wetland delineation be confirmed by Hershberg & Hershberg.

Ms. Weston said that someone needs to confirm it.

Chairman asked that from a rezoning standpoint, you are mostly concern with the property line.

Ms. Weston said that she would be ok with that. I just want to make sure it does not encroach the single family homes.

Chairman asked if there is anyone from the audience who would like to comment and there were none.

Chairman made a motion to recommend the rezoning with the following condition:

- Proposed southern property line for lot #1, and corresponding proposed zoning district boundary be shifted south approximately 100ft. to follow northern boundary of the existing paper street.

Seconded by Michael Cleary and carried by a 7-0 vote by the Board.

### **BETHEL GOSPEL CHURCH – 7315 Route 158**

Chairman Feeney announced that this was a site plan review to allow after school and day care services. Zoned RA-3. Steven Foti

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

Bethel Gospel Church

The applicant has requested a special use permit to use the building for day care and after school care for up to 100 children. Parking already exists and no site plan changes are anticipated. My only comments would be that there is a residence along the northern border and there is no buffer to shield them from the parking lots or driveways of the church. Running more traffic and school busses along their property line seems to warrant some screening in this area...

Chairman asked what NYS agency regulates daycare for that number of kids.

Ms. Weston explained that the first year they plan to enroll between 40-60 kids and they will be arriving by school bus from Mohonsen, and picked up by the parents at night.

Chairman stated that I am assuming that this will also have to go before the Town of Rotterdam.

Chairman made a motion to recommend approval for the site plan review for Bethel Gospel Church, 7315 Rt. 158, with the following recommendations:

- Site plan review be coordinated with Town of Rotterdam.
- Landscaping be provided between the access drive and northern property line to adequately screen driveway from residential property to the north.

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

**TOWN OF GUILDERLAND**

**PLANNING BOARD**

**June 11, 2014**

**WEY – GI Road**

**RICARD – Furback Road**

**TRI-WAY – 2430 & 2444 Western Ave.**

**TRI-WAY – 2444 Western Ave.**

**QUADRINI – Kraus Road rear**

**BETHEL GOSPEL CHURCH – 7315 Route 158**

**TOWN OF GUILDERLAND**

**PLANNING BOARD**

**June 11, 2014**

**WEY - GI Road**

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