

TOWN OF GUILDERLAND
PLANNING BOARD

June 10, 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
Theresa Coburn
Bruce Sherwin
James Cohen

Jan Weston, Town Planner

ABSENT: Michael Cleary

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.

SPOOR – 10 Frenchs Mill Road

Chairman Feeney announced that this was a concept presentation to cut an additional building lot from this 2 acre parcel. Zoned Local Business. Stephen Walrath presenting.

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

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Spoor – 10 Frenchs Mill Road - 10 Frenchs Mill Road

The applicant would like to cut a 25,000 sq. ft. parcel off his present home site. The property is zoned Local Business, being formerly part of the Bavarian Chalet property, and the proposed lot meets the requirements of that zone. The land is adjacent to the Mill Hollow condo project. It is wooded and slopes from Frenchs Mill Road westward. Public utilities are all available. I have no objection to concept approval but suggest that the 6 residential properties that are zoned LB be rezoned back to a residential district.

This is a final hearing to allow the applicant to cut a 25,000 sq. ft. parcel off his present home site. The proposed lot meets all the requirements for the zoning district, and will be serviced by public utilities and the GCAC found no significant environmental concerns. No planning objections.

Stephan Walrath, Land Surveyor, is presenting. We have a parcel approximately 2 acres in size and would like to do a 2 lot subdivision. There is one lot with the existing house on it and is about 63,000 sq. ft. lot and the new lot will be a little over 25,000 sq. ft. It meets all the zoning requirements and is serviced by public utilities.

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Chairman asked if the intent is to build a new single family house. Mr. Walrath said yes.

Chairman asked if there will be any deed restrictions seeing that it is zoned Local Business.

Thomas Spoor explained that we don't have any intentions, at this time, to develop that lot. I would have a big concern too. Whoever I sell the land too, I would like to know what their plans are.

Chairman explained that could happen without some sort of legal restriction. Right now it is zoned Local Business. Your existing home will still be zoned Local Business. That is the issue here.

Ms. Weston stated: The only thing that you should consider, since you are not planning on doing anything yet, is once you subdivide, it will be assessed as a building lot. You may want to talk to the Assessor about the implications of the lot being a commercial building lot. The taxes will go up significantly.

Chairman explained that it would be marketable as a residential lot verses Local Business. We could make a formal recommendation that the Town Board consider rezoning the property.

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

Nick Issacs, 28 Frenchs Mill, mentioned that we did not know what the zoning was. If he wants to subdivide it for a new residential lot, I would have no concerns but keeping it zoned LB would be a concern.

Chairman entertained a motion for concept approval in the matter of Spoor, 10 French Mill Rd., to cut an additional building lot out of a 2 acre parcel, so moved by Thomas Robert, seconded by James Cohen and carried by a 6-0 vote by the Board.

KIT KAT ENVIRONMENTAL – 100 Trillium Lane

Chairman Feeney announced that this was a concept presentation to create one additional building lot and modify the lot lines of two existing lots. Zoned BNRP. Hank LaBarba presenting.

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

Kit Kat Environmental - 100 Trillium Lane

This is a concept presentation to subdivide an existing residential lot into two lots. In addition existing lot lines would be slightly re-arranged to provide road frontage to 300 Trillium Lane and add to 200 Trillium Lane, which is zoned BNRP, to provide additional parking. I have the following comments:

- The existing house on School Road , presently zoned R40, would become non-conforming at 15,000 sq. ft. and require an area variance. However, it is in keeping with the surrounding R15 district.
- The largest issue is the access to Schoolhouse Road. This proposal creates frontage for a currently land locked parcel but creating more curb cuts on this curve is a problem. The County had already stated that they would like all the lots to be able to use the existing Trillium Lane.

No objection to concept approval if the access issue can be resolved.

Hank LaBarba presenting: Seven years ago we proposed at that time a 12 lot subdivision, but decided not to do that. We still own the remaining properties. Lot B, is Kit Kat Environmental Realty, and the lot on 159 Schoolhouse Road now consist of 1 acre. The subdivision before you tonight is taking the lot on 159 Schoolhouse Road and making it a 15,000 sq. ft. lot. Then taking the remaining land of the 1 acre parcel and adding it to some land to 300 Trillium Lane. Therefore, we are creating a lot behind 159 Schoolhouse Road.

The non-conforming use is 15,000 sq. ft., zoned R40 and we will need an area variance.

In doing all of this, 300 Trillium Lane is landlocked and doesn't have road frontage, therefore we came up with this configuration to give it 20 ft. of road frontage on Schoolhouse Road. Parcel C currently is existing lands off 159 Schoolhouse Road that is going to become part of Parcel D. The bottom line is we are not building any roads and we would like to have an easement in place so all the parcels can access the paved Trillium Lane.

Herb Hennings wanted to know if there will be a triple curb cut onto Schoolhouse Road.

Mr. LaBarba explained that we will not be building any driveways or any paved areas. It is just going to be 20 ft. of road frontage.

There was further discussion about the easement for Parcel C.

Mr. LaBarba explained that it will be right off Trillium Lane.

Chairman stated: You will need to show where those easements are. I am assuming that road will not meet the new NYS Fire Code Standards. The road is very narrow and you will need to comply with the standards. We have an existing non-standard situation.

Ms. Weston added that it does not meet town road standard. It is part of the SUP application and the Zoning Board should answer any questions.

Chairman wanted to know if it is going to remain residential and if it would need to be rezoned for the commercial parking in a residential site.

Mr. LaBarba stated that they will need additional parking for the business for any potential clients. We will not be impacting anything.

Chairman asked if there are any comments from the neighbors who have any questions.

James Murray, Kaine Drive, asked about the use of the residential parcel, rezoning it to commercial for extra parking if needed.

Chairman stated: the only proposal would be to just give more land to that triangular piece and no proposal for development.

Chairman wanted to know if there is an application in to the Zoning Board.

Ms. Weston explained yes there is application for a variance for the front lot and a SUP amendment for the parking lot expansion.

Chairman stated that you will need to show us what is in front of the Zoning Board on the plans.

Chairman stated: We will need to see the driveway easements for Parcel D location, and all access easements to be shown and details of how the driveway will conform to NYS Fire Code standards.

Chairman entertained a motion to approve the concept plan for Kit Kat Environmental - 100 Trillium Lane, so moved by Terry Coburn, seconded by James Cohen and carried by 6-0 vote by the Board.

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ONDERDONK – 53 Hanley Lane

Chairman Feeney announced that this was a concept presentation of a proposed 2 lot subdivision of 2.1 acres. Zoned R-40. Christina Onderdonk presenting.

Jan Weston, Town Planner, read the comments of the Planning Department as follows; The applicant would like to subdivide their existing 2.1 acre parcel in half, creating one additional building lot. The site is at the end of Hanley Lane which starts as a Town Road but is reduced to a private lane at the point of these proposed lots. The rear of the property is steep ravine and the angle of repose is shown for the proposed new lot. I have the following comments:

- Generally every new lot created should own 20 ft. of access to a public road. In this case it would be impossible to achieve because the public portion of Hanley Lane is not the standard 60 ft. right of way and there is an existing garage that would prohibit the 20 ft access where Hanley becomes a public road. The Highway Department currently plows the full length of the lane and the Superintendent is going to review the situation and determine whether it would make sense to extend the Town's ownership. If this is feasible, each lot may have its own frontage.

- The driveway should be upgraded to meet current building codes for emergency vehicle access.
- Given the proposed layout, the existing house would be located on a property line. However, it is the applicant's intent to demolish this house once a new house is built. Any approvals would have to be conditioned on that demolition. A new building envelop should be shown for that lot.
- The site is serviced by municipal water but no sewer. The proposed location of the existing and proposed septic field should be shown and located as far as possible from the stream.
- The plan now shows the angle of repose but no the setback from the stream.

I have no objection to the creation of one addition building lot in this location as long as there are adequate building envelopes given the environmental features and that the access issues can be resolved.

Christina Onderdonk presenting: Approximately 20 years my sister and I subdivided and they are our closet neighbor at 27 Hanley Lane. We kept that structure on the concept plan that was provided. That is the house furthest to the right. Currently there is a 25 ft. easement on 27 Hanley Lane for access to the landlocked piece. The goal here would to subdivide to allow for construction for a one family plus in-law apartment. Its meets the Zoning requirements and we had enough acreage to divide that.

Hanley Lane is approximately 14.5 ft. wide which doesn't accommodate for a 60 ft. clearance. All parties currently involved are agreeable if possible to continue the easement on Mr. & Mrs. Bodonowicz property as well as our potential future property and the third lot.

Ms. Onderdonk explained that it is zoned as a 3-family and hasn't been functionally for a while. It is a pre-existing non-conforming 3 family structure.

Chairman wanted to know where the town road ends.

Ms. Onderdonk explained that the town road ends right at the garage at the corner.

Chairman stated: You are proposing to grant an additional 15 ft. easement.

Ms. Onderdonk said yes. The ideal would be to maintain the easement as is. The ultimate goal would be the subdivision now, with the goal of buying the other acre from my father. The development process isn't there now, so I don't believe the 40 ft. width driveway would be necessary at this time.

Chairman asked what is your position on the extension of Town ownership of the road?

Ms. Onderdonk explained that our position would be to maintain as is. That would be our first preference for the ownership to remain as it is with the easement to the second property.

Chairman asked if you will meet the fire code standards. Ms. Onderdonk explained that we have a turn-around.

Ms. Onderdonk explained that we have public water and private septic.

Chairman mentioned that you will need a survey done that will show the angle of repose and the building envelope, and the 100 ft. setbacks from the stream and to show the proposed septic field.

Chairman stated: The applicant would not like to dedicate any property to the town. They would rather keep it private. I would like to see that it does meet the NYS Fire Code, and if anyone in the future buys the house and doesn't want the Town to snow plow the driveways, where is the Town then?

Ms. Weston added: On the demolition of the house, the town will have to have some kind of legal guarantee that that house will be coming down. The Chief Zoning Officer mentioned that they will not issue a CO on the new house until the old was demolished

Ms. Onderdonk stated: I believe that all the parties involved will be willing to sign some kind of contract or a promissory note.

Chairman was willing to entertain a motion to approve the concept presentation for a proposed 2 lot subdivision on 53 Hanely Lane, so moved by Thomas Robert and seconded by Herb Hennings and carried by a 6-0 vote by the Board.

MEETING ADJOURNED: 9:00 P.M.

PLANNING BOARD

June 10, 2015

SPOOR – 10 Frenchs Mill Rd.

KIT KAT Environmental – 100 Trilium Lane

ONDERDONK – 53 Hanley Lane

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