

**TOWN OF GUILDERLAND  
ZONING BOARD OF APPEALS  
JANUARY 21, 2015**

Members Present: Peter Barber, Chairman  
Jacob Crawford  
Sharon Cupoli  
Thomas Remmert  
Sindi Saita  
Mike Marcantonio, Alternate  
Janet Thayer, Counsel

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**NEW CASES:**

**MATTER OF DAVID WILLIAMS – 4 E. DILLENBECK DRIVE**

Jake Crawford 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. 4505**

Request of **Antoinette & David Williams** for a Variance of the regulations under the Zoning Law to permit: **the installation of 6ft high privacy fencing in a front yard.**

Per Articles **IV & V** Sections **280-27 & 280-51** respectively

For property under purchase from **Katrina Pogoda**

Situated as follows: **4 E. Dillenbeck Drive Albany, NY 12203**

Tax Map #**63.08-1-37** Zoned: **R10**

Plans open for public inspection at the Building Department during normal business hours. Said hearing will take place on the **21<sup>st</sup> of January, 2015** at the Guilderland Town Hall beginning at 7:30pm.

Dated: **January 6, 2015**”

The file consists of the mailing list to 58 neighboring property owners, the Town’s required forms for an area variance along with a narrative and a sketch of the proposed fence and the Town Planners comments.

The Town Planner had the following comments: “The applicant is requesting an area variance to place a fence in the required front yard of a corner lot. The submitted plot

plan does not show how far in the fence will be installed but it should be emphasized that the fence cannot extend past the property line (30' from the center line of the street) so as not to impose any sight distance issues. No planning objections.”

David and Antoinette Williams, applicants, presented the case.

Chairman Barber stated that typically what the Board does in a situation like this (a corner lot) is to treat one of the front yards as more of a side yard. Chairman Barber stated that one of the things that they have to bear in mind when they do that is sight distance on the road and as the Town Planner indicated, the town right-of-way is 30' from the center line of the street. Chairman Barber stated that typically the Board makes sure that the fence is brought a couple feet off of the property line. Chairman Barber stated that in dealing with the fence in the back property, it can go right on the property line.

Chairman Barber stated that the Board also has Jackie Siudy work with the applicant and decide if there needs to be any type of landscaping to break up the stockade look of the fence.

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.

Chairman Barber made a motion for approval of:

**Variance Request No. 4505**

Request of **Antoinette & David Williams** for a Variance of the regulations under the Zoning Law to permit: **the installation of 6ft high privacy fencing in a front yard.**

Per Articles **IV & V** Sections **280-27 & 280-51** respectively

For property under purchase from **Katrina Pogoda**

Situated as follows: **4 E. Dillenbeck Drive Albany, NY 12203**

Tax Map #**63.08-1-37** Zoned: **R10**

In rendering this decision, 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 objection to the granting of this request as long as the fence is located outside the Town's right-of-way.

The property is located on a curve in the road and coupled with the placement of the house results in a very small rear yard. To a large extent, the lot is similar to a corner lot

and has two large front yards. Under similar circumstances, the Board has allowed property owners to treat one of the yards as a side yard so long as the proposed fence does not create any sight distance issues and does not have any negative impact upon neighboring property owners.

As noted by the Town Planner, the fence must be located beyond the property line which is 30' from the center of the road and in addition the Board has traditionally required that the fence be placed an additional 2 to 3' beyond the property line because the fence location is not surveyed.

Given these unique circumstances, the Board has determined that the granting of this request will not negatively impact the neighboring property owners and is not detrimental to the neighborhood.

For these reasons the Board **grants** the variance with the following conditions:

Adherence to the plans as submitted.

The fence shall be located at least 2' beyond the Town's right-of-way.

The Zoning Administrator shall work with the applicant to install any appropriate landscaping that may be required.

The Zoning Administrator is authorized to issue the permits necessary to implement this decision.

Motion seconded by Sharon Cupoli. Vote 5 – 0.

**MATTER OF DOO YOUNG PAI – 1758 WESTERN AVENUE**

Counsel Thayer 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. 4499**

Request of **Doo Young Pai** for a Special Use Permit under the Zoning Law to permit: **1500sf +/- of an existing building for use as a physical therapy office.**

Per Articles **III & V** Sections **280-20 & 280-52** respectively

For property owned by **Doo Young Pai**

Situated as follows: **1758 Western Avenue Albany, NY 12203**

Tax Map # **52.09-5-17** Zoned: **LB**

Plans open for public inspection at the Building Department during normal business hours. Said hearing will take place on the **21<sup>st</sup> of January, 2015** at the Guilderland Town Hall beginning at 7:30pm.

Dated: **January 5, 2015**"

The file consists of the mailing list to 44 neighboring property owners, the Town's required forms for a special use permit, a Short Environmental Assessment Form under SEQRA, the Town Planners comments, the Town Planning Board's site plan review, Albany County Planning Board's recommendation, a sketch of the property, a brief project narrative, and a copy of the proposed lease agreement.

The Town Planner had the following comments: "The applicant has applied for a special use permit to lease space in the building for a physical therapy office. The remainder of the building is used for Pai's Tae Kwon Do. The application states that there will be two employees and possibly three patients during business hours. Improvements were made to the site including closing one curbcut, removing the front yard parking and increasing green space when the Tai Kwon Do business occupied the building. No other site plan changes are proposed. No planning objections.

The Town Planning Board's site plan review was to recommend with no suggestions or conditions.

Albany County Planning Board's recommendation was to defer to local consideration.

Doo Young Pai, applicant, presented the case.

Chairman Barber stated that it appears that the applicant has done quite a bit of work on the building and improved the space in front by turning it into green space.

Mr. Pai replied that he had installed landscaping.

Chairman Barber stated that the curbcut had been eliminated.

Chairman Barber stated that the only issue that might come up is the parking that is alongside the building is within the town right-of-way. Chairman Barber stated that it had been there for quite some time but down the road if the Highway Superintendent needs to do some work on the road (Homes Terrace) those parking spaces are on town property.

Chairman Barber stated that this seems like a very low-key use with only a couple of employees.

Jake Crawford asked about the parking.

Mr. Pai replied that he has about 37 parking spaces and usually his classes are in the evening after 5:00pm and this office would be closed before 5:00pm.

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 5 – 0.

Chairman Barber made a motion of non-significance in this Unlisted Action:  
“This Board has conducted a careful review of the application for a physical therapy office at 1758 Western Avenue to determine whether or not the granting of this special use permit would have a significant negative impact upon the environment. Based upon the comments provided to this Board by the Town Planner, the Town Planning Board, the Albany County Planning Board and the review of the application and the fact that the property was subject to Zoning Board review for the permit to allow the Tae Kwon Do and the improvements that were done to the property, I would move that a negative declaration under SEQRA be issued.” Motion seconded by Sharon Cupoli. Vote 5 – 0.

Chairman Barber made a motion for approval of:

**Special Use Permit Request No. 4499**

Request of **Doo Young Pai** for a Special Use Permit under the Zoning Law to permit: **1500sf +/- of an existing building for use as a physical therapy office.**

Per Articles **III & V** Sections **280-20 & 280-52** respectively

For property owned by **Doo Young Pai**

Situated as follows: **1758 Western Avenue Albany, NY 12203**

Tax Map # **52.09-5-17** Zoned: **LB**

In rendering this decision, 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 an Unlisted Action by a unanimous vote.

The Board previously approved a special use permit for another part of the building as a Tae Kwon Do studio. As part of that approval, the property has been improved by converting the paved parking area in the front of the building by installing landscaping and green space and eliminating the curb cut. The façade of the building has also been improved.

The Town Planner had no objection and noted the property improvements.

The Town Planning Board recommended approval without any suggestions or conditions.

The Board further finds that the proposed use as a physical therapy office is an allowed use in a local business zone.

No parking variances are required. On-site parking appears adequate for both of the uses in the building.

All site conditions were previously reviewed and approved by the Board.

For these reasons, I move that the Board find that the ***granting*** of this special use permit is appropriate and impose the following conditions:

Adherence to the revised site plan and the representations made in the application.

Hours of operation shall be as set forth in the application which are Monday – Friday from 10am and 6pm.

The Town reserves the right to work in the area of the four parking spaces that back out onto Homes Terrace.

The Board reserves the right to review this situation if it causes any traffic conflicts on Homes Terrace.

The Zoning Administrator is authorized to issue the permits necessary to implement this decision.

Motion seconded by Sharon Cupoli. Vote 5 – 0.

**MATTER OF BELTONE – 6281 JOHNSTON 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:

**Amend Special Use Permit #6-05/Request No. 4502**

Request of **Edwin Ryan** for an amendment to Special Use Permit #6-05 under the Zoning Law to permit: **the use of an existing environmental consulting office as a hearing aid center. Two employees are anticipated.**

Per Articles **III & V** Sections **280-19 & 280-52** respectively

For property under purchase from **Air Resources Group LLC**  
Sited as follows: **6281 Johnston Road Albany, NY 12203**  
Tax Map # **52.13-2-13** Zoned: **BNRP**

Plans open for public inspection at the Building Department during normal business hours. Said hearing will take place on the **21<sup>st</sup> of January, 2015** at the Guilderland Town Hall beginning at 7:30pm.

Dated: **January 5, 2015**"

The file consists of the mailing list to 54 neighboring property owners, the Town's required forms for a special use permit along with a Short Environmental Assessment Form for this Unlisted Action under SEQRA, Albany County Planning Board's notification, the Town Planning Board's site plan review, the Town Planners comments, and a survey of the property.

Albany County Planning Board's notification was to defer to local consideration.

The Town Planning Board recommended site plan approval without any suggestions or conditions.

The Town Planner had the following comments: "The applicant has requested a special use permit to relocate their business from Western Avenue to this site which had formerly been used as a legal office and a consulting firm. No site plan changes are anticipated. No planning objections."

Ed Ryan, applicant, presented the case.

Chairman Barber asked if there were any changes proposed to the parking lot or driveway.

Mr. Ryan replied there would be no changes to the parking lot or driveway.

Chairman Barber stated that basically it would be a turn-key operation.

Chairman Barber asked about appointments.

Mr. Ryan replied stated that there would be about 5 or 6 appointments daily.

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 5 – 0.

Chairman Barber made a motion of non-significance in this Unlisted Action:  
"This Board has conducted a careful review of the application by Edwin Ryan on behalf of Beltone for a hearing aid center at 6281 Johnston Road. In conducting this review, this Board has considered comments provided to us by the Town Planner, the Town Planning Board, the Albany County Planning Board and the review of the application. Also note that there are no site improvements or changes to the parking or site are anticipated. Therefore, no further review by a TDE or by the ACDPW is required. Based upon this

collective record, I move that a negative declaration be issued.” Motion seconded by Sharon Cupoli. Vote 5 – 0.

Chairman Barber made a motion for approval of:

**Amend Special Use Permit #6-05/Request No. 4502**

Request of **Edwin Ryan** for an amendment to Special Use Permit #6-05 under the Zoning Law to permit: **the use of an existing environmental consulting office as a hearing aid center. Two employees are anticipated.**

Per Articles **III & V** Sections **280-19 & 280-52** respectively

For property under purchase from **Air Resources Group LLC**  
Situating as follows: **6281 Johnston Road Albany, NY 12203**  
Tax Map # **52.13-2-13** Zoned: **BNRP**

In rendering this decision, 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 for an Unlisted Action under SEQRA by a unanimous vote.

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

The Town Planning Board’s site plan review recommended approval.

The proposed use is an allowed use in this BNRP district.

The use will be located in a building previously used as an environmental consulting office and a legal office.

The proposed use will have two employees and have five to six clients per day by appointment.

The on-site parking is more than adequate and no parking variance is required.

Site conditions were previously reviewed and considered by the Board and appear to be adequate for this proposed use.

For these reasons, I move that the Board **grant** the requested special use permit with the following conditions:

Adherence to the plans as submitted with the application.

Hours of operation shall be as set forth in the application: Monday – Friday from 9am to 5pm.

If there is any change in ingress/egress onto Johnston Road any change in the surface area that might impact the stormwater management facilities on Johnston Road review by the ACDPW may be required.

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

Motion seconded by Sharon Cupoli. Vote 5 – 0.

**MATTER OF EMPIRE FINANCIAL – 1832 WESTERN AVENUE**

Sindi Saita 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, IV & V** of the Zoning Law on the following proposition:

**Special Use Permit/Variance Request No. 4501**

Request of **Frank Kunker & John Conaway** for a Variance of the regulations/ **Special Use Permit** under the Zoning Law to permit: **the conversion of an existing single family residence to a financial planning office. Variances are requested (1) for the parking area to extend into a required 20ft buffer to the adjacent residential district and (2) for the development of 9 parking spaces, 16 spaces are required.**

Per Articles **III, IV & V** Sections **280-19, 280-25, 280-27, 280-51 & 280-52** respectively

For property owned by **West Palm II LLC**

Situated as follows: **1832 Western Avenue Albany, NY 12203**

Tax Map # **52.09-6-12** Zoned: **BNRP**

Plans open for public inspection at the Building Department during normal business hours. Said hearing will take place on the **21<sup>st</sup> of January, 2015** at the Guilderland Town Hall beginning at 7:30pm.

Dated: **January 5, 2015**”

The file consists of the mailing list to 125 neighboring property owners, the Town’s required forms for a special use permit and variance along with a Short Environmental Assessment Form, a narrative, a letter from a property owner indicating their concerns regarding the property along with a petition signed by a number of neighbors, the Town Planning Board’s site plan review, Albany County Planning Board’s notification, the Town Planners comments, plans and a survey map of the property.

The Town Planning Board's site plan review was to recommend with the following conditions: modify the parking plan to identify accessible handicapped space and reduce the number of spaces along the rear from 7 to 5 or 6 to provide more space from side property lines. Identify access easement on plans from property to the east. Identify signage/stripping plan to identify one-way only entrance from Western Avenue. Provide a landscaping and lighting plan.

Albany County Planning Board's notification was to defer to local consideration.

The Town Planner had the following comments: "The applicant is seeking a special use permit to convert an existing residence into a professional office for financial planning services. I have the following comments:

- The plan shows 9 parking spaces although space #3 encroaches on an adjacent property and would be impossible to back out of. However, the applicant states that they have 3 employees and at most, 2 clients on site at any time so that the parking should work fine for this use.
- The Western Avenue access to the rear parking is only 9' wide. This is tight for a drive aisle and the removal of the deck may be considered to help open this up.
- The applicant states that they have an easement through the rear properties at 1928 and 1930 Western (a dentist and a beauty salon) which will allow their traffic to exit to Palma Boulevard and a traffic light. Signage should be required to indicate that the Western Avenue curbcut is "one-way" in and all traffic should exit to Palma.

No objection to site plan approval."

John Conaway and Frank Kunker, applicants, presented the case. Mr. Kunker stated that they would like to take this vacant house and use it as a financial planning office. Mr. Kunker stated that there would be three full time employees there. Generally most of the clients are seen at their location or conduct their business by phone or through the internet. Mr. Kunker stated that they do not expect a lot of traffic to occur and they feel comfortable with reducing the number of spaces and increasing the green area. Mr. Kunker stated that he thinks that they can get by with the deck in place, which is going to be the entrance area into the building. There will be a ramp with handicapped parking right next to it. Mr. Kunker stated that they have acquired a right-of-way easement to go out on to Palma.

Chairman Barber asked if it was a written easement that allows access.

Mr. Kunker stated that they have negotiated the purchase of the building and along with the purchase they have acquired an easement from the owner next door.

Chairman Barber asked if there was any lighting proposed for the rear of the building.

Mr. Conaway stated only a motion detector light; they only work from 9am to 5pm so they do not need to have the parking lot lit all night long.

Chairman Barber asked if there were any concerns regarding the beauty salon overflow parking.

Mr. Kunker stated that the beauty salon would have more traffic and activity during the times that they have less traffic and they have no problem with them utilizing their parking spaces if they need to.

Chairman Barber asked if there are any plans for any improvements to the front of the building.

Mr. Kunker replied that it is their goal to trim shrubbery and possibly replace it. They would also be installing a sign and possibly a raised bed with plantings around the sign.

Jake Crawford asked what their plan is for snow removal.

Mr. Kunker stated that there is a stone wall on the back property and they think that would accommodate most of it and possibly in the front by the greenspace.

Jake Crawford asked about the fence.

Mr. Kunker stated that they anticipate bringing the fence all the way to the back of the property line.

Chairman Barber asked the applicant to work with Jackie Siudy to see if the 6' stockade fence could be enhanced in any way.

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 5 – 0.

Chairman Barber made a motion of non-significance in this Unlisted Action:  
“This Board has conducted a careful review of the application to determine whether the granting of this special use permit for a financial planning office would have a significant negative impact upon the environment. In conducting this review, this Board has considered comments provided to us by the Town Planner, the Town Planning Board, the Albany County Planning Board and the review of the application. Based upon this collective record, I move that a negative declaration be issued.” Motion seconded by Sharon Cupoli. Vote 5 – 0.

Chairman Barber made a motion for approval of:

**Special Use Permit/Variance Request No. 4501**

Request of **Frank Kunker & John Conaway** for a Variance of the regulations/ Special Use Permit under the Zoning Law to permit: **the conversion of an existing single family residence to a financial planning office. Variances are requested (1) for the parking**

**area to extend into a required 20ft buffer to the adjacent residential district and (2) for the development of 9 parking spaces, 16 spaces are required.**

Per Articles **III, IV & V** Sections **280-19, 280-25, 280-27, 280-51 & 280-52** respectively

For property owned by **West Palm II LLC**

Situated as follows: **1832 Western Avenue Albany, NY 12203**

Tax Map # **52.09-6-12** Zoned: **BNRP**

In rendering this decision, the Board makes the following findings of fact:

A public hearing was duly noticed and held this evening. No residents provided oral comments regarding the application but the Board did receive some written comments about reducing some of the impacts on neighboring properties.

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

The proposed professional use is an allowed use in this BNRP district. The listing of a use is tantamount to a finding by the Town Board that this use is compatible with this neighborhood. The Board further finds that this use is on Rt. 20 and in this area the conversion of residential homes into professional offices has been handled on a fairly regular basis.

The Board also notes that the applicant is requesting a variance in terms of the number of parking spaces and the buffer from the adjacent residential property. Based upon the Board's review on prior applications the number of parking spaces set forth on the revised plan seems adequate.

Under the new code, the amount of parking would be substantially reduced. The existing code has been in existence for several decades and has not been updated in terms of reducing the parking requirement. The goal with reduced parking would lead to more greenspace and be better for the environment.

In terms of the buffer from the residential property, this is a common situation given the size of the lots in this area. The property was rezoned BNRP by the Town Board several decades ago. There was a study done in the 1980s that encouraged the use of easements across the properties on both this side and the other side of Western Avenue to try to encourage use of the light at Palma Blvd. or Gipp Road and also to encourage the elimination of curbcuts as much as possible on Rt. 20.

In similar situations, the Board has required the applicants to install both a fence but also to install appropriate landscaping to provide additional visual and sound buffer from the adjacent residential properties.

Based upon these findings, I would move that the special use permit should be **granted** and that the variances requested in the application also be granted.

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

Adherence to the revised plans as submitted including a one-way entry marked and striped indicating one-way entry into the property off of Western Avenue and that property will exit by via an easement to the light at Palma Blvd.

There shall be no lighting on the back of the property with the exception of a motion detector light mounted on the building and that lighting shall not spill over or impact the neighboring properties.

The applicant shall provide a copy of the easement showing proof that the applicant does have access across the adjacent properties to Palma Blvd.

Installation of appropriate arborvitae or landscaping approved by Jackie Siudy on behalf of the Town to buffer any impacts upon neighboring residential properties to the rear.

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

Motion seconded by Sharon Cupoli. Vote 5 – 0.

**MATTER OF AMIN DAWOODANI – 3605 CARMAN ROAD**

Jake Crawford 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. 4500**

Request of **Amin Dawoodani** for a Special Use Permit under the Zoning Law to permit: **the conversion of a gasoline/service station to a 1300sf convenience store,**

Per Articles III & V Sections 280-21 & 280-52 respectively

For property owned by **Dave Mueller**

Situated as follows: **3605 Carman Road Schenectady, NY 12303**

Tax Map # **27.11-1-15** Zoned: **GB**

Plans open for public inspection at the Building Department during normal business hours. Said hearing will take place on the **21<sup>st</sup> of January, 2015** at the Guilderland Town Hall beginning at 7:30pm.

Dated: **January 5, 2015**”

The file consists of the mailing list to 48 neighboring property owners, the Town's required forms for a special use permit, a Short Environmental Assessment Form under SEQRA, Albany County Planning Board's notification of 12-18-14, the Town Planning Board's site plan review of 1-14-15, the Town Planners comments, a narrative and a site plan of the property.

Albany County Planning Board's notification of 12-18-14 is as follows: Modify local approval to include 1) Review by the Albany County Department of Health for the addition of the grease trap, 2) If there are any changes to the existing fuel islands then a review by the NYSDEC to determine potential jurisdiction under bulk petroleum storage regulations, and 3) It should be determined by the town if the applicant's site drainage is being adequately addressed.

The Town Planning Board's site plan review of 1-14-15 was to recommend with the following: 1) Reconfigure parking layout to provide more convenient access and clearly identify handicapped space, 2) provide no parking striping across the full width of the front of the building, 3) provide lighting plan, and 4) give some consideration to installing a bike rack.

The Town Planners comments are as follows: "The applicant has requested a special use permit to renovate the existing gas and vehicle repair station into a gas station/convenience store. The only site changes will be to construct some additional parking to meet the current requirements. A sidewalk has already been installed. No planning objections."

Bill Hennessy of Hennessy Engineering presented the case. Mr. Hennessy stated that the proposed project would be the conversion of the existing service station into a convenience store and retaining the fuel pumps. Mr. Hennessy stated that they would make no changes to the canopy over the fuel pumps; the only significant change on site would be to provide adequate parking. Mr. Hennessy stated he believes that for the convenience store 14 spaces would be needed; 12 spaces for customers and 2 spaces for employees.

Mr. Hennessy stated that the other issue is the 10' setback on the side yard for parking.

Jackie Siudy stated that she did not think there was an issue with the 10' setback, the big issue was having enough greenspace and that 10' setback was added to meet the greenspace requirements because they need 25% of the property. Jackie stated that if they were able to change the property on the other side by eliminating a couple of the parking spaces and gaining greenspace there, the paved area could be extended on the south side closer to the property line. The adjacent property is the same type of zoning, GB.

Mr. Hennessy stated that they would install a bike rack. Mr. Hennessy stated that they would also provide striping in front of the site to preclude anyone from parking in front of the building.

Mr. Hennessy provided the Board with two options; the first option does not provide significant parking on the Lone Pine Road but it is very similar to the current layout and includes 14 parking spaces. The second option provides a parking opposite each other with a 24' aisle and the dumpster in the rear of the building. Mr. Hennessy stated that he prefers the first option mainly because it was consistent with the current traffic flow.

There was discussion regarding the different parking options.

Mr. Hennessy stated that the project would not cause a significant change to the site and there were a small amount of convenient store sales previously. Environmentally it would be a safer site than before.

Chairman Barber asked if there was some issue with drainage on the site.

Mr. Hennessy replied not that he was aware of. Mr. Hennessy stated that it drains to the northeast off the site in sandy soils. Mr. Hennessy stated that he originally proposed a swale on the northeast edge of the parking area if need be for recharge of the groundwater table.

Mr. Hennessy stated that they have old light poles which will be removed and a concrete pipe which extends on the surface near the sign on Carman Road. Mr. Hennessy stated that he believes that Mr. Mastrianni placed it there to inhibit some cars from entering the site many years ago. They hope to remove that pipe also.

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

Joan Annis of 3012 Lone Pine Road asked about the lighting and the hours of operation.

Sharon Mastrianni, abutting property owner, had concerns regarding the drainage, the setback area, the barrier, the light poles on her property, kids riding bikes and motorcycles trespassing on her property and also odors from any cooking going on at the convenience store.

Christine Pirri of 415 Danna Joelle Drive had concerns regarding what safety measures would be put in place in the small parking lot to keep children safe.

Mr. Hennessy stated that they had not done a lighting plan yet because of some of the potential changes in the configurations. Mr. Hennessy stated that no poles over 15' would be allowed and they would use the shoebox cutoff fixtures for downward lighting. Mr. Hennessy stated that very possibly there would not be any lighting on the Lone Pine side because of the limited parking and because the canopy is there.

As far as the drainage, Mr. Hennessy stated that they could raise the edge of the parking area to accept more drainage if need be. No stormwater prevention plan is required because it is well under an acre.

Mr. Hennessy stated that the grill in the convenience store would have filters installed and the grease trap would also be installed.

Mr. Hennessy also stated that the fact that there is a sidewalk helps with safety on the site. The hours of operation would be 6am to 11pm from Monday – Saturday and 7am to 10pm on Sunday.

There was some discussion regarding the signage.

Chairman Barber stated that he would like the applicant to submit a lighting plan and some report for the file showing that the drainage is going to be handled on site with no impact upon neighboring properties.

Sharon Cupoli asked about the swale.

Mr. Hennessy replied that there is more room for that to occur and can be channeled better with Option 1.

Chairman Barber stated that Option 1 has all the parking on the south side of the building away from the Lone Pine Road side.

Chairman Barber stated he would also like the applicant to handle the elimination of the light pole and the concrete at the corner.

Sharon Cupoli asked if the dumpster would be enclosed.

Mr. Hennessy replied that it would be enclosed.

Chairman Barber made a motion to continue the hearing to February 18<sup>th</sup> for submission of a lighting plan, and additional landscaping, a drainage report and some understanding about the light pole. Motion seconded by Sharon Cupoli. Vote 5 – 0.

**MINUTES:**

The Board approved the minutes of 10-15-14.

**SIGNS:**

The Board approved signs for the **Guilderland Fire Dept. Rose Sale** at the same locations as last year as long there are no site distance issues. Vote 5 – 0.

The Board approved a sign for **Nirvana at 5180 Western Turnpike**. Vote 5 – 0.

The Board approved an exterior sign for **World of Beer** at Crossgates Mall. Vote 5 – 0.

The Board approved sign replacements for **Our Lady of Mercy** at MercyCare Lane. Vote 5 – 0.

The Board approved a sign for **Her Underthings** at 1704 Western Avenue. Vote 5 – 0.

The Board approved a sign for **Casa Real** at 1228 Western Avenue. Vote 5 – 0.

The Board approved a sign for **Vapor Outlet** at 2027 Western Avenue. Vote 5 – 0.

The Board approved a sign for **State Farm** at 3770 Carman Road. Vote 5 – 0.

The Board approved a temporary sign and a permanent sign for **Ted's Fish Fry** at 1645 Western Avenue. Vote 5 – 0.

The Board approved a sign for **Verizon** at 1475 Western Avenue. Vote 5 – 0.

The Board approved a sign for **Eastern Mountain Sports** at 1475 Western Ave. Vote 5 – 0.

The Board approved a sign for **Empire Financial** at 1832 Western Avenue with the condition that they add the street # and appropriate landscaping around the sign. Vote 5 – 0.

The meeting adjourned at 9:12pm.

