

**TOWN OF GUILDERLAND
PLANNING BOARD**

October 14, 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
Bruce Sherwin
James Cohen
Michael Cleary

Jan Weston, Planning Administrator

ABSENT: Terry Coburn 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 September 9, 2015 minutes, so moved by Michael Cleary, seconded by Thomas Robert and carried by a 7-0 vote by the Board.

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PIGLIAVENTO – 2959 Curry Road1`

Chairman Feeney announced that this was a public hearing on the final plat of a proposed two lot subdivision and amended lot line of 39.5 acres. Zoned R-40. Mark Blackstone presenting.

Thomas Robert read the Legal Notice as follows:

The case of the Raymond & Arlene Pigliavento will be heard on Wednesday, October 14, 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 2 lots cut from 39.5 acres plus amending one existing lot line.

The general location of the site is at 2959 Curry Road.

The property is zoned: Agricultural

Tax Map # 28.00-1-18.1

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

Dated: September 24, 2015

Stephen Feeney, Chairman, Planning Board

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

Pigliavento – 2959 Curry Road

The application has requested final 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. Private water and septic systems will be provided.

No objection to concept approval.

Chairman announced that we received a site inspection summary from GCAC, dated June, 2015, and their conclusions read as follows: GCAC does not see any negative environmental impact of this subdivision. One area of possible concern by GCAC is that in the wooded berm there is an area which appears to have been used to dump old tires. Due to this being a hazard in case they catch fire and also since they may be a breeding place for unwanted insects, GCAC recommends that they be removed. (On file)

Also, correspondence from Albany County Planning Board, dated September 17, 2015, and their recommendation read as follows: Modify local approval to include (1) Notification of the subdivision should be sent to the adjacent Town of Colonie. (On File)

Mark Blackstone presenting: Since the last hearing, we added, as requested, the building envelopes and lot numbers to prepare for this final hearing. The property has been in the family for generations. The concerns about the tires being dumped over to the sides. Clearly, that is something that is not continuing or hasn't been for years.

The only additional identification that was needed to the lot furthest to the right, the vacant lot that becomes a buildable lot, has no plans for the family to sell or to build. It will continue too be used as farm land at this point in time.

Chairman stated: We have two lots and two existing houses, is that right?

Mr. Blackstone explained that there is one existing house on the middle lot. The lot furthest to the west is getting additional land to add depth to it and the larger lot with 28.6 acres is just vacant and will continue to be agricultural.

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

Chairman entertained a motion to close the hearing, so moved by Michael Cleary and Herb Henning's 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 minor nature of creating one additional large building lot on 28 acres.

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

Chairman made a motion for final approval for Piliavento – 2959 Curry Road, with the following conditions:

- Albany County Health Department approval (with building permit application)
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- Town Highway Department approval (for any new curb cut)
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- \$1,500.00 per dwelling unit – Park & Recreation Fund (with building permit application)

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

FILORAMO – 10 Executive Drive

Chairman Feeney announced that this was a site plan review to allow the building to be used as a medical marijuana dispensary. Zoned Local Business. Mark Filoramo presenting.

Jan Weston, Town Planner, read the comments of the Planning Board as follows:
Filoramo – 10 Executive Park Drive

The applicant has requested a special use permit to use a remote building in Executive Park for a medical marijuana dispensary. There is parking available on two sides of the building and no changes to the existing site are anticipated. No planning objections.

John Leja, Co-founder of PharmaCann, LLC , described in an abbreviated version of the full Dispensing and Sale Plan.

The Company is prepared to implement best practices in dispensing science-based medical marijuana products, education, support about medical marijuana to patients and doctors and the local community.

PharmaCann dispensary employees are highly professional. The minimum number of employees we expect at the facility is five and two on-site security. All visitors will be screened and the dispensary will be secure. No person, except dispensary personnel,

registered patients and patient caregivers, law enforcement, Department of Health authorized representatives, inspectors, are allowed on the premises of the dispensary.

The dispensary will be compartmentalized and segregated into the following areas based on function: Waiting/patient receiving area, limited access patient dispensing area, and restricted access and office area (vault)

Mr. Laja further explained the restricted control and access of the patients that comes through the security system. This is not a retail “head shops.” A PharmaCann employee shall escort and monitor such other person (s) while the other person(s) is in the dispensary.

Chairman asked about how many patients during a day.

Mr. Laja explained that it is very difficult to know the number of patients on the program each day.

Herb Hennings asked about the about the security operations and the safety of its employees and patrons. Our security during business hours will include two onsite security personnel and then at all times the facility is monitor.

Mr. Laja said that the dispensary General Manager will ensure that all trash is properly disposed at the end-of-day or as necessary.

Chairman did not see any issues.

Chairman asked if there are any questions from the audience and there were none.

Chairman made a motion to recommend approval for the site plan review for Filoramo - 10 Executive Drive, seconded by Thomas Robert and carried by a 6-0 vote by the Board.

SMOLLEN – 5640 Depot Road

Chairman Feeney announced that this was a continued site plan review for a cold storage building. Zoned Local Business. Jeff Smollen presenting.

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

The applicant has applied for a special use permit to construct a 10,000 sq. ft. storage facility building in the industrially zoned section of Depot Road. In response to the concerns of the Planning Board and Albany County, the applicant has submitted a stormwater analysis, and a wetland delineation.

I have the following comments:

- The County has reviewed the revised plans and deemed the impact to the culvert under CR 208 to be acceptable.
- The curbcut will require Albany County Highway approval.
- 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 plantings should be considered.
- The wetland disturbance is minimal.

No objections to site plan approval.

Chairman Feeney announced that we have correspondence from the Guilderland Department of Water & Wastewater Management, dated October 13, 2015, summary read as follows:

Water available, with pressure limitation, and sewer not available and the applicant should be aware of potential impacts. The applicant has not provided any detailed water reports as to required flow data necessary to facilitate this project. At this time we cannot provide water of sewer service without more information on projects potential impacts. Objections to approvals at this time. (On file)

There is correspondence from Albany County Planning Board, dated September 17, 2015, and their recommendation read as follows: Modify local approval to include: 1. Review by the Albany County Department of Health for waste water discharge. 2. Review by local fire department for adequate access and turn around for emergency vehicles. 3. Review by the Albany County Department of Public Works for design of highway access and assessment of road capacity. 4. Any wetlands disturbance will require notification to and review by the U.S. Army Corps of Engineers for permits under Section 404 of the Clean Water Act. (On file)

Also, correspondence from the Department of the Army Corps of Engineers, dated August 28, 2015, dated August 26, 2015, and they strongly recommended that the development of the site be carried out in such a manner as to avoid as much as possible the discharge of dredged or fill material into the delineated waters of the United States. If the activities proposed for the site involve such discharges, authorization from this office may be necessary prior to the initiation of the proposed work. The extent of such discharge of fill will determine the level of authorization that would be required. (On file)

Chairman asked if they have seen the proposed discharge.

Mr. Smollen said yes they have. Our total disturbance is under a tenth of an acres. a much larger project was being proposed. Originally, there were a number of buildings proposed throughout the site, and this Board had requested that the drainage and stormwater be reviewed as well as the wetland delineation. That has been done. There is six acres of wetlands and the project has been reduced to a single 10,000 sq. ft. cold

storage building for S&L roofing & Sheetmetal, Inc. A buffer is being proposed on the west side of the property towards the other businesses. The eastside of the property is vacant land and wetlands. The wetland disturbances is under a tenth of an acre to accommodate a drive isle and access to an open field in the back.

Chairman asked about the disturbance of the wetlands.

Mr. Cropsey explained that we have jurisdictional determination on hand that we got at the end of August and the permit with the Army Corps and we are under a tenth of an acre.

Chairman added that we have a memo from Water & Wastewater Department and their comment read as follows: Applicant should be aware of potential water pressure limitations in this area. (Memo on file)

Mr. Cropsey knows about the problem with the water pressure.

Chairman stated: You will need to submit a Erosion & Sedimentation Control Plan.

Chairman asked about the truck delivery.

Chairman entertained a motion to recommend approval for Smolen-5640 Depot Rd., with the following conditions:

- Provide Erosion & Sedimentation Control Plan.
- Provide detailed landscape plan (size & type of plantings) to provide screening for residences along Depot Road.
- County Highway approval of proposed access and culvert and any

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

GALLO – 485 Church Rd.

Chairman Feeney announced that this was a site plan review to allow the construction of an in-law apartment. Zoned RO40 Frank Gallo presenting.

Jan Weston, Town Planner, read the comments of the Planning Department as follows:
Gallo - 485 Church Road

The applicant is seeking approval for an in-law apartment. The house and apartment will be new construction and be serviced by public utilities. There appears that adequate off-street parking will be provided but a turn-around should be included to allow vehicles to access Church Road in a forward direction. No planning objections.

Chairman stated: This is an existing home seeking approval for an in-law apartment. There was that one concern turn-around and should be provided to allow vehicles to access Church Road in a forward direction..

Frank Gallo explained that turn-around will be taken care of.

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

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

Chairman made a recommendation for approval for site plan to allow the construction of in-law apartment at 485 Church Road, with the following recommendation:

- Provide turn-around in driveway to allow vehicles to access Church Rd. in a forward direction.

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

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ATHOS – Western Avenue

Chairman Feeney announced that this was a site plan review to amend the existing parking lot and add parking. Zoned Local Business. Sophia Socaris presenting

Jan Weston, Town Planner, read the comments of the Planning Department as follows:
1814 Western Avenue

The applicant would like to create additional parking in their existing lot by reducing the width of the present drive aisles to form an additional row of parking. No new pavement is proposed and the existing fence will be replaced with new fencing. I have the following comments:

- Spaces 47 and 48 should be eliminated as there is no room for a vehicle to back out.
- At present there is on long curb cut on Kraus Road for this parking area. The two proposed drive aisles should be delineated with separate curb cuts to allow for orderly traffic flow.

No planning objection contingent on the above comments being addressed.

Chairman stated: I am assuming you are taking the existing parking lot and just trying to lay it out differently.

Sophie Socaris presenting: We will be reducing the width of the driving aisles and spaces and add 15 spaces to an existing parking for a restaurant.

Chairman stated: You are taking the existing parking lot and will lay it our differently and remove the concrete barrier.

Ms. Socaris said that is correct.

Chairman mentioned that your drive aisle is almost 22 ft. wide and going to be used as a one-way. If they are not angled, they would not function as one-way.

My other comment is that the two proposed drive aisles should be delineated with separate curbed end islands on those two stalls at the end to allow for orderly traffic flow.

Also, it appears that another handicap parking space will be needed.

Chairman asked for any comments or questions from the audience.

James Ryan, 41 Kraus Road, commented about the current gap in the fencing. That has been repaired at least twelve times since I have been there, and until recently, went up to Cosimo's fencing. .

Mr. Ryan suggested putting a permanent fence and a pedestrian gate in there so they stop knocking it down. The fence will be far enough to the east that it blocks the vehicular traffic but still provides pedestrian accommodation.

Mr. Socaris explained that they will put a durable fence in and leave a gate there at the point where the walkway is and the people who want to walk will be able to walk.

Chairman stated: That the location of the fencing is on town property and that should be resolved.

There was further discussion about the parking and the fencing.

Chairman made a motion for site plan approval for the redesign parking lot at 1814 Western Avenue, recommended with the following conditions:

- Provide curbed, landscaped end island along parking stalls 11 & 23 to properly delineate access aisles.
- Extend proposed stockade fence further to the east to block vehicular access to Krause Road, but maintain pedestrian access.
- Provide adequate number of handicapped parking spaces, to comply with building code & ADA requirements. (It appears that one additional handicapped space is required.)

Suggestions:

- Consider installation of NO Parking signs along north side of Kraus Road.
- Location of fencing on town land should be resolved.

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

PINE BUSH SENIOR LIVING – 1 Fletcher Road

Chairman Feeney announced that this is a advisory opinion on rezoning 11 +/-acres from BNRP to PUD to allow for a senior living facility. Thomas Puchner presenting.

Jan Weston, Town Planner, read the comments to the Town Board Members as follows:
The applicant has requested rezone a portion of a 59 acres parcel on Route 155 from BN-RP to Planned Unit Development.

SITE REVIEW

The parcel is in a full protection area of the Pine Bush study area and contains typical Pine Bush soils and vegetation. There is also a ravine that divides the property which has associated steep slopes.

NEIGHBORHOOD REVIEW

To the north are the Nimo power lines and Charles Park, to the west is the Prospect Hill Cemetery, to the south are various local business along Western Ave. and to the east is the Cat's Meow and a chiropractic office and residential uses across Route 155.

COMMENTS

The proposed project consists of a 72 bed assisted living facility, a 48 bed memory care facility, and 96 unit independent living facility and a resource/educational center. All development will be located on the front 11+ acres and the remaining 40 acres is proposed to be donated to the Pine Bush Preserve.

Generally, I feel that this may be a reasonable use of the property and a PUD zone will allow for the flexibility and creativity needed to design a suitable project to overcome the biggest concerns of this site-environmental sensitivity and traffic/access issues.

I recommend that the Town Board consider this rezone request and appoint a Town Designated Engineer in order to start a full review of this application. A PUD rezone should be conditioned on an adequate review and approval of all environmental and traffic issues by a TDE, a positive recommendation of the site plan from the Planning Board and possible offsite improvements such as sidewalks to Route 20. (On file)

Thomas Puchner presenting: Pine Bush Senior Living identified a need for senior housing in this area. As a result, the project is a residential project focus on very specific types of senior housing on 11 acres of the 50.9 acre parcel. The rest will be donated to the Pine Bush. There will be an independent living component which will be one facility on the site and an assisting living facility on the site with shared parking and access. There is also a senior resource center opened to the seniors in the community. The assisting living component of the project will require NYS Department of Health approval which will come after all those approvals have been obtained.

What we are here for today is asking for the Planning Boards recommendation on the rezoning that is currently pending before the Town Board. I have with me the project team, Tim Cassidy, CEO Pine Bush Senior Living, and also Senior Consultant, LLC,

John Kellar, Local Firm of Keller Construction, Partner in Senior Living, and Daniel Hershberg, Hershberg & Hershberg Engineers, Project Engineer.

Tim Cassidy and Dan Hershberg, explained and talked and described the uses about the project and can answer any questions you may have.

Discussion about the wetlands, setbacks and the traffic analysis, stormwater, archeological study, and the environmental assessment and the parking.

Chairman stated: The one big issue is going to be the environmental review because the parcel is indicated full protection by the Pine Bush Commission.

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

Chairman made a motion to recommend approval for the proposed rezone from BNRP to PUD for the Assistant Living Facility, with the following reasons:

- Concur with Town Planning Staff opinion to condition the PUD rezoning on adequate review of environmental issues, site, plan approval, and off site sidewalk improvements to ensure adequate pedestrian/transit access to facility.

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

CLANCY – 1 Fletcher Road

Chairman Feeney announced that this was a site plan review to add on-site parking. Kevin Clancy presenting.

Jan Weston, Town Planner, read the comments of the Planning Department as follows:
CLANCY - 1 Fletcher Road

The applicant is asking to amend his special use permit to create additional parking along side his real estate practice.

The site plan continues to show a parking area in the Town right-of-way and vehicles have to back up into the street. This is less than ideal as the spaces are very close to Route 20 and can create dangerous conflicts with vehicles turning into Fletcher Road. At last request the Boards asked for the elimination of some of this parking and the applicant has placed planters in the area to prevent two spaces from being used. I am not sure how these spaces work in winter when the road is plowed.

The proposed plans show a new parking area that would be accessed by a new curb cut that would only allow one-way traffic. Also, the new parking is shown butting right up to the house without room for wheel stops and there is no buffering shown between the new parking area and the adjacent residence.

Ideally the parking in the Town right-of-way should be eliminated and relocated to a better designed area of the south side of the business. (On site)

Chairman stated that there are concerns with the parking on Fletcher Road and the right-of-way. We recommended to the Zoning Board that you consider to eliminate it and close off two parking spaces closes to Western Avenue.

Kevin Clancy presenting: When I bought the building, we had very limited parking and we had much more visibility on that corner and the walk-in traffic has increased. At peak times, the cars had to park on the road.

Chairman stated: You are trying to add five spots to the left of the garage. The entrance would be able to accommodate a two-way traffic. Without encroaching on the neighboring property, don't you have some flexibility to increase the driveway width to the north towards Western Avenue.

Mr..Clancy explained that I won't be able to do that. The driveway has to be right on that 20 ft. setback from the neighbors which gives us 36 ft. between the building. A car will be able to drive out and turn in and back out so it will be coming right out to Fletcher Road.

Chairman stated: you will need to show a proposed landscape screening to buffer adjoining residence. You will need to draw something to scale.

The proposed parking along the side of the building should show a minimum setback to protect the side of the structure.

Chairman made a motion to recommend approval for the site plan review for Clancy – 1 Fletcher Road, with the following conditions:

- Clearly indicate location & dimensions of access drive aisle for parking area.
- Pull proposed parking away from structure.
- Show proposed landscape screening to buffer adjoining residence.

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

MEETING ADJOURNED:

**TOWN OF GUILDERLAND
PLANNING BOARD**

October 14, 2015

PIALIAVENTO – 2959 Curry Road

FILORAMO – 10 Executive Drive

SMOLEN - 5640 Depot Road

GALLO – 486 Church Road

ATHOS – Western Avenue

PINE BUSH SENIOR LIVING – 145 New Karner Road

CLANCY – 1 Fletcher Road