

**TOWN OF GUILDERLAND  
PLANNING BOARD**

**January 27, 2016**

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  
Michael Cleary  
Theresa Coburn  
Bruce Sherwin

Jan Weston, Planning Administrator

ABSENT: Herb Hennings

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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 12/9/2015 so moved by Terry Coburn, seconded by Thomas Robert and carried by a 6-1 vote by the Board.

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**TYMCYCH – 5800 Ostrander Road**

Chairman Feeney announced that this was a public hearing on the final plat of a 2 lot subdivision of 51.9 acres. Zoned RA-3. Richard Reilly presenting.

Terry Coburn read the Legal Notice as follows:

The case of Virginia Tymchyn will be heard on Wednesday, January 27, 2016 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 development is proposed as a 2 lot subdivision of 51.9 acres.

The general location of the site is at 5800 Ostrander Road.

The property is zoned: RA-3

Tax Map # 50.00-2-9

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

Dated: December 30, 2016

Stephen Feeney, Chairman, Planning Board

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

Tymcych - 5800 Ostrander Road

The applicant has requested final approval to cut the existing home along with 2 acres from the remaining parcel. All additional information requested by the Planning Board except floodplain has been added to the plat. No objection to final approval.

Chairman stated that this is pretty straight forward. You are cutting out just the one existing residential parcel, and this will be a one time 2 acre lot exemption. The one question that came up the last time regarding the water course and ponds, is that they are in the floodplain.

Richard Reilly stated: It shows up on the USGS Maps that there is a water course running between the three ponds. Two of which are on this parcel and one on the parcel immediately to the north. We did add the watercourse but did not add the setbacks off that watercourse and the floodplain boundaries. That will be added to the map.

Chairman stated: The GCAC site review, dated December 19, 2015, conclusions read as follows: GCAC has no objection to this subdivision. (On file)

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

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

Chairman entertained a motion to close the hearings, so moved by Terry Coburn, seconded by James Cohen, and carried a 6-0 vote by the Board.

Chairman made a motion for approval for SEQR determination in the matter of Tymcych – 5800 Ostrander Road, 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 by the comments of the Guilderland Conservation Advisory Council, and the minor nature of a 2-lot subdivision of 51.9 acres and by the environmental short form which the applicant has filled out.

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

Chairman made a motion for final approval for the proposed two lot subdivision on Ostander Road with the following conditions:

- Town Highway Superintendent approval (for any new curb cut) Albany County Highway Superintendent approval (for any new curb cut)
- Albany County Health Department approval (with building permit application).
- \$1,500.00 per dwelling unit – park & recreation fund (with building permit application)
- Provide 100 ft. stream setback buffer on plans.
- Provide 100-year floodplain boundary on plans.

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

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JTR Realty – Fuller Station Road

Chairman Feeney announced that this was a concept presentation of a proposed 60 lot clustered subdivision of 100 acres. Jamie Easton presenting.

Jan Weston, Town Planner, read the comments of the Planning Department as follows:  
JTR Realty – Fuller Station Road

The proposal involves two parcels, each containing an existing home, that total approximately 100 acres, with 60 proposed lots. The land is generally flat with multiple fingers of wetlands throughout and a stream that connects the State wetland between Carman and Fuller Station Roads with the Watervliet Reservoir. The applicant is interested in doing a cluster or conservation subdivision, the first step of which is to determine the number of lots that would be approvable in a conventional design.

The conventional plan shows various road crossings of the wetlands but does not include an estimate of wetland disturbance which it should. Using a general standard of a reasonably usable building lot I would eliminate lots #3, #21 (which is also a keyhole) and #59. I would consider lots #4 and 36 very marginal. The conventional design also does not show the existing houses which should be included as existing building lots.

There are many other issues that will need to be considered in reviewing a concept for this proposal such as the availability of utilities, stormwater management and the amount of wetland disturbance. However, at this point the applicant is mostly interested in the number of lots allowed. In my opinion, that number will be between 50 and 55 depending wetland disturbances and how much usable open space will remain to meet the requirements of a conservation subdivision,.

Chairman stated: The only correspondence that I received is from Mark Bianca, dated 1/27/2016, and he is concerned about the traffic entering and existing via Fuller Station Road, and suggested another entrance on West Old State Road, and wanted to know if there will be any open space for kids to gather. (On File)

James Easton, MJ Engineering, presenting: I am here tonight to go over the maxed density plan to this first concept subdivision. I would like to get the Planning Board's feedback on the maxed density and the general layout of the proposal.

This parcel is zoned R40 and we are not sure if we are going to go through a clustered or conservation subdivision based on the number of lots. The wetlands were flagged and a maxed density map was submitted. The Army Corps of Engineers and DEC has walked the site. DEC has taken jurisdiction of the smaller wetlands and Army Corps Engineers will have jurisdiction over the rest of the wetlands.

Mr. Easton explained that we did show on the map the 100 ft. buffer from the intermittent watercourses and the 35 ft. setback from the existing wetlands. After all this was done, it was decided how many lots that we could feasibly get in here.

Ms. Weston gave us a range of 50-55 lots that would be buildable lots depending on wetland disturbances and how much usable open space will remain to meet the requirements of a conservation subdivision.

Mr. Easton further explained that we are not sure if we will go to a cluster subdivision or a conservation subdivision based on the number of lots. The lots in this zone, would be a minimum of 80 ft. in width, and 15,000 sq. ft. in size. We are proposing something larger and the lots would be 100 ft. width by 200 ft. in depth, and 20,000 sq. ft. lot size, and 30% over what a cluster subdivision is allowed for this zone.

We would have connections out to Old State Road and Fuller Station Road and will be service by public water and public sewer. We did walk with the Guilderland Conservation Advisory Committee while they were doing the site review and walked a majority of the site. I tried to keep as much of the wetlands not impacted and estimated less than an half acre of wetlands. The disturbance would be estimated about 1.5 acres of wetlands that have to be disturbed underneath the maxed density plan verses the conservation plan. We would be underneath one-half acre of wetland disturbance.

Mr. Easton added: With the proposed subdivision, we are currently right now showing the lots going back 200 ft. and do show areas roughly about 35 acres of the 80 acre parcel being in a HOA. Whether the town wants to do that in a HOA or have larger lots with deed restrictions is something that needs to be decided. What we really want to show in this plan is that we can have a 100 by 200 ft. useable lot for someone to build a house, pool and shed on and not worry about wetlands and then we can deed restrict or put in a HOA and the rest be in a forever wild.

Chairman stated that you can't ignore the existing houses when you lay out your conventional layout. I am assuming that house is not being taken down; therefore any conventional layout should be shown with those two structures in mind.

Mr. Easton added that lot #24 was not shown on the plans, is the existing home and the other building we will just tear it down.

Chairman stated that on the maxed density parcel we will need a layout that accommodates both of those structures. Also, you will need to calculate the wetlands disturbance and to show the stormwater management facility areas on your layout. We will get a sense from our TDE what is a reasonable size and how much of this size be taken up by stormwater management areas.

You will need a 60 ft. right-of-way shown to the piece to the south on Old State Road.

Terry Coburn asked about the lots behind 4, 5, 6 and 7?

Chairman explained that they are landlocked parcels and belong to the adjacent neighbors.

Ms. Weston added that you will need the 100 ft. setback from the DEC wetlands and that should be shown.

Michael Cleary asked about at the corner of W. Old State Road and the existing houses and how far away they are from the proposed subdivision and should be shown on the plans.

Chairman stated that we would look at whole layout. There is a lot of wetland impact along the northern cul-de-sac and that is typically something that we would not allow to have. Along with the maxed density, you will need to try to limit around the wetlands. You will need to come back with a layout that would include the homes, stormwater management and any appropriate right-of-ways set aside, and lots like 3 and 4 is limited as to what one can have there with the setbacks.

There was further discussion on whether we would go from a cluster or conservation subdivision.

Chairman stated: It should be noted that there is an adjoining farm that is in the Agriculture District and clear notification to any potential landowner that you are buying a home adjacent to a farm.

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

Chairman asked if anyone from the audience who would like to address this application.

Chris Connor, 6974 Fuller Station Road, mentioned that the public water stops at Williamsburg and then continues again at Old State Road, are we going to continue that service line. Also, concerned about the impact of the traffic and the speed limit.

Chairman stated: About the public water lines. we usually don't like them in the middle of fields because we need to get to it. My sense would be if they are servicing this, then we would be looking for public line with public access and usually in the right-of way.

Also there will be a traffic report done and the two access points will be one at Fuller Station Road and the other at Old State Road.

James Cohen asked about if there are any talks about the land across the road being developed. Mr. Easton did not know anything about the land across the road.

Chairman added that he would like to walk himself, and would also like to have some sense about where the utilities will be coming from.

Mr. Easton stated: I have not talked to the Town Engineer and will need to sit down with them to see where the strengths and weaknesses are within the system.

The Planning Board continued the hearing on a proposed clustered subdivision on Fuller Station Road with the following to be addressed:

- Existing homes should be incorporated into plan
- The 100 ft. setback from DEC wetlands
- Stormwater management area(s)
- Right-of-way (paper street) access to adjoining lands to the south
- Eliminate any marginally buildable lots.
- Location of adjacent homes should be shown

Concept approved

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**A & B Western Salon – 2020 Western Avenue**

Chairman Feeney announced that this was a site plan review to allow the building to be used as a beauty/salon/spa. Yanyun Xie presenting.

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

**A & B Western Salon – 2020 Western Salon**

The applicant is seeking a special use permit to use the existing building as a beauty salon and spa. The building, on the corner of Western and Cornell Avenues has formally been used as medical offices and there is one apartment in the building.

There are 35 parking spaces on site which just meets the current requirement for the proposed use. The applicant states that their hours will be from 10am to 10 pm and that there will only be 2-3 employees. The employee counts seems low for this size building and the use, but the bigger issue is that the adjacent restaurant, Mezza Notte, has a 15

year lease to use this parking lot after 5 pm. I could not find a specific number of spaces to be leased but believe that the restaurant has rights to any and all of this parking.

This is a legal issue that needs to be sorted out before the Town can adequately review the appropriateness of the use on this site.

Victor Gagliardi, Owner of 2020 Western and 2022 Western Avenue, stated: My brother was the physician who had that space prior to his death. It's been a medical facility for about 30 years, and has certain abilities in it that limits the type of facility that would go in that space.

The 35 parking spaces, I don't know where that came from. The parking lot has 40 spaces and is has always been that. Of the 40 spaces, Mezza Notte, uses 25 parking spaces closet to the restaurant..

Michael Cleary wanted to know what is being proposed now and are the offices there now and will the medical people be staying?

Mr. Gagliardi explained that they will be using the offices upstairs at 2022 Western Avenue. There are two and they each have one room to see people and will be using the same parking lot. The size of space that will be used by the salon will be 1800 sq. ft. out of the 2500 sq. ft.

Chairman also mentioned that on our plans it shows 35 parking spaces and that is what we are going by. It is not clear on what part of the building you are trying to lease to the new tenant. You will need to modify the site plan to more clearly identify the portion of the building to be occupied by the tenant.

Chairman asked that the space of the building that was occupied by your brother is going to be occupied by the Spa and the other tenants will stay.

Mr. Gagliardi said correct.

Michael Cleary had no problem with the parking, but we do not have any details and will need to know how many parking spaces the other tenants use. The application is confusing and need clarification.

Chairman entertained a motion in the matter of A&B Western Avenue, 2020 Western Avenue, recommend approval with the following conditions:

- Modify site plan to more clearly identify: the portion of the building to be occupied by the salon; identify the other tenants in the building; and, the parking lot layout and number of existing spaces.
- Employees shall be licensed as required by N.Y.S.
- No parking for the business permitted on Cornell & Sumter Avenues.

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

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**ADAMS – 7 Lenann Drive**

Chairman Feeney announced that this is a site plan to allow a 780 sq.ft. in-law apartment.

Jan Weston, Town Planner, read the comments of the Planning Board.

This is on Lenann Drive off of Depot Road, and the applicant is applied for a  
The applicant has applied for a special use permit to construct an in-law apartment. The  
addition will also require a 2 ft. variance from the side yard setback. There is a single  
width driveway that could accommodate addition parking and the side yard variance is  
adjacent to a paper street that is unlikely to be developed. No planning objections,  
however, the applicant might want to consider widening the driveway to allow for  
multiple cars to have direct access to the street.

Chairman stated that this is pretty straight forward.

Michael Cleary made a motion to approve site plan approval in the matter of Adams –  
7 Lenann Drive, for in-law apartment, seconded by Terry Coburn, and carried by a 6-0  
vote by the Board.

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MEETING ADJOURNED: 9:00 P.M.



**TOWN OF GUILDERLAND  
MEETING NOTICE**

**Wednesday, January 27, 2016**

**TYMCYCH - 5800 Ostrander Road**

**JTR Realty – Fuller Station Road**

**A & B Western Salon – 2020 Western Avenue**

**ADAMS - 7 Lenann Drive**