

**TOWN OF GUILDERLAND
PLANNING BOARD**

March 23, 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
Herb Hennings
Michael Cleary
Theresa Coburn

Jan Weston, Planning Administrator

ABSENT: Bruce Sherwin

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 February 24, 2016, so moved by Terry Coburn seconded by Thomas Robert and carried by a 6-0 vote by the Board.

KERNOZEK – 20 STONE ROAD

Chairman Feeney announced that this was a public hearing on the final plat of a proposed 2 lot subdivision of 16.7 acres. Zoned RA-3. Mark Blackstone presenting.

Terry Coburn read the Legal Notice as follows:

The case of Eileen Kernozek will be heard on Wednesday, March 23, 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 subdivision is proposed as 2 lots cut from 16.7 acres.
The general location of the site is at 20 Stone Road.

The property's zoned: RA-3
Tax Map # 61.00-1-1.1

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

Dated: March 14, 2016
 Stephen Feeney, Chairman, Planning Board

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

Kernozek - 20 Stone Road

The applicant is seeking final plat approval 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 MetMeld 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 the location of the floodplain and a building envelope that would include only the higher ground.
- There are no public utilities here and a well and septic will have to be approved by the Health Department.
- Depending on the location of the new house, the proposed driveway will have to be constructed according to NYS Building and Fire codes and the curbcut approved by the Highway Department.

No objection to final approval.

Ms. Weston added that public water is available.

Chairman noted for the record: Received correspondence from Albany County Planning Board, dated March 17, 2016 and their recommendation read as follows: Modify local approval to include:

1. Any new access to CR 201 from the newly created 13 acre lot will require review by the Albany County Department of Public Works for design of highway access, assessment of road capacity, and drainage.
2. The land owner of the subdivision should notify purchasers of the lots that they must prepare a SWPPP for erosion and sediment control, if construction will disturb more than one acre of land.
3. Before building permit approval for the residential use on the 13 acre lot, the location of the septic system should be evaluated by Albany County Department of Health. (On file)

Received a memo from Timothy McIntyre, Superintendent, Dept. of Water & Wastewater Management, dated March 18, 20-16, and read as follows: Water availability to proposed lot is questionable. Static main pressure in this area is approximately 50 psi. Based on the conceptual plan, home is a sizeable distance from the road and elevation has to be taken into account. Owner should have engineer verify elevation and distance calculation to ensure adequate pressure above 35 psi is attainable, upsizing of service line recommended. Installation of meter pit will also be required. (On File)

Chairman stated: On your plans you are not showing us the limits of disturbance and that needs to be shown on the final plat if you are going to stay under an acre.

Mark Blackstone stated: I will add a note to reflect that and provide the limits of disturbance area to provide clarity with regard to that one acre threshold .

Mark Blackstone added that for the other question of upsizing the service line for adequate pressure, a note will be added to reflect the necessity to provide engineering calculations relative to making certain the water pressure is 35psi or greater at the point of time the building permit is requested.

Chairman added that you will need the Town water and wastewater approval and will need approval for adequate water pressure from Mr. McIntyre.

Mr. Blackstone explained that we added the zoning information, and provided a driveway cross-section, and the 100-year floodplain, and the culverts, and added the existing proposed water service and septic system for the proposed house. We will also add on the note that any purchasers will be put on notice that water might be available.

Chairman would like a note on the plat to make reference that the driveway will have to be constructed according to NYS Building and Fire Codes and the curbcut approved by the Highway Department.

Mr. Blackstone mentioned that he will need a notation that the pavement aspects are currently optional depending upon the revisions.

Chairman asked if there was any active farming around there and there was not.

Chairman asked if there is any one from the audience who would like to address this application and there was none.

Chairman entertained a motion to close the hearing, so moved by Michael Cleary and seconded by Herb Hennings and carried by a 6-0 vote by the Board.

Chairman made a motion to approve the SEQR Determination for Kernozek – 20 Stone Road, 2-lot subdivision, 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 applicant mapping the floodplains and maintain a separation and distance from the watercourse, and the minor nature of one additional lot and by the environmental short form which the applicant has filled out.

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

Chairman made a motion for final approval for the 2-lot subdivision, with the following conditions:

- Albany County Health Dept. approval (with building permit application)
- Town Water & Wastewater Superintendent approval
- Town Highway Dept. approval (for any new curbcut)
- \$1,500.00 per dwelling unit – Park & Recreation Fund (with building permit application)
- Note on the plat that the driveway will comply with NYS Fire Code construction standards.
- If connecting to Town Water, an engineer's report regarding the adequacy of water pressure.
- Add limits of disturbance area to plat and a note regarding possible need for a SWPPP

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

DAVIS – MILLARD LANE

Chairman Feeney announced that this was a concept presentation of a proposed 2 lot subdivision of 49 acres. Zoned R40. Brendon Davis presenting.

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

Davis – Millard Lane

The applicant has submitted a subdivision application to cut a 1.25 acre building lot from a 39 acres parcel. The land is generally flat with some sandy knolls in the front and rear and is heavily treed with the exception of the three existing building sites. I have the following comments:

- Millard Lane is a private, graveled road shared by three existing homes. There is a fourth approved building lot that is currently vacant. The roadway has a full 60 ft. right-of-way which could eventually be upgraded to a Town road.
- If approved, this new lot would be 5 potential houses sharing a private driveway. The driveway will have to be constructed, or upgraded, to meet Building Code and I have asked the applicant to get a letter from the Fire Department to see if they have any concerns. The applicant will also have to submit a shared access and maintenance agreement. I have counseled the applicant that the threshold for the number of lots sharing a driveway has probably been met and any future development using this right-of-way would most likely require an upgrade to Town standards.
- This area does not have access to Town water or sewer but the soils are sandy and there has been no reported problems to obtaining potable well water. Wells and septic must obtain Albany County Health department approval.
- The property is in a full protection area of the Pine Bush Preserve and their comments have been received. To minimize potential impacts, native pine bush landscaping should be promoted.

No objection to concept approval contingent on a positive review by the Fire Department.

Chairman stated: that we received correspondence from Earle C. Bascom, dated March 23, 2016, expressing some concerns regarding the subdivision. Is there sufficient access to the proposed new parcel and structures that may be erected on the property for emergency services, and does the proposed subdivision have an impact on the forever wild designation and a buffer to the Pine bush preserve? Also, has an environmental impact study been performed to address the impact of the subdivision? (Letter on file)

We received correspondence from the Albany Pine Bush Preserve Commission, dated March 7, 2016, stating that they are not endorsing the project and the letter explains some of their general concerns. (Letter on file)

Also, correspondence from GCAC, dated March 19, 2016, and their conclusion read as prior to finalizing the plan for excavation, consideration should be given to retaining as much as possible of the ridge or dune. (On file)

Brendon Davis addresses some of the concerns. To my understanding along with the Pine Bush letter, they were not necessarily in opposition and have asked us to maintain the normal vegetation that is there.

Mr. Bascom's asked about the letter referring to the environmental impact study. This is the first time I heard about that.

Chairman explained that you will not need to do an environmental impact study.

Mr. Davis added that we will include a topography map. Between the lands of Weglinski and the proposed lot, we plan on maintaining the ridge as much as possible on the 1.25 acres.

Chairman stated: Our biggest concern is that it is a private road shared by three existing homes. At some point this has to stop. The road needs to be built to Town standards and we have new fire codes and it would need to be designed at a minimum to comply with that section of fire code.

Mr. Davis explained that I have a letter from Chief Bill Fleming and the fire code is 12 ft. wide , 13.6" high and within 500 ft. of the home and there has to be a turn-around.

Mr. Davis added that this is a family parcel and would like to keep it in the family.

Chairman stated that we cannot look at this as a family parcel. There must be something in the existing deeds regarding the rights to pass over the road. Is there any sort of maintenance agreement in the existing deed?

Mr. Davis stated: We had a maintenance agreement drawn up because up until now there has been no issue with the maintenance. I will give you the new proposed agreement for the file.

Michael Cleary asked what is the fifty foot space between Kilmer and Beannell.

Ms. Weston added that I was reading through minutes of the last subdivision that you did, and the Planning Board at that time questioned the 50 ft. and then Mr. Millard did offer to sell that to Mrs. Kilmer.

Mr. Davis explained that Kilmers now own that 50 ft. and it is one parcel.

Michael Cleary wanted to know if we are going to allow them to have this additional lot and not upgrade the road or should they do it now.

Ms. Weston added: The road is ok as long as they do everything that the fire department ask for about the emergency vehicle having a turning area.

Michael Cleary wanted to know if we are going to allow these five lots without the upgrade and to make it clear that five lots is the highest we have ever gone without the upgrading.

Chairman stated: The only upgrade will be that they need to meet the NYS Fire Code now and will need a maintenance agreement that is acceptable by our attorney.

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

Chairman added: You will need to show topography, and the driveway details and a note stating that the driveway will meet all building and fire codes. Also, submit a deed restriction stating there will be no further subdivision on Millard Lane until the driveway is upgraded to Town standards and a shared access maintenance agreement.

Ms. Weston added that the maintenance agreement has to be an actual legal document that can be filed when you file the subdivision file.

Chairman entertained a motion for concept approval in the matter of Davis – Millard Lane, so moved by Michael Cleary, seconded by Thomas Robert and carried by a 6-0 vote by the Board.

MEETING ADJOURNED: 8:30 P.M.

**TOWN OF GUILDERLAND
PLANNING BOARD**

March 23, 2016

KERNOZEK – 20 Stone Road

DAVIS - Millard Lane

