

**TOWN OF GUILDERLAND  
PLANNING BOARD**

**February 11, 2015**

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  
Bruce Sherwin  
James Cohen

Jan Weston, Town Planner

ABSENT: Terry Coburn

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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 November 12, 2014 & January 14, 2015 minutes with few minor corrections and so moved by Michael Cleary, seconded by Thomas Robert, and carried by a 5-0 vote by the Board. (James Cohen absent)

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**Chairman announced that AUTO ZONE – 1171 Western Avenue is off the agenda at their request.**

**RODDY-4129 Western Avenue**

Chairman Feeney announced that this was a public hearing on the final plat of a2 lot subdivision of 91 acres. Zoned RA3. Fred Metzger Jr. presenting.

Bruce Sherwin, Planning Board Member, read the Legal Notice as follows:  
The case of Bernie & Sandra Roddy will be heard on Wednesday, February 11, 2015 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 91 acres, creating one additional building lot.

The general location of the site is at 4129 Western Turnpike.

The property is zoned: RA-3  
Tax Map # 26.00-1-5.1

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

Dated: January 28, 2015

Stephen Feeney, Chairman, Planning Board

Chairman noted for the record: We have communication from Guilderland Conservation Advisory Council, dated November 7, 2014, and to summarize their conclusions read as follows: Provided that the Applicants are able to locate an appropriate water source and include in their plans an approved septic system, GCAC feels that development of Lot 2 of this subdivision will not adversely affect the area. While it has been noted that culverts under the roadway to carry off the drainage from Lot 2 have been installed, the final plan should also include an appropriate storm water management plan. (On File)

Correspondence from ACPB, dated October 16, 2014, and their recommendation read as follows: Modify local approval to include:

- (1) Due to the fact that an additional two lots will be accessing the existing driveway; NYSDOT should have an opportunity to review the existing driveway for any changes that may deem necessary for the access to SR 20/Western Turnpike.
- (2) The local fire department should review the adequacy of the driveway and possible turn around area needed for emergency vehicles.
- (3) The location of wells and septic should be evaluated by Albany County Department of Health for the newly proposed lots as part of the subdivision of the land.
- (4) 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 of Farm Law 2007.
- (5) 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 feet of a farm operation located in an agricultural district.
- (6) 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.
- (7) There should be a shared access agreement including a maintenance agreement referenced in the deeds for both properties. (On File)

A letter from Department of Health, dated January 15, 2015, regarding the Well Water Analysis, and made several recommendations. (On File)

Jan Weston, Town Planner, read the comments of the Planning Department as follows;  
Ruddy – 4129 Western Turnpike

This applicant is seeking final approval to cut one building parcel from the existing 91 acre site in an area zoned Rural Ag-3. This has eliminated one lot from the approved concept. I have the following comments:

- As requested, the limits of grading and clearing have been shown as well as notes regarding the Agricultural District and septic setbacks.
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- A shared access and maintenance agreement should be submitted and the driveway will have to meet all NYS Fire Code for access safety, which is reflected in the notes.
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- The applicant has submitted a letter from the Health Department giving approval with conditions and recommendations for water treatment.
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No objection to final approval.

A letter from Department of Health, dated January 15, 2015, regarding the Well Water Analysis, and made several recommendations. (On File)

Fred Metzger presenting: Originally this was a 3 lot subdivision and got it down to just a 2 lot subdivision with the water requirements that were made. The additional lot will be for the mother-in-law at some time. The additional notes that were needed and required, were added to the plans and the notes from the Department of Health were issued for the well being drilled.

As far as the easement we will have the notes put together and filed with the deeds where the new owners will maintain a portion up to where the easement is. Mr. Roddy will still maintain the ownership.

Chairman asked about the driveway. Is there a note on the plans regarding the NYS Fire Code?

Mr. Metzger explained that has been done. The Fire Chief was out there and did the maintenance inspection.

Chairman mentioned that you will need to provide a shared access and maintenance agreement for the driveway.

Chairman asked for any comments from the Board.

Thomas Robert mentioned that in the new 2015 Building Codes proposal coming out will require residential sprinklers for all residential buildings-.

Chairman asked if there are any neighbors here who would like to address this application, and there were none.

Chairman entertained a motion to close the hearing, so moved Michael Cleary, seconded by Herb Hennings and carried by a 6-0 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 by the environmental short form which the applicant has filled out, and the review and comments of the Albany County Health Department and the minor nature of creating one additional lot on 91 acres.

seconded by Thomas Robert and carried by a 6-0 vote by the Board.

Chairman made a motion for final approval for the proposed two lot subdivision at 4129 Western Avenue, with the following conditions:

- Albany County Health Department approval (with building permit application)
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- NYS Department of Transportation approval (for any new curbcut)
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- \$1,500.00 per dwelling unit – Park & Recreation Fund (with building permit application)
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- Provide a shared access and maintenance agreement for the driveway.

seconded by Thomas Robert and carried by a 6-0 vote by the Board.

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**SMOLEN -5640 Depot Road**

Chairman Feeney announced that this was a site plan review for the construction of one storage facility building. Zoned – IND. Dan Hershberg presenting.

Jan Weston, Town Planner, read the comments of the Planning Department as follows:  
 Smolen – 5640 Depot Road

The applicant has applied for a special use permit to construct one storage facility building in the industrially zoned section of Depot Road. Although the submitted site plan shows a possible full build out, at this time they are only applying for Building A. Any further development will require an addition special use permit. I have the following comments:

- Stormwater issues will need to be reviewed. The County has concerns about the impact to the culvert under CR 208 and this will need to be addressed.
- The curbcut will require Albany County Highway approval.
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- There are a few residences opposite this site. Although there is an existing tree line along Depot Road, they are mainly deciduous trees that don't offer much of a buffer in winter. Some evergreen planting should be considered.
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- It is anticipated that the applicant will address any wetland concerns at the time of the meeting.

No objections to site plan approval for Building A contingent on the above issues being adequately addressed.

Chairman noted for the record that we have correspondence from Albany County Planning Board, dated November 20, 2014, and their recommendation was: Disapprove without prejudice. The County has concerns about the drainage for this property and the impact to the culvert under CR 208. The existing drainage conveyances and pond present on the site cannot be used as the sole means of stormwater quality and quantity control and would not be adequate to meet NYSDEC's stormwater design standards without significant modification,

Because the project will disturb more than one acre of land, it requires a Stormwater Pollution Prevention Plan (SWPPP) including both Erosion and Sediment Control practices as well as permanent Post-Construction Stormwater Management under the "larger common plan of development" provisions of the NYSDEC SPDES General Permit for Stormwater Discharges for construction activities. (Letter on File)

Mark Jacobson, Consulting Engineer, presenting: The wetlands have been mapped. The submitted site plan shows a possible full build out. At this time they are only applying for Building A. The total disturbances are less than one acre. With regards to the culvert, the site drainage will all funnel down to the pond. The culvert takes water from the westside of Depot Road to the eastside onto our property. At this point, the applicant is looking to build a 10,000 sq. ft. building warehouse. Two or three years from now they will be considering an additional spot with the same size building. This is the plan that we are going with.

In regards to the stormwater concerns: It is a typical site and everything stays on our property and will do the stormwater balance to address the minimal increase in stormwater runoff. It will not be running off our property.

Chairman asked if these are considered state wetlands because the state wetlands are right next door on the other side of the tracks. Has anyone talked to NYSDEC?

Mr. Jacobson explained that they did talk with NYSDEC and they are federal regulated wetlands and not NYSDEC.

Chairman asked if they submitted correspondence to that.

Mr. Jacobson said that they do not have any correspondence right now. I can't do a jurisdictional determination until the weather breaks. This is an updated wetlands map but is not the map that was submitted to the Army Corps.

Chairman wanted to know what is the rush if we don't have the wetland delineations and the Army Corps cannot get out at the site until spring. I remember looking at the original map and it shows the flow differently from what you are showing.

Mr. Jacobson explained that what I would ask the Board is to consider is that these wetlands are mapped and surveyed and let us go before the ZBA. Then they can have a contingent approval based on the Army Corps agreeing with what our consultants has said is true. The letter from DEC is forthcoming.

Thomas Robert asked more about the drainage and the flow directions.

Chairman stated: We will need to have the correspondence from DEC.

Chairman asked about the culvert.

Chairman wanted to continue this until we have some correspondence from DEC and from the Army Corps of Engineers.

Chairman made a motion to table the site plan review for Smolen -5640 Depot Road, seconded by Michael Cleary and carried by a 6-0 vote carried by 6-0 vote by the Board.

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**SANDELL – 310 Wayto Road**

Chairman Feeney announced that this was a site plan review for a 20,000 sq. ft. warehouse addition. Zoned Industrial. Savario Manucci presenting.

**Sandell – 310 Wayto Road**

The applicant is requesting a special use permit for a 20,000 sq. ft. addition to be used as warehousing and storage. (The 56,000 sq. ft. building shown on the plan has already been approved but not yet built.)

No new employees are anticipated, no new traffic generated and no variances are requested. The stormwater and septic plans will require review and approval. No planning objections.

Dan Hershberg, Hershberg & Hershberg Consulting Engineers presenting: I would like to apologize for the confusion of the size of it. It should be 20,000 sq. ft. and not 10,000 sq. ft.. Sandell Manufacturing proposes to maintain its operation in the existing building while offering the recently approved 56,000 sq. ft. building to others with similar uses. The current owner is the SJM Realty, LLC an entity under the control of the president of the Applicant.

Mr. Sandell plans on remaining in their existing facility but proposed to add on additional storage space to that building. This will be used for inventory storage and will not have any new employees. The operation of Sandell stays the same. Applicant's narrative

mentions reuse of an existing sanitary sewer system and the roof drainage will be directed to an existing recharge basin.

Mr. Hershberg added: We are talking about increasing the existing storage by 20,000 sq. ft. and the sanitary and water use will be the same.

Chairman asked about the houses on the other side of Nancy Lane.

Mr. Hershberg added that there is a 100 ft. wide National Grid easement between us and back of the houses on Nancy Lane.

Chairman wanted to know if there are any landscaping improvements and other things that are not shown on the plans.

Mr. Hershberg explained that we do have additional landscaping and that will be on a separate sheet and we have all new lighting.

Chairman asked if there were anyone here who would like to address this application and there were none.

Chairman was willing to move staff's opinion and recommend approval with no planning objection, seconded by Thomas Robert and carried by a 6-0 vote by the Board.

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**LEV – 1434 Western Avenue**

Chairman Feeney announced that this was a site plan review to allow a dog grooming business to use a portion of the existing building.

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

Lev – 1434 Western Avenue

The applicant has applied for a special use permit to use approximately 900 sq. ft. in the Hansen building for a dog grooming business. This is a change in vacancy from a former embroidery business and the applicant states that dogs are dropped off, by appointment only. No planning objections.

Chairman stated this is pretty straight forward. My only question is that the sidewalks are being reconstructed on the south side this year. What does that do to the parking in front and was the parking in the state right-of-way before. Is that being modified at all?

Kent Hanson explained that I have a lease with my neighbor to the right, and I have access on the property to the right of me which brings us to the back of the building. There will be two ways in and out of the property as it sits.

Mr. Hanson added that there will be one full time employee and maybe two part-time employees and most of the parking is in the back.

Chairman made a motion to recommend approval for the dog grooming business at 1434 Western Avenue with the following suggestion:

- Provide a site plan that shows the impacts of the new sidewalk construction on the 7 parking spaces in the front.

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

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#### **HEENAN – 2563 Western Avenue**

Chairman Feeney announced that this was site plan review to allow a dog grooming business in the Park Plaza. Zoned Local Business.

Jan Weston, Town Planner, read the comments of the Planning Department, as follows:  
Heenan -2563 Western Avenue

The applicant is requesting a special use permit to use a vacated space in Park Plaza for a dog grooming business. This is an established shopping plaza and no site plan changes are proposed. No planning objections.

Chairman made a motion to move staff's opinion to recommend approval at 2563 Western Avenue, with no planning objections, seconded by Herb Hennings and carried by a 6-0 vote by the Board.

MEETING ADJOURNED: 8:45 P.M.

**TOWN OF GUILDERLAND  
PLANNING BOARD**

**February 11, 2015**

**RODDY – 4129 Western Avenue**

**SMOLEN – 5640 Depot Road**

**AUTOZONE – 1771 Western Avenue (postponed)**

**SANDELL – 310 Wayto Road**

**HEENAN -2563 Western Avenue**

**LEV – 1434 Western Avenue**