

**TOWN OF GUILDERLAND
PLANNING BOARD**

September 9, 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
Michael Cleary
Jan Weston, Town Planner

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 7/08/2015, so moved by, Terry Coburn, seconded by Michael Cleary and carried by a 7-0 vote by the Board.

The approval of the minutes of 8/12/2015, so moved Thomas Robert, seconded by Herb Hennings and carried by a 6-1 vote by the Board. (Michael Cleary abstained)

WERLING – 768 Route 146

Chairman announced that this was a public hearing of the final plat of a two lot subdivision of .4 acres. Zoned RA-3.

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

The case of David Werling will be heard on Wednesday, at September 9, 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 4.4 acres. The general location of the site is at 768 Route 146. The property is zoned: RA-3 Tax Map # 37.04-2-26

Plans are open for inspection, by appointment, at the Planning Department during normal business hours. Dated: August 18, 2015 Stephen Feeney, Chairman, Planning Board

Jan Weston, Town Planner, read the comments of the Planning Department as follows:
Werling - 768 Route 146

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The applicant received concept approval to subdivide his property into two 2.2 acre lots, one of which contains his present home. The subdivision also required variances from the 3 acre minimum which were granted by the Zoning Board.

I have the following comments:

- Public water is available from the Village but a private septic system would be required and located an appropriate distance from the stream.
- There does not appear to be any sight distance issues but the NYS DOT will have to approve the location of the curb cut.
- The GCAC had no issues as long as the removal of trees was kept to a minimum.
- The limits of grading and clearing should be shown on the final signature plat.
- Details of the driveway and culvert crossing should be shown and meet all NYS Building and Fire codes.

No objection to final approval contingent on the above being adequately addressed.

Chairman stated: We received correspondence from the Village of Altamont, (Subject of Board Approval) a referral form for water letter, stating that the Committee saw no substantial problem with the request. The applicant's plans include possible application for hook up to Altamont Water System. (Letter on file)

The comments of the GCAC, dated August 26, 2015, was referenced at the last meeting and found that there were no major issues except for tree clearing to be kept to a minimum. (Letter on file)

Received a letter from Mrs. Vaughan Simons, dated September 8, 2015 to the Guilderland Town Board, in regards to her concerns with the impact of 768 Rt. 146 subdivision and would like the Town Engineer to considered and evaluate the impact of additional water flow into the large stream. (Letter on file)

David Werling presenting. I would like to subdivide my property into two 2.2 acre lots, one of which contains my existing house on 1.2/4 acre lot. To address Mrs. Simon's concerns and the area which floods is actually in her front yard. The new lot will be set far back and my property will be between the two lots.

Chairman asked if the one lot is in the 100-year flood plain.

Mr. Werling did not think so.

Chairman said that it is in the flood plain and that it will need to be shown on the map.

Chairman also mentioned that you will need to comply with the NYS fire code, since the driveway is going to be over 300 ft. it will include bridges and other supporting structures of the driveway. The culvert will need to support a fire apparatus and you will need to show a driveway and culvert details on the plans and meet the NYS Building and Fire Codes.

There should also be a standard Erosion and Sedimentation Control Plan noted. You are going to want to protect the stream and any down slope water.

Chairman added that we will need the location of the lateral and where you are going to do the water hook-up. The septic system will need the Albany County Health Department approval and will need the Albany County Planning Board response.

Chairman asked for any more comments of the Planning Board and there were none.

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

Chairman continued the vote on the proposed two lot subdivision at 768 Rt. 146.

KENOZEK – 20 STONE ROAD

Chairman Feeney announced that this was a concept presentation of a proposed 2 lot subdivision of 16.7 acres. Zoned RA-3. Mark Blackstone presenting.

Jan Weston, Town Planner, read the comments of the Planning Department as follows:
Kernozek - 20 Stone Road

The applicant would like to cut their house and 3 acres from the remaining 13.6 acres of land. The property is zoned Rural Agriculture - 3 and is surrounded by Met Meld to the west on Ostrander Road, the National Guard Rifle Range to the north and farmland to the east and south. I have the following comments:

- The property is mostly fields with a small pond and it appears that there may be wetlands in the lower section along Ostrander Road. Because of this the applicant has shown a building envelope that would include only the higher ground.
- There are no public utilities here and a well and septic will be necessary.
- Depending on the location of the new house, the driveway will have to be constructed according to NYS Building and Fire codes and the curbcut approved by the Highway Department.

No objection to concept approval.

Mark Blackstone presenting: They would like to cut their house and 3 acres from the remaining 13.6 acres of land. The property is cultivated and farmed and we anticipate doing a proposed driveway along the westerly part of the 3 acre piece, to access that northeast corner. The majority

of the westerly section is very flat and seasonally wet. The other section will be used as agricultural purposes and the DEC wetlands are on the south side of Stone Road.

Chairman asked if you realize that it is in the 100-year floodplain in the lower section and the floodplains boundaries and wetland areas along Ostrander Road should be shown of the map.

Chairman asked about the culverts and will need to see the location on the plans.

Chairman added that the driveway will have to meet the NYS Building and Fire Codes standards and the curbcuts approved by the Highway Department.

Chairman asked if there are any neighbors who would like to comment on this application and there were none.

Chairman entertained a motion for concept approval of Kernozek, 20 Stone Road, so moved by Michael Cleary, seconded by Thomas Robert and carried by a 7-0 vote by the Board.

WRIGHT – 509 Lookout Court

Chairman Feeney announced that this was a site plan review of a proposed in-law apartment. Zoned R-40. Gary Wright presenting.

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

The applicants would like to construct an addition to the existing house for use as an in-law apartment. They are also seeking a variance to allow the apartment to be up to twice the size of the maximum 750 sq. ft. presently permitted in order to meet the residents' needs and to be ADA compliant.

The property has a long, double wide driveway and parking appears ample. No planning objections contingent on the addition not encroaching into the adjacent angle of repose.

Chairman stated: You are asking for a variance up to twice the size of the maximum 750 sq.ft. apartment to a 1500 sq. ft. addition. It does meet the setback requirements.

Chairman asked for any other comments from the Board and there were none

Chairman asked if there are any neighbors who would like to comment on this application and there were none.

Chairman entertained a motion for approval for an in-law apartment of the Wrights – 509 Lookout Court, so moved by Thomas Robert, seconded by Michael Cleary and carried by a 7-0 vote by the Board.

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AUTO ZONE – 1771 Western Avenue

Chairman Feeney announced that this is a site plan review to demolish the former Pizza Hut building and construct an Auto Zone parts center. Zoned Local Business.
Nathan Kernozek presenting.

Jan Weston, Town Planner, read the comments of the Planning Department as follows:
AutoZone - 1771 Western Avenue

The applicant is seeking a special use permit to demolish the vacant Pizza Hut building and construct a new, 7,366 sq. ft. building on the site to be used for auto part store. Until recently the sale of auto parts was not allowed in a Local Business district but the Town Board amended the ordinance last November to include the use, with the condition that no repairs can be done on site and that the building does not exceed 7,500 sq ft.

The proposal will require a minor variance - a 13 ft. setback on the west side of the property where a 15 ft setback is required. There are also two larger variances - a 23.3 ft rear yard setback where 40 ft is required and 25 parking spaces where the 54 are required. I have the following comments:

- In many pre-application meetings, the applicant was asked to move the building forward, in adherence to our design guidelines, and to move the parking out of the front yard. Although it has been moved slightly forward from the earlier sketches, it is still significantly setback from adjacent building and the parking is still in the front.
- As designed, the last vehicle parked near the dumpsters has no room to back out to exit in a forward direction.
- A template should be provided showing how tractor trailer deliveries are made and how they and emergency vehicles can enter and exit the site.
- They are proposing to move the existing curbcut to the east which will require NYS DOT approval. DOT should examine the impact of moving the curbcut closer to the exit of the carwash, where the backup of exiting vehicles can sometimes create a problem. The extension of the curbed island between these two properties will also prohibit vehicles exiting the carwash from veering onto the 1771 property as an outlet.
- There is a lovely, mature tree between this property and the carwash. The landscaping plan shows that this will remain and be protected.
- I've had many discussions with the applicant explaining that because an auto parts store was being added as a permitted use in a Local Business district, it was important that the building look like a retail store and not an automotive repair use. The applicant has made an effort by adding a small peaked roof and breaking up the long walls with vertical columns. The Boards should review the architectural renderings and insure that the building will be in character with local business uses.

- Storm Water management should be reviewed by a TDE.
- ./- I am a little hesitant about the size of this building, which is more than 3 times the size of the previous Pizza Hut building.

Overall, I think an AutoZone could work on this site. However, this plan does not meet our design standards and the location of the curb cut and large truck movements have yet to answered.

John Plante presenting, Langan Engineering, Surveying and Landscape Architecture, D.P.C.. In the original design, as mention, the staffs' comments are shown here on this rendering. I am representing our clients. We would like to try to balance the zoning requirements and the environment around it, plus the setbacks and the operational needs of the tenant. What you see here is what was acceptable to them at the initial stage with their desires for their operations. Like most retailers they like the parking at the front door for easy access for their customers

We did receive the feedback to try and push it up further and centering the curbcut in the middle of the lot. The centering of the curbcut made it impossible to navigate the truck deliever. They would need to get into the site and around the site by putting it in the middle. Frankly, if we could of had maintained the existing curbcut it would be far easier for everybody. But that is impossible. That is why you see the curbcut where it is.

Trying to find another way in and out of here, is dictating where that driveway entrance is. The development team did talk to both neighbors about providing shared access out through the abutting properties.

On the plans today, we are showing a reduction in the parking in front of the building to only one row as oppose to two rows. The driveway is still in this location and they pushed the building closer to the road as much as possible, while staying out of the desire landscape setback of 40 ft. with this parking area. We have pushed it up towards the front. This is where we are with that design.

We have shifted it up, eliminating some parking and pushed it back front the residential property in the rear of the building. We are significantly further away from the existing encroachment. We double the buffer in the back between the developed areas.

Chairman was surprised that there hasn't been any further correspondence with NYSDOT. The last correspondence that I sent them yesterday was a scanned image of what we are looking at. I did speak with a gentleman briefly and so far he has not spoken with anybody from auto zone or from your engineering firm since March. He has the same concerns as before with the driveway radii, truck delivery issues, and spacing to the adjacent driveway. Is there some cross access easement across the rear of the adjoining properties to get out to the town road?

Mr. Plante explained that there is an access easement out to Camp Terrace, the residential street. We will not have the truck access going on the residential street. In order to fit this tenant on this site, and still allow truck deliveries, the turning radius does not work with that driveway location.

Chairman stated that a template should be provided showing how tractor trailer deliveries are to be made and how they and the emergency vehicles can enter and exit the site.

The applicant was asked to move the building forward and to move the parking out of the front yard. You would have more reasonable access for truck deliveries and avoid the variance in the rear.

Chairman stated: I talked with the Department of Transportation to find out what concerns they may have and to see if we can work it out. To see what type of entrance they will approve and then see how your site is going to fit the entrance that they are going to approve.

Chairman asked about the two-on-one rip rap slope running on the backside and along the neighboring property edge. Would you consider some sort of wall, for that is a 50% slope?

Mr. Plante explained that is a normal rip rap slope and that is why we use the rip rap on the two-on-one. We also have a drain along the property line.

There was further discussion about the slope.

Chairman stated: From a planning standpoint, the house back there is pretty close to the back property line and needs to show on the plans.

Mr. Plante said that nothing has changed from the conversations we had. Nothing has changed with the driveway location and it's the same comments they gave us before, which they will work with you when we get the approval.

There was discussion about the landscaping and that there is a mature tree between this property and the carwash, and that on the landscaping plans shows that will remain and be protected. We would also like to see some street trees along the front and the front parking lot will need to be screened.

Chairman asked about the lighting plan, the snowplowing and the storage space.

Chairman stated that you will need to talk with DOT and we will need to have a sit down as a group with them and try to move in a common direction that will satisfy everybody. Also, we'll need to have correspondence from them, and to provide a turning template, and show where the building will be located on the plans. It seems to me that you could have avoided the variance in the back.

Once we have correspondence from NYSDOT, we will make our recommendation to the Zoning Board and then have you move on.

MEETING ADJOURNED: 9:15

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KERNOZEK – 20 Stone Road

WRIGHT – 509 Lookout Court

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