

**TOWN OF GUILDERLAND
PLANNING BOARD**

July 08, 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:

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 April 22, 2015 & May 13, 2015, so moved by Terry Coburn, seconded by Thomas Robert and carried by a 7-0 vote by the Board.

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SPOOR – 10 French’s Mill Road

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

Terry Coburn, Planning Board Member, read the Legal Notice as follows:
The case of Thomas & Donna Spoor will be heard on Wednesday, July 8, 2015 at 7:30 p.m. (approximately) at the Guilderland Town Hall, Route 20, Guilderland, New York 12084 for the purpose of obtaining final plat approval for an unnamed subdivision.

Such development is proposed as two lots cut from 2 acres.

The general location of the site is at 10 French’s Mill Road

The property is zoned: LB
Tax Map # 39.00-2-3.2

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

Dated: June 23, 2015

Stephen Feeney

Chairman

Planning Board

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

Spoor - 10 Frenchs Mill Road

This is the 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, will be serviced by public utilities and the GCAC found no significant environmental concerns. No planning objections.

Stephen Walrath presenting: This is a 2 lot subdivision on 2 acres; one is with the existing house which is approximately 63,000 sq. ft. and the new lot is 25,543 sq. ft. to cut off from the house lot.

Since the last meeting the only thing different is the addition of the street address on the plans.

Chairman stated that is pretty straight forward.

Chairman asked if there are any comments from the Board, and there were none.

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

Nick Vacrich, 28 Frenchs Mill Road, explained that speaking to my neighbors, we all agreed that zoning it as commercial would be detrimental to the neighborhood. I have a letter addressed to Mr. Runion, Supervisor, and suggested to have that property rezoned to residential.

Mrs. Lugo, 22 Frenchs Mill, added that one of the reasons why we are so concerned about not having any businesses in this community, is because we have a sizable pond in the back yard. Having a business with access to the pond, plus neighbors with children, and senior apartments, I feel that it would be detrimental and harmful for the neighbors. I feel that it would be a health hazard and have environmental issues, and concerns about the public safety. I would like to ask you to defer your decision about subdividing the lots until a decision is made regarding the zoning.

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

Chairman had a letter from the GCAC, dated June 5, 2015 and their conclusion read as follows: GCAC does not foresee much, if any, negative environmental impact, if Lot 1 is developed so long as appropriate measures are taken related to storm water management in order to deter any contamination of the pond which is nearby and the Normanskill which is to the west of the property. (On file)

Chairman made a motion for SEQR 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 2-lot residential 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 Terry Coburn, and carried by a 7-0 vote by the Board.

Chairman was willing to make a motion for subdivision final approval for Spoor – 10 Frenchs Mill Road, with the following conditions:

- Town Highway Superintendent approval (for any new curb cut)
- Town Water & Wastewater Superintendent approval
- Albany County Highway Department approval
- \$1500.00 per dwelling unit – Park & Recreation Fund (with building permit application)

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

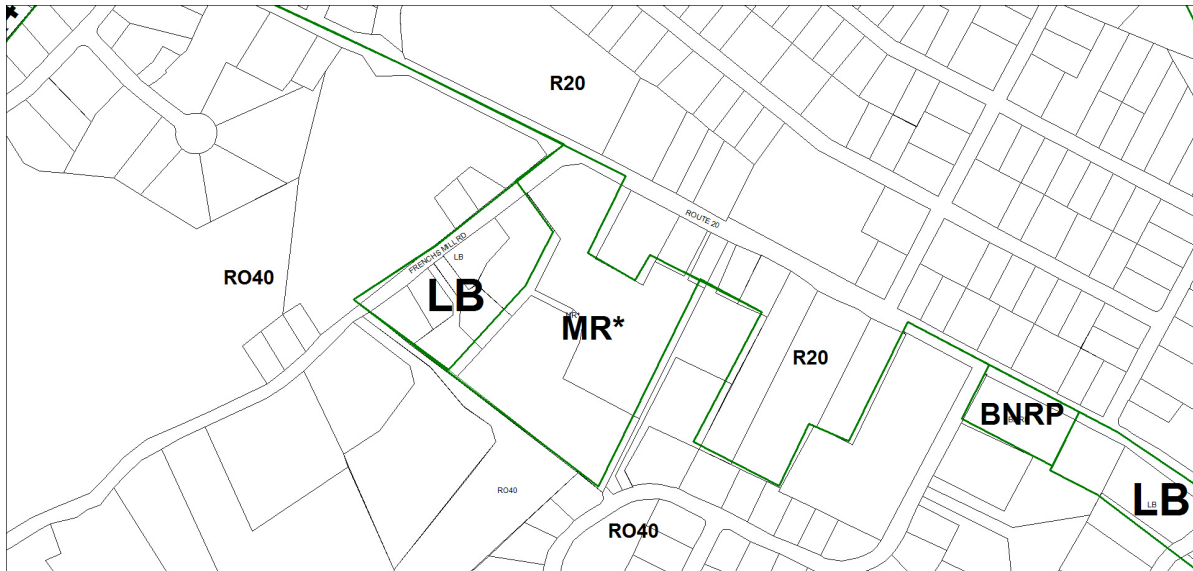
FRENCHS MILL REZONE

Chairman announced that is a Planning Board agenda item making a recommendation to the Town Board, to rezone six properties, along French's Mill Road, from Local Business to R-20, residential.

Jan Weston, Town Planner, read the comments of the Planning Department as follows; There are six properties along French's Mill Road, zoned Local Business, that were once part of the Bavarian Chalet properties. The land has since been sold, subdivided and single family residences constructed on the lots. I recommend that these lots be re-zoned to R-20. Although they are surrounded by RO40 districts, they were developed in conformance with Local Business standards with a minimum lot size of 20,000 sq. ft.

This will bring them into conformity as residential uses, with residential setbacks, etc. and prevent any future commercial encroachment.

The properties include: 10, 20, 22, 24, 26 and 28 French's Mill Road



Ms. Weston added that what will happen is that I will send this to the Town Board with our recommendation and the Town Board will set up a public hearing and every property owner will be notified on the date of the meeting.

There was further discussion about the rezoning Local Business to Residential.

Chairman asked for any questions from the Board and there were none.

Chairman asked for a motion to recommend moving staff's opinion to rezone the six properties from Local Business (LB) to residential R-20, so moved by James Cohen, seconded by Herb Hennings and carried by a 7-0 vote by the Board.

JJE DEVELOPMENT – 3403 Carman Road

Chairman Feeney announced that this was a site plan to allow a personal training business to operate in part of the former Gruelichs building. Zoned Local Business. Fred Metzger Jr. presenting.

Jan Weston, Town Planner, read the comments of the Planning Development as follows:
JJE DEVELOPMENT – 3404 Carman Rd.

The applicant has requested to amend their special use permit to include a personal training business, which will have a separate entrance, in the rear portion of the former

Grulich's site. The Boards have just recently approved the site plan for this site. No planning objections.

Fred Metzger Jr., Land Surveyor, P.C. presenting: The owners, John & Janet Endres would like to add a second business to the building located at 3403 Carman Road. The parcel is located in the Local Business Zone and was the former location of Greulich's Market. They would like to add a second use to the rear portion of the building for their daughter Jamie as a Personal Training Facility. There will be 3 to 6 clients at a time. We already have the approval for the bakery up front, and there are 32 parking spaces plus the four handicaps which would be adequate for both operations.

Chairman asked if you applied for a Highway Working permit

Mr. Metzger said the applicant had taken care of that.

Chairman asked about the landscaping plan.

Chairman stated that this is pretty straightforward.

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

Chairman recommended site plan approval for JJE Development, 3403 Carman Road, seconded by Michael Cleary and carried by a 7-0 vote by the Board.

ROGERS – Guilderland Center Plaza

Chairman Feeney announced that this was a site plan review to allow a dance studio to occupy the front portion of the plaza. Zoned Local Business. Marcus Rogers presenting.

Jan Weston, Town Planner, read the comments of the Planning Department as follows:
Rogers - 457 Route 146

The applicant has requested a special use permit to convert vacant space in the Guilderland Center plaza to a dance studio. The space, on the end cap facing Route 146, was formerly used as a restaurant. All parking and landscaping has been formerly approved as part of the plaza. No planning objection.

Marcus Rogers presenting: I am planning on opening a dance studio in the existing shopping center (Park Guilderland Plaza). No changes to the building or to the access to a town road.

Chairman stated: This is pretty straight forward.

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

Chairman made a motion to approve the site plan review in the matter of Rogers – Guilderland Center Plaza, dance studio, seconded by Terry Coburn and carried by a 7-0 vote by the Board.

NORTHEASTERN FINE JEWELRY – 1575 Western Avenue

Chairman Feeney announced that this was a site plan review to allow an 800 sq. ft. addition to the rear of the building. Zoned Local Business. CZ Design architects presenting.

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

Northeast Fine Jewelry - 1575 Western Avenue

The applicant has applied to amend their special use permit to redo the front facade and to construct an 800 sf. ft. addition in the rear. Because the front entrance will be re-located the existing concrete will be removed and replaced with landscaping. There will be no net change in green space or parking. No planning objections.

Shawn Arndell, CZ Design, presenting: The owner is seeking to improve the existing façade, which has deteriorated over time. He is looking to upgrade the exterior façade and then add a small storage area off the back. The entry will be relocated to the parking lot side of the building, allowing more convenient access to customers. Conceptual renderings have been provided to illustrate the design intent and entry adjustments. The owner is seeking approval for an addition (800 sq. ft. or less.) at the rear of the building. The addition will serve as added office and storage space for the retain establishment.

Chairman stated that this is pretty straight forward.

Chairman entertained a motion to recommend approval to the site plan review for Northeastern Fine Jewelry – 1575 Western Avenue, so moved by Michael Cleary, seconded by Thomas Robert, and carried by a 7-0 vote by the Board.

BLACK CREEK RUN – School Road

Chairman Feeney announced that this was a preliminary review and approval of the proposed Country Hamlet development. Chris Meyer presenting.

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

Black Creek Run – School Road

The applicant is requesting preliminary approval for this Country Hamlet development.

I have appended the components necessary for the approval of a development plan. If preliminary approval is granted the applicant must then go to the Town Board for approval of the rezone to Country Hamlet. This approval will be in the form of a local law which will outline all the design criteria and conditions for the development. Once that is approved, the applicant must come back to the Planning Board for final approval of the subdivision to be filed with Albany County.

In light of this checklist I believe the applicant has complied with all the guidelines except for the table establishing minimum area sizes; width, side yard, frontage, depth, rear setbacks, and other dimensional standards. While there are no minimum bulk requirements, the town's design guidelines should be used as a base. Where the applicant deviates from this model, a table shall be created and included in the development plan. This table will become important in the future as owners begin to want additions, decks, pools, etc.

I recommend approving the preliminary plans, with the following comments:

- I am not particularly comfortable with the open space going to a private owner but can live with it if everyone else is in favor.
- that all comments from TDE have been adequately addressed.
- that the language of the conservation easement be approved by the Town Attorney
- that the table establishing area sizes and setbacks be established on the final subdivision plat.

Ms. Weston stated: Chairman reminded me of the design guidelines for the Country Hamlet Development. This Board feels comfortable that the development is meeting all of the appropriate guidelines.

Chris Meyer presenting: Several years ago we submitted plans to the Board and there were several comments made at the last meeting, and questions about the architectural and other design standards for country hamlet. They are a Victorian type design, two stories, and have the plans showing the placements of the homes and the garages. A restriction will be made stating that any garages within a certain distance of the face of the dwelling will have architecturally designed doors.

Mr. Meyers explained the design of the senior buildings. As you enter the project you will have the senior building on your right and there will be (4), eight twin homes on the left and then there a 300 ft. absence of any homes and then will transition into the single family home.

Terry Coburn wanted to know if there are any garages connected to the senior homes.

Mr. Meyers explained that they will be building a bay of garages detached in the rear of the senior homes.

It was also mentioned about modifying lot 2 & 3 lines and that has been done on the current plan that you have. It was addressed to make it a little more pliable from the angle that it was previously at.

Chairman wanted to know if there was any reason that the rear lot lines of 5, 6, 7, 8 and 9, have a bunch of angles. Are we doing that for a reason? My one suggestion for this property is to make the property line as simplistic as we can so there are not a lot of questions. Why don't we straighten the rear lot lines from lot 10 and lot 5 that meets lot 6 and make them bigger - it will be a straight line across and provide a more readily identifiable protection area.

Chairman mentioned that you could actually include the stormwater management area in the open space calculations; the way the code reads it can be included in open space.

Chairman stated that there are no real common lands. Where the senior housing is proposed, it would be nice to provide a common space area that would make a nice community space that the seniors can enjoy.

Chairman added: The lands that are being proposed, as part of the open space land, the town would now be willing to accept the property. We originally discussed having a HOA, and then suggested maybe approaching a neighboring farmer to use the open space for farming. Would you be receptive to that?

Mr. Meyer was willing.

Chairman stated. We can move forward tonight with my understanding that the town will accept the 14 acres, (approximate) on the north side as an active agricultural uses taking the other property with the conservation restrictions, stating that there shall be no structures built onto it. It's not that they want it but they would want to make sure that it stays in public ownership.

There was further discussion about the land. A question was what use would the town have for this land now since four years ago they flatly turned Mr. Myers/ me down. Now all the neighbors would like it and would be the best stewards of it.

Chairman stated: Apparently, the Town Board changed their minds and we don't know what the town plans are on doing with it. It is all regulated wetlands and the land cannot be filled.

Chairman asked if there are any neighbors here who has any comments about this application.

Heidi Moak, owner of the adjacent property, stated: We are not looking to get free land for us, it is giving ourselves a little more buffer on that side.

Ken Johnson, Delaware Engineering, explained that the only condition I have is to provide the renderings, and language for the Conservation Easement, and language for the property along Neilson Road. The project is located in an Archaeological sensitive area and we will need that sign off from SHPO and approval from Albany County Public Works.

Ms. Weston added: That on the final subdivision map it will need to show all the lots now merging the pieces of land and provide deeds for all those lots and will need to be filed with the maps.

Chairman made a motion for preliminary approval in the matter of Black Creek Run, School Road with the following conditions:

- Town Highway Superintendent approval
- Town Water & Wastewater Superintendent approval
- Albany County Health Department approval
- Albany County Highway Department approval (for any new curbcut)
- \$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)
- Provide table on plans establishing minimum bulk standards to control house construction
- Rear lot lines for lots 5-10 are adjusted to provide more uniform property boundaries.
- Common seating area be provided on apartment parcel.
- Houses be constructed consistent with Architectural narrative renderings submitted.
- Conservation easement language be approved by Town Attorney

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

MEETING ADJOURNED: 9:30 P.M.

**TOWN OF GUILDERLAND
PLANNING BOARD**

July 8, 2015

SPOOR - 10 FRENCHS MILL ROAD

JJE DEVELOPMENT – 3404 CARMAN ROAD

ROGERS - GUILDERLAND CENTER PLAZA

NORTHEASTERN FINE JEWELRY – 1575 WESTERN AVENUE

BLACK CREEK RUN – SCHOOL ROAD

FRENCHS MILL - REZONE