

**TOWN OF GUILDERLAND
ZONING BOARD OF APPEALS
DECEMBER 2, 2009**

Members Present: Peter Barber, Chairman
Sharon Cupoli
Susan Macri
Mike Marcantonio
Allen Maikels
Tom Remmert
James Sumner
Charles Cahill, Alternate
Robert Feller, Counsel

Chairman Barber opened the meeting and pointed out the emergency exits in the event they were needed.

MATTER OF GEOFFREY BROWN – 871 ALT. –VOOR. ROAD

Sharon Cupoli read the legal notice:

"Notice is hereby given that the Zoning Board of Appeals of the Town of Guilderland, New York, will hold a public hearing pursuant to Articles **III & V** of the Zoning Law on the following proposition:

Special Use Permit/Variance Request No. 4155

Request of **Geoffrey A. Brown** for a Variance of the Regulations/Special Use Permit under the Zoning Law to permit: **the operation of a landscaping/contracting facility on two parcels of land. Vehicle storage will occur on parcel with an owner-occupied single-family home with material storage on a contiguous vacant lot. A variance is requested to allow a 56lf six-foot high stockade fence in a front yard.**

Per Articles **III & V** Sections **280-24.2 & 280-51 & 52** respectively

For property owned by: **Geoffrey Brown**

Situated as follows: **883 & 871 Altamont-Voorheesville Road Altamont, NY 12009**

Tax Map # **48.00-2-17.22 and 48.00-2-17.23** Zoned: **RA-5**

Plans open for public inspection at the Building Department during normal business hours. Said hearing will take place on the 2nd of December, 2009 at the Guilderland Town Hall beginning at 7:30pm.

Dated: November 23, 2009"

The file consists of the mailing list to 10 neighboring property owners, the Town's required forms for a Special Use Permit/Variance, Albany County Planning Board's notification of 8/20/09, the Town Planning Board's site plan review of 9/9/09, the Town Planners comments, a Short Environmental Assessment Form for this Unlisted Action, an agricultural data statement, the Village of Altamont referral, a brief narrative and some maps showing the proposed locations of various items on his property.

Albany County Planning Board's notification was to modify local approval to include submission of an agricultural data statement to the Town as required by Town Law for site plan, special use permit, use variance, and subdivision approval of sites within 500' of a farm operation located in an agricultural district and the Town should require adequate soil erosion control measures if landscaping materials are to be stockpiled. Applicant states deliveries of stone dust, crusher run, etc. implying that they will be on site.

The Town Planning Board recommended approval with the following conditions: provide a site plan showing location of stored landscaping materials and parked vehicles in relation to surrounding properties.

The Altamont-Guilderland Referral had the following recommendations: "Questions regarding hours of operation, especially on weekends, were raised. Given the distance between applicant and neighbors' properties, this was not seen as a problem. Concerns of site view of trucks and landscape materials were also discussed. The applicant indicated that he was ready to install shrubs/trees to act as a screen from the road. The screening of the site will be included in the Guilderland zoning deliberations."

The Town Planner did have comments which were made when this was being treated as a customary home occupation but now it is being treated for a special use permit for a landscaping business in a RA5 district.

Geoffrey Brown, applicant, presented the case.

Chairman Barber stated that it appears that the applicant has already done a lot of the things that were discussed earlier, such as planting arborvitae, etc.

Chairman Barber asked the applicant if any of his neighbors had voiced any concerns.

Mr. Brown stated that nobody has raised any concerns at all; it is the same thing that he has been doing.

Chairman Barber asked about the on-site storage of materials.

Mr. Brown stated that basically he would just have topsoil, stone products and mulch, which are natural products. Generally he would have about 10 to 20 yards of mulch and about 10 yards of topsoil.

Chairman Barber asked how they house and cover the materials.

Mr. Brown replied it is dumped in the same spot; it occupies about a 500 sf area, only 2 to 3 piles at a time. Mr. Brown stated that he covers the materials if needed from the elements.

Chairman Barber asked how often he would get new deliveries of materials.

Mr. Brown replied he probably gets deliveries about three times a year.

Chairman Barber asked Don Cropsey if Rodger Stone would be able to deal with the soil erosion controls.

Don stated that Rodger or himself could deal with that, there are a number of measures to address that.

Mr. Brown stated that he has already implemented erosion control berms on the property.

Chairman Barber stated that the Board may have Rodger Stone or Don Cropsey check on the erosion control berms.

Chairman Barber stated it appears that he arrives early and he comes back late.

Mr. Brown stated that was correct.

Chairman Barber asked if there would be any customers on site.

Mr. Brown stated there would be no customers, it is not a retail facility.

Chairman Barber asked if there would be any manufacturing on site.

Mr. Brown replied there would be no assembly of anything.

Jim Sumner asked where he would be installing the fence on the property.

Mr. Brown replied that the fence would go about 250' off the road approximately halfway up the driveway. Mr. Brown stated that he wanted to use the fence in conjunction with the trees that they were putting up but he wants to do a separate strip for additional screening.

Jim Sumner asked what they would be screening.

Mr. Brown stated nothing in particular, he stated that it would just improve the aesthetics of the property.

Chairman Barber asked if there were any questions or comments from the residents. There were none. Chairman Barber made a motion to close the public hearing. Motion seconded by Sharon Cupoli. Vote 7 – 0.

Chairman Barber made a motion of non-significance in this Unlisted Action:
"This Board has conducted a review of the application by Geoffrey Brown for a Special Use Permit for a landscaping/contracting business on two parcels located at 871 and 883 Altamont Voorheesville Road to determine whether the granting of this special use permit would have a negative impact upon the environment. This review consisted of the comments provided to the ZBA by the Albany County Planning Board, the Town Planning Board, the Town Planner, the submission of an agricultural statement as required by the Albany County Planning Board, and a positive recommendation from the Altamont-Guilderland Referral Committee. Based upon those materials and the conducting of the public hearing this evening, I move that a negative declaration under SEQRA should be issued." Motion seconded by Sharon Cupoli. Vote 7 – 0.

Chairman Barber made a motion for approval of:
Special Use Permit/Variance Request No. 4155

Request of **Geoffrey A. Brown** for a Variance of the Regulations/Special Use Permit under the Zoning Law to permit: **the operation of a landscaping/contracting facility on two parcels of land. Vehicle storage will occur on parcel with an owner-occupied single-family home with material storage on a contiguous vacant lot. A variance is requested to allow a 56 ft six-foot high stockade fence in a front yard.**

Per Articles **III & V** Sections **280-24.2 & 280-51 & 52** respectively

For property owned by: **Geoffrey Brown**
Situated as follows: **883 & 871 Altamont-Voorheesville Road Altamont, NY 12009**
Tax Map # **48.00-2-17.22 and 48.00-2-17.23** Zoned: **RA-5**

The Board makes the following findings of fact:

A public hearing was duly noticed and held this evening. No residents provided either written or oral comments regarding the application.

The Board adopted a negative declaration under SEQRA for this Unlisted Action by a unanimous vote.

Albany County Planning Board's recommendation of 8-20-09 was to have the applicant submit an agricultural statement and address any soil erosion issues.

The Town Planning Board's site plan review was to recommend with the submission of a site plan showing the location of the proposed items on the property.

The Town Planner had comments but they pertained to this being treated as a customary home occupation and now it is being treated as a special use permit for a landscaping/contracting business.

The Altamont-Guilderland Referral Committee recommended positively on October 26, 2009.

The Board further finds that the landscaping/contracting business is a special use which is allowed in this RA5 zone.

The two parcels combined of 3.5 acres and .5 acres provide ample space for the conducting of this landscaping business.

The applicant has done substantial work on the property and planted a line of arborvitae and other items that have addressed all of the concerns raised by the various Boards.

The Board further finds that the placement of the fence in the front yard is not going to have any impact upon the neighbors. The fence is well over 200' off of the road and will provide additional screening and is attractively designed.

In granting this decision, the Board imposes the following conditions:

Adherence to the plans as submitted by the applicant.

The Board will require that a site plan be submitted that shows the location of the various materials as required by the Town Planning Board.

Hours of operation shall be from 8am to 8pm.

This business relies upon the use of both parcels; the two parcels shall have a common owner and if there is a change of owners, there must be an amendment to the special use permit.

No sale of products or services performed on site including no manufacturing or assembly.

Any soil erosion control that the applicant has installed should be reviewed and approved by either Rodger Stone or Don Cropsey.

The Zoning Administrative Office is hereby authorized to issue the permits necessary to implement this decision.

If this Special Use Permit/Variance is not exercised within one year of date of issuance, it is hereby declared to be null and void and revoked in its entirety.

Motion seconded by Sharon Cupoli. Vote 7 – 0.

MATTER OF RICHARD LEININGER – 32 HITE COURT WEST

Tom Remmert read the legal notice:

"Notice is hereby given that the Zoning Board of Appeals of the Town of Guilderland, New York, will hold a public hearing pursuant to Articles **III & V** of the Zoning Law on the following proposition:

Special Use Permit Request No. 4170

Request of **F. Richard and Patricia Leininger** for a Special Use Permit under the Zoning Law to permit: **a portion of one bedroom in a single family home as an office for a landscaping contracting business, a customary home occupation.**

Per Articles **III & V** Sections **280-14 & 280-52** respectively

For property owned by: **F. Richard and Patricia Leininger**
Situated as follows: **23 Hite Court West Schenectady, NY 12303**
Tax Map # **39.07-2-20** Zoned: **R20**

Plans open for public inspection at the Building Department during normal business hours. Said hearing will take place on the **2nd of December, 2009** at the Guilderland Town Hall beginning at 7:30pm.

Dated: **November 23, 2009**"

The file consists of the mailing list to 64 neighboring property owners, the Town's required forms for this special use permit for a customary home occupation, a Short Environmental Assessment Form for this Unlisted Action, the Town Planners comments, the Town Planning Board's site plan review, a letter from a concerned citizen in opposition to the proposal, a narrative and a sketch of the proposed location of the office within the home.

The Town Planner had the following comments: "The applicant is requesting a special use permit to run his landscaping business from the site as a home occupation. Currently, the property is a staging area where employees come to pick up numerous landscaping trucks that are stored on the property. This is not an acceptable use in a residential district. However, the owner has stated that he will be relocating the trucks to another location. If that is the case, I have no planning objections to the site being used strictly as a home office."

The Town Planning Board's site plan review was to recommend with the following condition: there be no commercial vehicles stored on site.

Richard Leininger, applicant, presented the case.

Chairman Barber stated that it seems that people are concerned that this might go beyond just the office, that there would be outside activities.

Richard Leininger stated that all outside activities are being moved off site other than the office.

Chairman Barber asked where the materials would be moved.

Mr. Leininger replied that the equipment would be moved off site within a few days to a temporary location and they are looking for a permanent location in Guilderland.

Chairman Barber stated that this permit would allow the office only and would not allow the property to be a staging area.

Mr. Leininger stated that they were aware of that.

Chairman Barber asked if there were any questions or comments from the residents. There were none. Chairman Barber made a motion to close the public hearing. Motion seconded by Sharon Cupoli. Vote 7 – 0.

Chairman Barber made a motion of non-significance in this Unlisted Action:
"This Board has conducted a review of this application by Richard and Patricia Leininger for a customary home occupation consisting of a home office for their landscaping business at 32 Hite Court West. This review consisted of the comments provided to us by the Town Planning Board and the Town Planner along with the conducting of the public hearing this evening and the statements provided by the applicant this evening. Based upon that review, I move that a negative declaration under SEQRA should be issued." Motion seconded by Sharon Cupoli. Vote 7 – 0.

Chairman Barber made a motion for approval of:

Special Use Permit Request No. 4170

Request of **F. Richard and Patricia Leininger** for a Special Use Permit under the Zoning Law to permit: **a portion of one bedroom in a single family home as an office for a landscaping contracting business, a customary home occupation.**

Per Articles **III & V** Sections **280-14 & 280-52** respectively

For property owned by: **F. Richard and Patricia Leininger**
Situated as follows: **23 Hite Court West Schenectady, NY 12303**
Tax Map # **39.07-2-20** Zoned: **R20**

The Board makes the following findings of fact:

A public hearing was duly noticed and held this evening. One anonymous opposition was received regarding the application.

This is an Unlisted Action under SEQRA and the Board adopted a negative declaration by a unanimous vote.

The Town Planning Board recommended with the condition that the landscaping vehicles be located off site.

The Town Planner had no objections if the property was used strictly as a home office.

The Board further finds that this application as originally proposed did not meet the requirements for a customary home occupation in that it was looking at being a staging area for a landscaping business. However, the applicant is in the process of working with the Zoning Department on removing the vehicles to an appropriately zoned location. Therefore, the Board is looking at this application strictly as a home office and it meets all the requirements. There are no employees outside the home, it is conducted wholly within the confines of the home and will not have any impacts upon neighboring property owners.

In ***granting*** this decision, the Board imposes the following conditions:

No staging of the landscaping business at this site.

No storage of any materials or equipment on site.

Removal of any materials that are not allowed in a residential zone within 30 days. The Zoning Administrator is authorized to extend that deadline if the applicant is continuing to work in good faith to relocate to an appropriate site.

The Zoning Administrative Office is hereby authorized to issue the permits necessary to implement this decision.

If this Special Use Permit is not exercised within one year of date of issuance it is hereby declared to be null and void and revoked in its entirety.

Motion seconded by Sharon Cupoli. Vote 7 – 0.

MATTER OF JOSEPH MAZZONE – 3275 OLD CARMAN ROAD

Al Maikels read the legal notice:

"Notice is hereby given that the Zoning Board of Appeals of the Town of Guilderland, New York, will hold a public hearing pursuant to Articles **IV & V** of the Zoning Law on the following proposition:

Variance Request No. 4174

Request of **Joseph Mazzone Jr.** for a Variance of the regulations under the Zoning Law to permit: **the construction of a 30' x 40' garage attached to an existing single family home by a 12' x 24' breezeway in a required front yard on a keyhole lot. In addition, a variance is sought to permit a 6' high stockade fence along the area comprising the keyhole access.**

Per Articles **IV & V** Sections **280-36 and 280-51** respectively

For property owned by: **Joseph Mazzone, Jr.**
Situated as follows: **3275 Old Carman Road Schenectady, NY 12303**
Tax Map # **15.10-1-34.14** Zoned: **R15**

Plans open for public inspection at the Building Department during normal business hours. Said hearing will take place on the **2nd of December, 2009** at the Guilderland Town Hall beginning at 7:30pm.

Dated: **November 9, 2009**"

The file consists of the mailing list to 46 neighboring property owners, the Town's required forms for this area variance, a survey of the property showing the proposed variances on it and the Town Planners comments.

The Town Planner had the following comments: "The applicant has requested area variances to construct a garage and a breezeway in the front yard of a keyhole lot. No planning objections."

Joseph Mazzone, applicant, presented the case.

Chairman Barber stated that when this was approved by the Planning Board, it had 35' setbacks.

Don Cropsey stated that because it is a keyhole lot, you need 1.5 times the minimum front setback required in the zone, which is 52.5'.

Chairman Barber stated that if the Planning Board's setback as set forth on the plan was enforced, then the applicant would not even be here, but the Code requires an enhanced setback on a keyhole lot.

Don Cropsey stated that the house complies with the required setbacks, the attached garage necessitates a variance in the front yard.

There was discussion regarding the fence.

Mr. Mazzone stated that he would like the fence for privacy and to block headlight glare. Mr. Mazzone stated that he had moved the fence back far enough so it would not block the view from the neighbor's front porch or any activity going in and out of the driveway.

Chairman Barber stated that the issue is that when it comes to keyhole lots and keyhole accesses, they are very narrow to begin with and as a result, the Town does not allow any fences or structures in that area because the same purpose can be achieved by another means, such as landscaping, arborvitae, etc.

Mr. Mazzone stated that he did not want that because of overgrowing and maintenance.

Chairman Barber stated that you need to allow enough space for snow removal, etc.

Chairman Barber asked if there were any questions or comments from the residents. There were none. Chairman Barber made a motion to close the public hearing. Motion seconded by Sharon Cupoli. Vote 7 – 0.

There was discussion regarding the inground swimming pool on the plot plan. Don Cropsey stated that the location did not work because it was in a side yard and it was not advertised.

Mr. Mazzone replied that his son's property was in the rear yard and his daughter's property was in the front yard.

Chairman Barber asked if there would be a fence around the swimming pool.

Mr. Mazzone replied that it would definitely be fenced.

Chairman Barber made a motion for approval of:

Variance Request No. 4174

Request of **Joseph Mazzone Jr.** for a Variance of the regulations under the Zoning Law to permit: **the construction of a 30' x 40' garage attached to an existing single family home by a 12' x 24' breezeway in a required front yard on a keyhole lot. In addition, a variance is sought to permit a 6' high stockade fence along the area comprising the keyhole access.**

Per Articles **IV & V** Sections **280-36 and 280-51** respectively

For property owned by: **Joseph Mazzone, Jr.**

Situated as follows: **3275 Old Carman Road Schenectady, NY 12303**

Tax Map # **15.10-1-34.14** Zoned: **R15**

The Board makes the following findings of fact:

A public hearing was duly noticed and no residents had any concerns or comments regarding the application.

This is a Type II Action under SEQRA, not requiring SEQRA review.

The Town Planner had no objections to the granting of this request.

The Board finds that a keyhole lot with a minimum 50' setback is required by Section 280-36. The garage and breezeway are located within the 35' setback on the lot but as determined by the Zoning Administrator, the setback requirement actually is 1.5 times the setback. Only part of the garage and very little of the breezeway is beyond the 35' setback but a good part of it is within the 52.5' setback. However, it appears that given the location of the property and the fact that there have been no objections to this request it does not appear to have any negative impact upon the neighborhood.

In regard to the fence it is inconsistent with the purpose behind the keyhole lot access which is to prevent any difficulties such as adequate space for snow removal, potential site line problems that can be caused by the placement of fences and also impacts upon neighbors views. The same benefit can be obtained through landscaping. Therefore I move that the placement of the fence be denied.

With regard to the garage, breezeway and pool, there shall be adherence to the plans as submitted.

The fence shall be removed within a time period determined by the Zoning Administrator.

The Zoning Administrative Office is hereby authorized to issue the permits necessary to implement this decision.

If the variances are not exercised within one year of date of issuance, they are hereby declared to be null and void and revoked in their entirety.

Motion seconded by Sharon Cupoli. Vote 7 – 0.

MATTER OF R & T CONTRACTORS – 420 HELDERVIEW DRIVE

Sharon Cupoli read the legal notice:

"Notice is hereby given that the Zoning Board of Appeals of the Town of Guilderland, New York, will hold a public hearing pursuant to Articles **III & V** of the Zoning Law on the following proposition:

Variance Request No. 4176

Request of **R & T Contractors, Inc.** for a Variance of the regulations under the Zoning Law to permit: **the construction of a 14' x 16' single story family room addition to the rear of an existing single family home. A rear yard variance is requested. A 50' setback is required; 40' is proposed, a 10' variance is requested.**

Per Articles III & V Sections 280-14 and 280-51 respectively

For property owned by: Diane Rynski

Situated as follows: 420 Helderview Drive Altamont, NY 12009

Tax Map # 27.17-1-6 Zoned: R20

Plans open for public inspection at the Building Department during normal business hours. Said hearing will take place on the 2nd of December, 2009 at the Guilderland Town Hall beginning at 7:30pm.

Dated: November 23, 2009"

The file consists of the mailing list to 29 neighboring property owners, the Town's required forms for an area variance, an authorized agent agreement in which the owner of the property has authorized R & T Contractors to act on their behalf, the Town Planners comments, a narrative, some depictions of the proposed location of the addition on the property, a map of Lot #24, which is now 420 Helderview Drive and elevation of the proposed addition.

The Town Planner had the following comments: "The applicant has applied for an area variance for a residential addition that will encroach into the rear yard setback by 10'. No planning objections."

Bob Ross of R & T Contractors presented the case.

Chairman Barber stated that his house is located quite a distance from the road. There is a rather large front yard and a small back yard.

Chairman Barber asked who the rear neighbor was.

Mr. Ross stated that he believed it was Lynnwood School; there is a wooded area and then the school property.

Chairman Barber stated that the school is quite a ways back.

Chairman Barber asked if the addition would be similar in terms of appearance to the existing house.

Mr. Ross replied that it would be, the siding, windows and gutters will all match. Everything will flow with the rear roofline.

Chairman Barber asked if it would be a family room addition.

Mr. Ross replied that was correct.

Chairman Barber asked if there were any questions or comments from the residents.

There were none. Chairman Barber made a motion to close the public hearing. Motion seconded by Sharon Cupoli. Vote 7 – 0.

Chairman Barber made a motion for approval of:

Variance Request No. 4176

Request of **R & T Contractors, Inc.** for a Variance of the regulations under the Zoning Law to permit: **the construction of a 14' x 16' single story family room addition to the rear of an existing single family home. A rear yard variance is requested. A 50' setback is required; 40' is proposed, a 10' variance is requested.**

Per Articles **III & V** Sections **280-14 and 280-51** respectively

For property owned by: **Diane Rynski**

Situated as follows: **420 Helderview Drive Altamont, NY 12009**

Tax Map # **27.17-1-6** Zoned: **R20**

The Board makes the following findings of fact:

A public hearing was duly noticed and held this evening. No residents provided either written or oral comments regarding the application.

This is a Type II Action under SEQRA, not requiring SEQRA review.

The Town Planner had no objections to the granting of this request.

The Board notes that the house has an approximately 90' front setback and as a result has a rather abbreviated rear yard.

The proposed addition is partially within the required setback with only a portion extending into the required rear yard setback. It is located on a curve on the road which makes the rear yard less visible from other properties.

The most affected neighbor would be the Lynnwood Elementary School which is quite a distance away.

The addition is relatively minor in the scheme of things.

The applicant has indicated that the addition will be substantially the same in terms of style of windows, siding and roof as the existing house.

The Board finds that the granting of this variance will not have an impact upon neighboring property owners or the character of the neighborhood.

In **granting** this request, the Board imposes the following conditions:

Adherence to the plans as submitted.

Construction hours shall be limited to the following: Monday – Friday from 8am to 5pm, Saturday from 9am to 5pm with no construction allowed on Sundays.

The Zoning Administrative Office is hereby authorized to issue the permits necessary to implement this decision.

If this variance is not exercised within one year of date of issuance, it is hereby declared to be null and void and revoked in its entirety.

Motion seconded by Sue Macri. Vote 7 – 0.

MATTER OF NEIP – VAN BUREN BLVD.

Tom Remmert read the legal notice:

"Notice is hereby given that the Zoning Board of Appeals of the Town of Guilderland, New York, will hold a public hearing pursuant to Articles **III & V** of the Zoning Law on the following proposition:

Variance Request No. 4179

Request of **Russ Elster** for a Variance of the regulations under the Zoning Law to permit: **the installation of two 12' diameter, 59' high silos for the storage of pelletized high-density polyurethane (HDPE). A height variance of 39' is requested.**

Per Articles **III & V** Sections **280-23 and 280-51** respectively

For property owned by: **Northeastern IP Holdings, Inc.**

Situated as follows: **Northeastern Industrial Park Guilderland Center, NY 12085**

Tax Map # **50.00-1-14.11** Zoned: **IND**

Plans open for public inspection at the Building Department during normal business hours. Said hearing will take place on the **2nd of December, 2009** at the Guilderland Town Hall beginning at 7:30pm.

Dated: **November 23, 2009"**

The file consists of the mailing list to 44 neighboring property owners, the Town's required forms for a variance, a narrative provided by Fischbach USA, Inc., a Short Environmental Assessment Form for an Unlisted Action, depictions of the proposed silos, preliminary proposed floor plans for the building bays.

Joe Bianchine of ABD Engineers and Surveyors and Russ Elster of Fischbach USA presented the case. Mr. Bianchine stated that Fischbach USA is a new industry to the area; they lease space in the Northeast Industrial Park and they would like to manufacture caulking tubes. They will be employing initially about 25 people and hopefully about 50 people after 3 years. Mr. Bianchine stated that the silos will look like farm silos.

Chairman Barber asked how tall the buildings are around the silos.

Mr. Bianchine replied that the building are about 30' in height so the silos will stick up above the buildings. Mr. Bianchine stated that the silos would not have any impact upon the neighbors in the Industrial Park and will not have any impact upon the health or safety of people within the area. The variance is substantial in terms of the amount over what is allowed, but not substantial within an Industrial Park. Fischbach needs the silos because of the operation that they are creating.

Chairman Barber asked why they needed the height.

Mr. Bianchine replied that they already have the silos.

Mr. Elster replied that each silo would hold about 250,000lbs of plastic and they will be unloading by rail car, which contains about 200,000lbs.

Chairman Barber asked how often they would be getting rail deliveries.

Mr. Elster replied about 2 cars a month.

Chairman Barber asked how it would be unloaded.

Mr. Elster stated that the rail car would park about 5 foot from the silo and unload and then it would be pumped into the plant.

Chairman Barber asked how the caulking would exit the site.

Mr. Elster replied it would exit by truck on a daily basis.

There was discussion regarding the entrance to the NEIP.

Chairman Barber stated that there has been some interest from the Guilderland Hamlet study regarding trying to alleviate some of the traffic and some of the pressures at the intersection. Chairman Barber stated that he would like to see if the Industrial Park could at least address some of the concerns. Chairman Barber stated that one of the concerns would be figuring out a way that the school buses can access their parking garage through the Industrial Park's property. Chairman Barber stated that possibly Mr. Bianchine could find out about the feasibility of that happening.

Chairman Barber stated that the silos could have a visual impact on the neighbors.

Chairman Barber stated that another concern is the idling of the trucks waiting for the gate to open in the morning.

Chairman Barber asked if there were any questions or comments from the residents.

Olga Winsor of 200 Bloomingdale Lane stated that they have had many problems with the Industrial Park. Ms. Winsor asked why tall silos were needed and if the silos would have to be open vented. Ms. Winsor had concerns regarding dust, odor and air coming from the silos. Ms. Winsor also had concerns regarding the train traffic.

Bill Carr of 100 Bloomingdale Lane had concerns regarding noise and what would happen to the silos if the plant shut down.

Mr. Elster stated that they currently have one silo sitting unused, so they would be using that but the primary reason is the volume of plastic.

There was discussion whether this project would need a special use permit along with a Short Environmental Assessment Form.

Don Cropsey stated that normally the way uses are handled in the industrial park is: if they are using existing buildings, they modify the buildings within the outside walls and the Building Department issues a building permit. In this case, there were two structures being added outside and those structures exceed the height limitations on an accessory structure hence the need for the variance. Normally a special use permit is not required for every use that goes into an existing building. If a building was expanded, a special use permit is required.

Chairman Barber asked if there was a general special use permit that governs the Industrial Park.

Don Cropsey replied there is not, the park has been used that way since 1969.

Counsel Feller stated that there are two questions – 1) whether there is a requirement for a special use permit or not and 2) from a SEQRA perspective, regardless of whether there is a special use permit required, any aspect of the project, which would include the manufacturing change would be subject to SEQRA.

Mr. Elster addressed the odors and the air quality. Mr. Elster stated that the gas spoken of is a constituent that is used in the manufacturing of high-density polyethylene. This is a pellet, not a gas. This will be pumped into the silos. There is a vent on the silo, but it is filtered.

Chairman Barber asked what happens to the pellets after they are in the silo.

Mr. Elster replied that a vacuum conveying system is used to move them from the rail car to the silo and then they are removed from the bottom of the silo via vacuum conveyance over to the injection molding machines which are inside the building. Mr. Elster stated that the silos are just storage for the pellets.

Jim Sumner asked how much noise there would be from the rail cars and the vacuum

Mr. Elster stated that there would be some noise involving the transfer of plastics. Mr. Elster stated that it would take about 10 hours to unload a rail car and there would probably be two a month. Mr. Elster stated that they would not be creating any new idling of trains, CSX will drop the car off and the car would be parked in front of the silo and be picked up when unloaded.

Mike Marcantonio asked when the unloading would be done; during the day or night.

Mr. Elster replied it would be done primarily during the day.

Sharon Cupoli asked about the wind and dust from the silos.

Mr. Elster replied that the material being put in the silos are virgin pellets and if there is dust in it, they will not accept it.

Chairman Barber asked about the manufacturing itself.

Mr. Elster stated that there will be some waste product from plastic, but that is resold.

Chairman Barber asked about any odors from the manufacturing facility.

Mr. Elster stated there would be a mechanical roof vent on the roof strictly to remove heat in the summer.

Tom Remmert stated that this does not seem like a bad material to handle according to the MSDS.

Chairman Barber asked if there was a concrete pad or base for this.

Mr. Elster stated that there was a pad; they got a separate building permit for that.

Chairman Barber asked what the time frame was on the silos.

Mr. Elster replied that they were not in transit yet.

Olga Winsor had concerns regarding the odors and the heating of the pellets. Ms. Winsor asked what recourse she had if there were problems with the odors, etc.

Chairman Barber stated that the Board would put conditions in place that hold the manufacturer or the applicant to a standard and town officials would ensure that the conditions are followed.

Dan Burger of Depot Road had concerns regarding the noise and the odors.

There was discussion regarding the SEQRA form.

Chairman Barber stated that he would like to see more details regarding the manufacturing operation, have the applicant submit a long form for SEQRA and check with the school district regarding access to their parking garage.

Chairman Barber made a motion to continue the application to 1-6-2010. Motion seconded by Sharon Cupoli. Vote 7 – 0.

MINUTES:

The Board approved the minutes of 8-5-09.

SIGNS:

The Board approved a 23sf sign for Upstate Rehab Products Medical Equipment at Star Plaza. Vote 7 – 0.

The Board approved two signs for Five Guys restaurant; a 30sf building mounted sign and a 10sf pylon sign out near the street with landscaping at the base of the monument sign. Vote 7 – 0.

The meeting adjourned at 9:27pm.

