

**TOWN OF GUILDERLAND  
PLANNING BOARD**

**May 13, 2015**

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

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

Jan Weston, Planning Administrator

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.

Chairman Feeney asked for a motion to approve the minutes of March 11, 2015 & March 25, 2015, so moved by Michael Cleary, seconded by Terry Coburn and carried by a 7-0 vote by the Board.

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**WAGNER – Old State Road**

Chairman Fenney announced that this was a final plat presentation of a 2 lot subdivision of 29 acres. Mark Blackstone presenting.

Terry Coburn read the Legal Notice as follows:

The case of Floyd Wagner will be heard on Wednesday, May 13, 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 29 acres.

The general location of the site is at 2079 W. Old State Road

The property is zoned: RA-3

Tax Map # 14.00-1-2.1

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

**05/13/2015**

Dated: April 22, 2014

Stephen Feeney, Chairman, Planning Board

Jan Weston, Town Planner, read the comments of the Planning Department as follows: The applicant is seeking final plat approval for to split a 29 acre parcel into two lots. The land contains a large, rolling field with a tree line along the northern border. There is also a small stream that runs through the front of the property. My comments are as follows:

- The plat shows the required 250 ft. setback from the stream for a septic field but the building envelope should be revised to show a 35 ft. setback from the rear wetland area.
- A note should be added that the driveway shall conform to NYS fire regulations.
- The property is in a County agricultural district and language stating such will also need to be added to the signature plat.

No planning objection to final approval.

Chairman Feeney stated: We have communication from the Guilderland Conservation Advisory Council, dated 11/28/2014, and their conclusion read as follows: Provided the final plan for developing this new lot includes appropriate location of well and septic system along with any needed stormwater management plan, GCAC does not envision any negative environmental impact caused by this proposed subdivision. (On File)

Chairman stated: Public water is not available therefore you will need a private well and the septic need approval from Albany County Health Department.

Mark Blackstone presenting: We will provide the location of the well and septic along with any needed stormwater management plan.

After the preliminary concept plan, I did go out to see whether or not there are wetlands. There was a little collection area, and the aerial photo may have been taken in early spring, before the frost left the ground. I located that area and can amend the building envelope to accommodate a 35 ft. setback from that area.

Chairman stated: There is no notation on the map regarding the NYS Fire Code requirement regarding the driveway. You will need to show a driveway and make that reference and we need to see a cross section of the proposed construction of the driveway.

Chairman stated also that you will need a standard note that states "this property lies partially within 500 ft. of an Agricultural District. Ms. Weston can provide language.

Chairman wanted to know if there are any neighbors who would like to address this application and there were none.

Chairman entertained a motion to close the hearing, so moved by Thomas Robert and seconded by Herb Hennings and carried by a 7-0 vote by the Board.

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Chairman made a SEQR DETERMINATION and read 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 minor nature of a 2 lot subdivision of 29 acres with one additional lot and by the comments of the Guilderland Conservation Advisory Council, and by the environmental short form which the applicant has filled out.

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

Chairman made a motion for final approval for a 2-lot subdivision with the following conditions:

Town Highway Superintendent approval (for any new curb cut application)

\$1,500 per dwelling unit – park recreation fund (with building permit application)

Note on the plans identifying the requirement for the driveway to comply with NYS Fire Code construction standards.

Provide cross section construction detail for driveway.

Note on the plans regarding location with Agricultural District and the possibility of noise, dust and odors associated with Agricultural uses.

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

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**PIGLIAVENTO – 2963 Curry Road Ext.**

Chairman Feeney announced that this was a concept presentation of a proposed 2 lot subdivision and amended lot line of 39.5 acres. Zoned R40 and Agricultural. Mark Blackstone presenting.

Jan Weston, Town Planner, read the comments of the Planning Department as follows:  
 Pigliavento – 2959 Curry Road

The applicant has requested concept approval to subdivide 28 acres off the rear of a 36 acre parcel to create one additional building lot. The proposal also includes adding land to the existing 2957 Curry Road bringing it into conformance with zoning. This land is all generally flat, sandy soil with private well and septic and there is good sight distance along Curry Road. Part of this acreage may be in the Pine Bush study area and I have sent them the application for their comments. No objection to concept approval.  
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Mark Blackstone presenting: The applicant is planning to subdivide the property adding 1.28 acres to their oldest son property, that lies at the westerly portion of the map, creating a 7 acre parcel in the center. That would include all their improvements to create a parcel which they would retain Life Estate with their existing residence being on that parcel. Also, the 28.6 acres parcel is just going to be deeded to the two sons.

We are also proposing to have a lot line adjustment to the parcel to the east to add a shed.

Terry Coburn wanted to know if they are planning on building on this lot?

Mr. Blackstone stated: No, currently it is just farm land. There is a small section of high area that creates a buffer for the existing residents from seeing the back field. The location of the proposed division line is to maintain control over that small strip of wooded area.

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

Neil Gifford, Conservation Director for Albany Pinebush Preserve Commission, mentioned that the project is located within an area under full protection, and in the final Environmental Impact Statement, the property is on a corner to an existing preserve lands that is also a national landmark. We would like for you to consider all of that information as you continue to evaluate this application.

Chairman stated: This is a large lot and there really is not a lot of impact. It would be important to us for you to gather more information to understand where you have property in the vicinity. You need to provide us a map of where you acquired property and are looking to protect other pieces.

Ross Snyder, 2983 Curry Rd., asked about the zoning. What would be the setback from my property?

Chairman explained that it will be a 50 ft. side yard setback.

Chairman stated that I don't see any real impacts.

Chairman made a motion for concept approval for a 2 lot subdivision and amended lot lines in the matter of Pigliavento – 2963 Curry Road Ext., so moved by Herb Hennings, seconded by Terry Coburn and carried by a 7-0 vote by the Board.

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#### **ROBINSON'S – 1890 Western Avenue**

Chairman Feeney announced that this is a site plan review to allow the rental of lawn and garden equipment in the building former occupied by Singer's jewelers. Zoned LB.

William Schwartz presenting.

Jan Weston, Town Planner, explained that this is a change in tenancy and my recommendation to the Zoning Board will be to look at what outdoor storage will be on display and should be strictly limited.

William Schwartz presenting: The applicant is seeking a special use permit to use the Former "Singer Jewelers" store to a lawn/garden supply sale and rental store.

Bruce Sherwin wanted to know if the equipment will be displayed outside.

Mr. Schwartz explained that there will be some equipment outside.

Chairman asked about the sidewalk construction. Are they constructing a sidewalk in the front of this building. Also, the state right-of-way, is that going to encroach the parking in front. Does that go away?

Mr. Schwartz said yes that the sidewalk is in the plan and the parking in front stays there.

Chairman asked about angled spaces and are they existing..

Mr. Schwartz stated: They do exist and we do utilize them but they are not lined.

Chairman stated: You will need to provide a more detailed plans identifying where you are going to provide outdoor storage, the back parking if being used, and have the sidewalk plan on the plans.

Chairman Feeney made a motion to approve the site plan to allow the rental of lawn and garden equipment at 1890 Western Avenue with the following recommendation:

-Provide a more detail site plan drawn to scale showing the proposed outside storage and indicating the location of proposed sidewalks improvements.

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

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### **PRICE CHOPPER – Hamilton Square**

Chairman Feeney announced that this will be a site plan review to allow for changes to the building, new entrances and bottle return, and regarding the parking lot.

Jan Weston, Town Planner, read the comments of the Planning Department as follows:  
Price Chopper - Hamilton Square

The applicant has amended their site plan in response to the comments of the Planning Board. Some of the improvements will be the narrowing of the main drive aisle, the widening of the end islands, pavement marking to direct vehicles to the exit, and relocated crosswalks.

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Most of my questions and comments have been addressed with these changes but the following concerns still remain:

- In 2002 Price Chopper received a special use permit for the addition currently used for bottle returns and cart storage. This area is now proposed to be used for sales which may impact their parking requirements. Also, a condition of that SUP was that no outdoor displays or sales were permitted. Although this condition was never complied with it should be reiterated.

- The relocation of the bottle return area to the far end of the under building parking area raises concerns about security and pedestrian safety. Some changes have been made to improve the situation and I understand that this is a business decision, but from a planning perspective, this is less than ideal.

- Four parking spaces will be eliminated for the bottle return area. The ZBA will have to determine whether the expansion of retail space along with another reduction in parking is still adequate.

- The Zoning Board will have to review the proposed additional signage. In my opinion allowing graphic depictions of products for sale and not including them in the allowable square footage is a dangerous precedent to set. For all intents it would allow every business to display large graphics of their products all over their building facades.

Overall I have no objection to the proposed changes. However, the above concerns should be reviewed.

Dan Hershberg, Hershberg & Hershberg presenting: I have two different scale plans and the larger scale plan will be widening islands and added small trees on each of the islands. We opened up the ends of the islands to accept the drainage.

Mr. Hershberg further discussed the double lines and the signs and access entrances and the parking spaces.

Chairman asked about the islands and the stormwater.

Mr. Hershberg explained the drainage and the widening of the end islands, and submitted detailed plans for the drainage.

Chairman commented on Ms. Weston comments referring to additional signage being allowed to display large graphics of their products. I also have an issue with the advertising on the benches. That is adding more signage.

Terry Coburn and Bruce Sherwin had some concerns about the bottle returns and the isolation and public safety and security issues.

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Chairman explained that Price Chopper has responded to most of our comments. They have provided the larger end islands, the narrowing down the crossing distance, and doing something about the glaring of the lights on the top of the building. Also, the end islands are now performing a stormwater management function and the roadway has been stripped which will provide better direction for exiting vehicles.

Chairman made a motion to recommend approval for the site plan review for changes to the Golub Price Chopper building with the following conditions:

- Provide detail of proposed crosswalk style (preferably "ladder style).
- Consider providing conduit and other infrastructure to accommodate electric vehicle charging stations
- Identify location of any outdoor displays or sales area and doesn't interfere with any site distance.

seconded by Thomas Robert, and carried by a 6-1 vote by the Board. (Bruce Sherwin opposed)

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#### **BLACK CREEK RUN (DUTCHMAN ACRES) - School Road**

Chairman Feeney announced that this is an update on a proposed Country Hamlet development containing single family\homes 27 single family homes, 5 town's houses, and 14 unit senior apartment building. Chris Meyer presenting.

Chairman stated: I just want to bring us up to speed on this application. You will need more details and I don't believe that we have seen the Conservation Easement language yet.

Also, there are some procedural issues with the transfers of a number of properties that need to be clarified.

Chris Meyer presenting: We will have now 4 town's houses, 24 single family homes and 14 unit senior apartment building. The entrance and exit will be from Depot Road. It is the same configuration as the original map. There has been very little done to the design from the very beginning. We had radiuses that we encountered that didn't meet the town Code.

One of the major developments was the elimination of the Homeowners Association and the landowner Mr. Moak agreed that on the northerly side of the development to take all of the land that was left for open space. That will be merged into his deed and will be the owner of that land. There is also a parcel of land that is mostly wetlands, and the owner of the senior building will take that land on and merged it with the deeds so that there will be no leftover land, and no community land. Everyone will own their own lot. The stormwater practice will be deeded to the town.

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This is actually a submittal for final approval. We have received comments from the TDE and most of them are relatively minor. We also received the letter from Albany County and they had a few comments that were relatively minor details. The major one was the SWPPP and that has already been done and reviewed.

Chairman stated: I don't understand the two driveways for the senior apartments. Does that become one driveway now?

There were some comments on the sidewalk locations and believe they have been modified. We are still looking to see for you to provide us some language on the actual conservation easement. I have provided you some samples to work from and will need to see those and share them with Planning Board Council. The language that is going to be filed with preserving the two large pieces, will need to have a letter stating from Mr. Moak, that he is agreeable to accepting that property and becomes part of his farm. The larger wetland parcel to the south will become part of the senior apartments and will be all one parcel. The town will own the stormwater management with two access points. The sidewalk will be provided and connect to the school and to the neighboring neighborhood.

The number of parcels to the rear of those homes will get additional acreage and those people were willing to accept that property.

Chris Meyer explained that I will make sure that all these parcels get merged and filed before the final approval. The deed descriptions will be prepared, drawn and executed for your review at the same time that the maps get signed.

Ms. Weston explained that after they get the preliminary approval for the rezone, you go back to the Town Board and they will give you a conditional rezone to Country Hamlet. Then you will come back to the Planning Board for final approval.

In preparation of preliminary plans the developer should also be indicating the architectural appearances of building types, street landscape drawings, and parking layout and landscape concepts.

There was discussion on whether or not they got concept approval.

Ms. Weston mentioned that there was no approval because this Board could not give it without the roads meeting the standards. You will need to give us the information along with the Conservation Easement language, when you come back again.

Chairman further explained that you will need to get us the actual language so I can get that to the Planning Board Attorney and sit down with her and review it.

Chairman added that I feel that we made sure that we met the intent of the Country Hamlet zoning and felt that it did and the way the open space is set aside it does meet the intent.

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Terry Coburn explained that basically tonight we are saying that this is good what you have shown us.

Ken Johnson, Delaware Engineering, explained that the Town Highway Department has no objection, and Water and Wastewater Department has no objection and the Guilderland Fire Department and has no objection. You will need to provide us the language for the Conservation Easement for review, language for the properties along Neilson Road and finish up the SWPPP and any comments you may have from Albany County Department of Works.

Chairman stated that the next step will be the provisions of those things and then we can schedule you for preliminary approval in June. Then you will go back to the Town Board for your final rezone and final approval.

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MEETING ADJOURNED: 9:30 P.M.

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**TOWN OF GUILDERLAND  
PLANNING BOARD**

**MAY 13, 2015**

**WAGNER – Old State Road**

**PIGLIAVENTO – 2963 Curry Road Ext.**

**PRICE CHOPPER – Hamilton Square**

**BLACK CREEK RUN (Dutchman Acres)**

**ROBINSON'S – 1890 Western Avenue**

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**05/13/2015**

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