

Chairman made a motion to approve the site plan review in the matter of Rogers – Guilderland Center Plaza, dance studio, seconded by Terry Coburn and carried by a 7-0 vote by the Board.

NORTHEASTERN FINE JEWELRY – 1575 Western Avenue

Chairman Feeney announced that this was a site plan review to allow an 800 sq. ft. addition to the rear of the building. Zoned Local Business. CZ Design architects presenting.

Jan Weston, Town Planner, read the comments of the Planning Department as follows:
Northeast Fine Jewelry - 1575 Western Avenue

The applicant has applied to amend their special use permit to redo the front facade and to construct an 800 sf. ft. addition in the rear. Because the front entrance will be re-located the existing concrete will be removed and replaced with landscaping. There will be no net change in green space or parking. No planning objections.

Shawn Arndell, CZ Design, presenting: The owner is seeking to improve the existing façade, which has deteriorated over time. He is looking to upgrade the exterior façade and then add a small storage area off the back. The entry will be relocated to the parking lot side of the building, allowing more convenient access to customers. Conceptual renderings have been provided to illustrate the design intent and entry adjustments. The owner is seeking approval for an addition (800 sq. ft. or less.) at the rear of the building. The addition will serve as added office and storage space for the retain establishment.

Chairman stated that this is pretty straight forward.

Chairman entertained a motion to recommend approval to the site plan review for Northeastern Fine Jewelry – 1575 Western Avenue, so moved by Michael Cleary, seconded by Thomas Robert, and carried by a 7-0 vote by the Board.

BLACK CREEK RUN – School Road

Chairman Feeney announced that this was a preliminary review and approval of the proposed Country Hamlet development. Chris Meyer presenting.

Jan Weston, Town Planner, read the comments of the Planning Department as follows:
Black Creek Run – School Road

The applicant is requesting preliminary approval for this Country Hamlet development.

I have appended the components necessary for the approval of a development plan. If preliminary approval is granted the applicant must then go to the Town Board for approval of the rezone to Country Hamlet. This approval will be in the form of a local law which will outline all the design criteria and conditions for the development. Once that is approved, the applicant must come back to the Planning Board for final approval of the subdivision to be filed with Albany County.

In light of this checklist I believe the applicant has complied with all the guidelines except for the table establishing minimum area sizes; width, side yard, frontage, depth, rear setbacks, and other dimensional standards. While there are no minimum bulk requirements, the town's design guidelines should be used as a base. Where the applicant deviates from this model, a table shall be created and included in the development plan. This table will become important in the future as owners begin to want additions, decks, pools, etc.

I recommend approving the preliminary plans, with the following comments:

- I am not particularly comfortable with the open space going to a private owner but can live with it if everyone else is in favor.
- that all comments from TDE have been adequately addressed.
- that the language of the conservation easement be approved by the Town Attorney
- that the table establishing area sizes and setbacks be established on the final subdivision plat.

Ms. Weston stated: Chairman reminded me of the design guidelines for the Country Hamlet Development. This Board feels comfortable that the development is meeting all of the appropriate guidelines.

Chris Meyer presenting: Several years ago we submitted plans to the Board and there were several comments made at the last meeting, and questions about the architectural and other design standards for country hamlet. They are a Victorian type design, two stories, and have the plans showing the placements of the homes and the garages. A restriction will be made stating that any garages within a certain distance of the face of the dwelling will have architecturally designed doors.

Mr. Meyers explained the design of the senior buildings. As you enter the project you will have the senior building on your right and there will be (4), eight twin homes on the left and then there a 300 ft. absence of any homes and then will transition into the single family home.

Terry Coburn wanted to know if there are any garages connected to the senior homes.

Mr. Meyers explained that they will be building a bay of garages detached in the rear of the senior homes.

It was also mentioned about modifying lot 2 & 3 lines and that has been done on the current plan that you have. It was addressed to make it a little more pliable from the angle that it was previously at.

Chairman wanted to know if there was any reason that the rear lot lines of 5, 6, 7, 8 and 9, have a bunch of angles. Are we doing that for a reason? My one suggestion for this property is to make the property line as simplistic as we can so there are not a lot of questions. Why don't we straighten the rear lot lines from lot 10 and lot 5 that meets lot 6 and make them bigger - it will be a straight line across and provide a more readily identifiable protection area.

Chairman mentioned that you could actually include the stormwater management area in the open space calculations; the way the code reads it can be included in open space.

Chairman stated that there are no real common lands. Where the senior housing is proposed, it would be nice to provide a common space area that would make a nice community space that the seniors can enjoy.

Chairman added: The lands that are being proposed, as part of the open space land, the town would now be willing to accept the property. We originally discussed having a HOA, and then suggested maybe approaching a neighboring farmer to use the open space for farming. Would you be receptive to that?

Mr. Meyer was willing.

Chairman stated. We can move forward tonight with my understanding that the town will accept the 14 acres, (approximate) on the north side as an active agricultural uses taking the other property with the conservation restrictions, stating that there shall be no structures built onto it. It's not that they want it but they would want to make sure that it stays in public ownership.

There was further discussion about the land. A question was what use would the town have for this land now since four years ago they flatly turned Mr. Myers/ me down. Now all the neighbors would like it and would be the best stewards of it.

Chairman stated: Apparently, the Town Board changed their minds and we don't know what the town plans are on doing with it. It is all regulated wetlands and the land cannot be filled.

Chairman asked if there are any neighbors here who has any comments about this application.

Heidi Moak, owner of the adjacent property, stated: We are not looking to get free land for us, it is giving ourselves a little more buffer on that side.

Ken Johnson, Delaware Engineering, explained that the only condition I have is to provide the renderings, and language for the Conservation Easement, and language for the property along Neilson Road. The project is located in an Archaeological sensitive area and we will need that sign off from SHPO and approval from Albany County Public Works.

Ms. Weston added: That on the final subdivision map it will need to show all the lots now merging the pieces of land and provide deeds for all those lots and will need to be filed with the maps.

Chairman made a motion for preliminary approval in the matter of Black Creek Run, School Road with the following conditions:

- Town Highway Superintendent approval
- Town Water & Wastewater Superintendent approval
- Albany County Health Department approval
- Albany County Highway Department approval (for any new curbcut)
- \$1,500.00 per dwelling unit – park & recreation fund (with building permit application)
- \$2,085.00 per dwelling unit – sewer mitigation fee (with sewer hook-up application)
- Provide table on plans establishing minimum bulk standards to control house construction
- Rear lot lines for lots 5-10 are adjusted to provide more uniform property boundaries.
- Common seating area be provided on apartment parcel.
- Houses be constructed consistent with Architectural narrative renderings submitted.
- Conservation easement language be approved by Town Attorney

seconded by Thomas Robert and carried by a 7-0 vote by the Board.

MEETING ADJOURNED: 9:30 P.M.

Chairman explained that Price Chopper has responded to most of our comments. They have provided the larger end islands, the narrowing down the crossing distance, and doing something about the glaring of the lights on the top of the building. Also, the end islands are now performing a stormwater management function and the roadway has been stripped which will provide better direction for exiting vehicles.

Chairman made a motion to recommend approval for the site plan review for changes to the Golub Price Chopper building with the following conditions:

- Provide detail of proposed crosswalk style (preferably "ladder style).
- Consider providing conduit and other infrastructure to accommodate electric vehicle charging stations
- Identify location of any outdoor displays or sales area and doesn't interfere with any site distance.

seconded by Thomas Robert, and carried by a 6-1 vote by the Board. (Bruce Sherwin opposed)

BLACK CREEK RUN (DUTCHMAN ACRES) - School Road

Chairman Feeney announced that this is an update on a proposed Country Hamlet development containing single family\homes 27 single family homes, 5 town's houses, and 14 unit senior apartment building. Chris Meyer presenting.

Chairman stated: I just want to bring us up to speed on this application. You will need more details and I don't believe that we have seen the Conservation Easement language yet.

Also, there are some procedural issues with the transfers of a number of properties that need to be clarified.

Chris Meyer presenting: We will have now 4 town's houses, 24 single family homes and 14 unit senior apartment building. The entrance and exit will be from Depot Road. It is the same configuration as the original map. There has been very little done to the design from the very beginning. We had radiuses that we encountered that didn't meet the town Code.

One of the major developments was the elimination of the Homeowners Association and the landowner Mr. Moak agreed that on the northerly side of the development to take all of the land that was left for open space. That will be merged into his deed and will be the owner of that land. There is also a parcel of land that is mostly wetlands, and the owner of the senior building will take that land on and merged it with the deeds so that there will be no leftover land, and no community land. Everyone will own their own lot. The stormwater practice will be deeded to the town.



This is actually a submittal for final approval. We have received comments from the TDE and most of them are relatively minor. We also received the letter from Albany County and they had a few comments that were relatively minor details. The major one was the SWPPP and that has already been done and reviewed.

Chairman stated: I don't understand the two driveways for the senior apartments. Does that become one driveway now?

There were some comments on the sidewalk locations and believe they have been modified. We are still looking to see for you to provide us some language on the actual conservation easement. I have provided you some samples to work from and will need to see those and share them with Planning Board Council. The language that is going to be filed with preserving the two large pieces, will need to have a letter stating from Mr. Moak, that he is agreeable to accepting that property and becomes part of his farm. The larger wetland parcel to the south will become part of the senior apartments and will be all one parcel. The town will own the stormwater management with two access points. The sidewalk will be provided and connect to the school and to the neighboring neighborhood.

The number of parcels to the rear of those homes will get additional acreage and those people were willing to accept that property.

Chris Meyer explained that I will make sure that all these parcels get merged and filed before the final approval. The deed descriptions will be prepared, drawn and executed for your review at the same time that the maps get signed.

Ms. Weston explained that after they get the preliminary approval for the rezone, you go back to the Town Board and they will give you a conditional rezone to Country Hamlet. Then you will come back to the Planning Board for final approval.

In preparation of preliminary plans the developer should also be indicating the architectural appearances of building types, street landscape drawings, and parking layout and landscape concepts.

There was discussion on whether or not they got concept approval.

Ms. Weston mentioned that there was no approval because this Board could not give it without the roads meeting the standards. You will need to give us the information along with the Conservation Easement language, when you come back again.

Chairman further explained that you will need to get us the actual language so I can get that to the Planning Board Attorney and sit down with her and review it.

Chairman added that I feel that we made sure that we met the intent of the Country Hamlet zoning and felt that it did and the way the open space is set aside it does meet the intent.

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Terry Coburn explained that basically tonight we are saying that this is good what you have shown us.

Ken Johnson, Delaware Engineering, explained that the Town Highway Department has no objection, and Water and Wastewater Department has no objection and the Guilderland Fire Department and has no objection. You will need to provide us the language for the Conservation Easement for review, language for the properties along Neilson Road and finish up the SWPPP and any comments you may have from Albany County Department of Works.

Chairman stated that the next step will be the provisions of those things and then we can schedule you for preliminary approval in June. Then you will go back to the Town Board for your final rezone and final approval.

MEETING ADJOURNED: 9:30 P.M.

Chairman explained: That is why they are going to need an area variance. The rest of the neighborhood is similar to what they are proposing to do. However, the zoning is for 15,000 sq. ft. lots. They need to go to the Zoning Board of Appeals to see if they can get the area variance granted for the lot size and setbacks.

Chairman added: They will need to show on the plans, the building envelope and to show the location of the house and the grading and drainage plans.

Terry Coburn mention that another concern that the GCAC had was the demolition of the house and that the asbestos sidings to be properly handled.

Chairman made a motion to approve the concept for two lots at 49 Fliegel Avenue and it was so moved by Michael Cleary, seconded by Thomas Robert, and carried by a 6-0 vote by the Board.

MATTER OF DUTCHMAN ACRES – School Road

Chairman Feeney announced that this was a update and discussion on a proposed 34 lot hamlet development. Zoned Country Hamlet (pending). Chris Meyer presenting.

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

This 34 lot clustered, country hamlet development that has already received conceptual site plan approval. However, because of the recent Guilderland Hamlet study and some of the ideas that came out of the public workshops, I thought it would be a good idea to revisit the concept with the Planning Board before the developer begins engineering design. Some of the design issues yet to be determined are as follows:

- Should the roadway have through access to School Road? In most cases, connectivity is desirable. However, there have been many School Road neighbors stating that the road cannot handle any additional traffic. There is also the question of whether a through road would become a cut through as it would be directly opposite one of the school's parking lots. If the road is to connect to School Road, the roadway should be designed to discouraged this cut through movement.
- A pedestrian connection should be shown to connect directly from Dutchman Place to Nielsen Road.
- Off sight improvements should include a sidewalk from Dutchman Place, along the west side of School Road and to connect with the sidewalk at the corner of School and Route 146. Whether a sidewalk along Depot Road to Rt. 146 should be determined
- Any on-site trails should form a continuous loop.

- The provision and location of an on-site recreation area should be discussed.

In preparation of preliminary plans the developer should also be considering the architectural and other design standards for country hamlets and how they will be implemented in this entire development and especially in regard to the 12 unit building and its accessory parking lot.

Chairman Feeney stated for the record. I received communication from Lisa Long, 20 School Road & Jean & Marijan Zacharkevic, 18 School Road, dated October 14, 2009, in regards to that this subdivision should not be approved with the following reasons: 1. Proposed subdivision will double hamlets area and population 2. A huge undertaking for Guilderland Center Hamlet. 3. Black Creek being in danger of water pollution. 4. Is in flood zone area with existing wetlands and high water table. 5. The traffic increase. 6. Noise Pollution and 7. High School football night games are illuminated and casts bright light over School Road and surrounding areas.

Also, they find this subdivision is designed for maximum profit and the clustered 34 single-family lots should be scaled back on one-acre lots. (On File)

Chris Meyer presenting: About two years ago we received the concept approval that enabled us to get before the Town Board to received our conditional rezone to country hamlet. After three appearances before the Board, we did get that conditional approval. The design that we had before you with the lots has remained exactly the same as the last time that you saw it.

At the School Road end there is a cluster of 25 single family homes, and at the Depot Road end at the beginning of the new proposed road, there will be 4 two-family homes and there will be a 12 unit senior apartment building. The main difference on this plan is that there will be a detention pond. That area will take all of the stormwater that is produced by the improvements that will be made. It will be filtered, stored, and then discharge at a control rate into Black Creek. We also added sidewalks throughout the community and it was recommended that we add sidewalks on School Road in front of our project. We created a walking trail and that trail comes from School Road along the rear of the homes between our development and Nielson Road development along the detention basin back to the proposed recreation area, and along the Black Creek to Depot Road, and then coming back towards Depot Road to the beginning of our road.

One issue that we did look into was the amount of walking trails in there and whether they would be necessary or they could actually be a nuisance both to the people in the proposed development and the existing development, and the placement of the recreation area. In conversation with the Town Board as well as with some of the residents, we are not sure that the recreation area in that location would be a good idea. It may serve people not in the direct neighborhood more than it would the people that are there. It may be a source of another nuisance to the residents.

Another issue is whether we want to have the thru street. We have made two submittals – 104 & 105 and did have input from the neighbors on the drainage. The traffic is also another concern.

Mr. Meyer further explained the drainage pattern and how we are providing the overflow when a heavy storm comes and how it cannot take all the water, but will be able to take some of that water into the system as well.

Mr. Meyer also explained that the Town Board wanted us to provide an updated traffic study which we have done. Creighton Manning Engineering did the traffic study and their conclusion was based on the results of their analysis that the proposed Dutchmen Acres Residential Development will not result in any significant traffic impacts to existing or future traffic condition. Emergency access for public pedestrian and bicycle access is recommended from the site to School Road. Public vehicular access to School Road is not recommended.

We had submitted a letter from the Albany County Department of Public Works. Their conclusions read as follows: we concur that vehicular access to CR202 School Road is not desirable. It would invite cut-through traffic avoiding the CR 201/CR202 intersection. A mountable curb and a stabilized connection from the curb to the cul-de-sac could be used to provide an alternate entrance for emergency vehicles and pedestrians. A provision should be included in the maintenance plan to ensure it is passable during winter weather. (On file)

Based on the initial concerns of the neighbors in regards to traffic condition, Creighton Manning and the Department of Public of Works presented our plan with a cul-de-sac, emergency vehicle access, but no access from our development to School Road, and no access from the school or School Road using that development as a potential short cut.

Chairman stated: It always was a concern of mine to not have the road go through. It seems to me if the road was pushed further to the north you could eliminate the attractiveness of that cut- thru. From the traffic standpoint, I don't see it if it makes a difference whether there is an access road or not. People will end up at the intersection of Rt. 146 and School Road. What is being proposed now, I think that it is difficult to provide a pedestrian connection to Nielson Road. I think that this Board, all along, wanted to see some sidewalk connection from Nielson Road. The way that it is laid out now, I don't see how that can happen.

I have concerns about the barricade to School Road . It is much safer to have a road that goes through. I would like to suggest the elimination of the barricades and to have the addition of three more houses on School Road.

Mr. Meyer explained: We have a footpath at School Road along the rear of several of the homes going into Neilson. Our concern is that if we provide a direct connection it has to go between two homes. There is not a lot of room there.

Chairman stated: I don't believe that is the case. I have done a quick sketch today where it doesn't go between any houses and would like to have comments from Creighton

Manning or the county on this proposal. A concern that I have also is the layout if the senior center. I do not understand the parking in the front.

There was further discussion about the sidewalks and the cut thru and the access.

Terry Coburn had a concern with the cul-de-sac having so many homes on it. I thought the limit to a cul-de-sac was 13 houses.

Chairman had some comments about the stormwater drainage and the piping and having using a bio swale instead of piping.

Chairman suggested that the recreation area should be just open space.

Mr. Meyer added: I have talked to a number of residents in the adjoining development, and two or three residents in this development about not being in favor of the trails. Their concerns about the trail was that by having these trails invites people who you do not know and who can come from anywheres.

Thomas Robert mentioned that regardless whether or not you have trails kids will still walk back there.

Chairman added: The trail system can be debated and I don't think that this is going to be done tonight because we have the homeowner's association issues with the property.

My main concern is that the way that you have it designed now, there is no convenient easy way to have pedestrian access to Neilson Road. Another concern is that we now have to get a cul-de-sac with another forever barricade that will have to be maintained by the town.

I suggest the elimination of the barricades and the addition of three more houses on School Road. From our perspective it's much safer to have a road that goes through.

Also, the only traffic issue is the cut-thru traffic in your neighborhood.

James Cohen liked the design but had concerns about the cars taking a left hand turn leaving the school and the stacking of cars at both ends of School Road.

Paul Caputo asked for Mr. Meyer to include in his request to Creighton Manning and DPW information about how many cars are likely to head toward Altamont on Depot Road and the impacts on it during the peak hours.

Chairman's key issue was the access for pedestrians to Neilsen Road.

Mr. Meyer stated: What we can do in interim, is to see if we can adjust that access similarly to what you have proposed, and see if that affects your opinion at all. Right now the county is doing a study at School Road and Depot Road and there is a potential for a round-about road in the future..

Chairman stated: To me the recreation area does not make a lot of sense. The loop trail could be seen as a nuisance and needs to be discussed further, and the location of the apartment buildings and the parking should be located on the side and the sidewalks on the senior side of the road.

The biggest issue is the road. If you are going to stay with this design, then how would you accomplish the Nielson Road connection?

Ms. Weston added: In my opinion, what is sketched out here is a preferred plan. The opinion of the board is to give the residents a chance to be able to react to it.

Chairman stated: Once we get the comments from the Albany County DPW to know what their position is on this, then we can move on.

Ms. Weston stated: We need to decide on a conceptual plan and then they will be able to go to the design stage and then come back for the preliminary hearing.

Chairman asked for any comments from the audience.

Kelly Gardner, 14 Neilson Road, attended all the meetings. Neilson Road is a very narrow dead end street. Now it seems that the Board is now talking a connection to Neilson Road. That was never proposed before. I see no benefit to Neilson Road to have a walk through that will draw more of the kids through our neighborhood and I am against this. I am also concerned about the traffic impact.

Dr. Susan Weeks, 472 Rt. 146, and I sit at the advisory board for the Guilderland Hamlet and also in the process along with other residents in forming a Guilderland Center Association for residents. We have great concerns about the density of the population, the water situation in terms of the water shed, and the fact that it is connected to one of the most important wetlands, that is the Black Creek. Another concern is the traffic. The only thing that is an improvement is having sidewalks. The roundabout road will take another ten to fifteen years before anything happens. Therefore, we are not in favor of this proposal unless they downsize it.

Chairman explained that from a stormwater issue, it is designed to handle all the water and to not discharge it.

Mr. Meyer, Owner and Applicant, also added: The Black Creek will not take any more water, but if anything, it will take less. We are concentrating and controlling it at a release rate that will probably lessen the water. The water quality will be better.

James Cohen wanted Ms. Weston to address the history of the pedestrian connections.

Mr. Weston, Town Planner, explained: We have always stated that we want a pedestrian connection and originally we were going to go down that 60 ft. strip that the developers owned. We got feedback from the residents on Neilson Road saying that they did not want people walking in their back yards. That is why we moved it to the street.

Chairman stated: We have been saying that we want that pedestrian connection to Neilson Road. The right-of-way went away at some point for the vehicular connection so you can no longer do a typical grid pattern that you see in a Hamlet.

Terry Coburn added: If we don't provide it, kids will make their own path.

Chairman stated: As far as the process goes, you will need to talk to the Department of Public Works and get the issue resolved as soon as possible. You will need a more detailed design and need to address some of the issues such as the trails, property ownership, and the actual storm drainage whether it will be swale or piped the whole way and the extended sidewalks system.

Mr. Meyer stated that the sidewalk connection will be just in our community. At the last Hamlet meeting, they mentioned in a positive way that this project can provide improvements to the community.

Chairman ended the discussion.

MASON – 1415 Western Ave.

Chairmn Fenney announced that this was a site plan review to allow a customary home occupation for home inspections and property management. Zoned R10. Dennis Mason presenting.

Jan Weston, Town Planner, read the comments of the Planning Department as follows:
Mason - 1415 Western Avenue

The applicant has applied for a special use permit for a home occupation that entails property management and home inspections. The applicant states that no equipment is stored on his property and n clients came to the address. No planning objections.

Dennis Mason presenting: I would like to be allowed to have a customary home occupation to turn my one bedroom to allow an office inside my home for the use of a home inspector business by owner. I am a license home inspector and would like to service buildings.

Chairman asked for any comments from the Board.

Thomas Robert wanted to know if you have any employees.

Mr. Mason said that there will not be any employees.

James Cohen wanted to know what the garage is used for.

ADVISORY OPINION - DUTCHMAN ACRES – Depot Road

Chairman Feeney announced that this was an advisory opinion on a request to rezone the property from RA-3 to Country Hamlet, for decision only.

Chairman read the Initial Statement of Findings – Concept Review – Dutchman Acres as follows:

To meet the purpose and goals of the Country Hamlet District the concept sketch should be modified to include a direct pedestrian connection from the proposed new road to the southern end of Nielsen Road. A crosswalk should be provided on County Route 202 at the proposed sidewalk terminus with appropriate signage as required by County DPW. An analysis of any potential off-site sidewalk construction should be performed. (Should sidewalks extend along the west side of CR 202 south to CR 201?)

Instead of ending in a dead end at a proposed “recreation area” the proposed trail should be constructed to provide a continuous loop and the type of open space areas proposed more clearly defined.

The traffic study should analyze the feasibility of connecting the proposed new road to County Route 202 instead of terminating in a cul-de-sac. Issues of potential cut through traffic should be identified along with any traffic calming or road design measures that could be implemented to mitigate impacts.

Given the high water table and history of drainage problems in the area, a detailed stormwater management plan must be provided. The existing sketch plan does not provide a concept stormwater management plan.

Chairman asked for any comments from the Board.

Lindsay Childs suggested a trail going out to Depot Road and would like to see a sidewalk along Depot Road at the end of this parcel to Rte. 146.

Chairman made a motion to approve the Initial Statement of Findings for the concept review as written.

The motion was seconded by Michael Cleary and carried by a 6-0 vote by the Board. (Paul Caputo left early)

MEETING ADJOURNED: 8:15 P.M.

Chairman Feeney stated: You have shown on the final plans a notation stating: no further subdivision of lots# 1 or # 2 should be allowed. You have shown the proposed maintenance agreement for the shared driveway and that looks fine.

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

Chairman made a motion for SEQR and read it 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 that 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, comments by the Albany County Health Department and by the environmental short form which the applicant has filled out.

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

Chairman made a motion for final approval with the following conditions:

- Albany County Health Department approval
- \$1,500 per dwelling unit - park & recreation fund (with building permit application)
- Easement be provided for maintenance of common driveway

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

MATTER OF MEYER - Depot Road

Chairman Feeney announced that this was a concept presentation of a proposed 2 lot subdivision of 53 acres. Zoned R15. Gregg Meyer presenting.

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

This is a concept presentation to divide a 53 acre parcel that is physically split by Depot Road. The applicant has a contract to purchase the 38 acre eastern portion of the site and has previously made an application for a major subdivision, called Dutchman Acres. The western 15 acres will be retained by the present owner, Thomas Wu.

The applicant was requested to show that the 15 acre site could support a viable building envelope. He has mapped an area of the federal wetlands and shown a 50 ft. buffer.

Although the upland areas are small, at least one house could be reasonably placed on the site.

No objection to final approval.

Gregg Meyer presenting: I have a contract to purchase the 38 acre parcel on the eastern portion of the site. I had previously made an application for a major subdivision. The other 15 acres will be retained by the present owner, Dr. Wu. In order to come forward with the subdivision approval that I had approached the Board for last July, I am now going for a two lot subdivision and about 15 acres are split by Depot Road. I have shown both parcels, the lot 2 the building setback lines, and had delineated the federal wetlands and created a 50 ft. buffer within the wetlands. I did show that the 15 acre site could support a viable building. The building envelopes and setbacks are all shown on the map.

Chairman stated: This is pretty straight forward. In regards to the delineation, is there a note on who it was done by?

Mr. Meyer said that lot #1 was prepared previously by a representative of the Army Corps of Engineers (David Ingall). I will have lot #2 done next and then submit the letter to you very shortly.

Chairman asked: Have you had a discussion with the Army Corps of Engineers?

Mr. Meyer said: I have not met with the Army Corps of Engineers for lot #1.

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

Chairman asked for any comments from the audience.

Rosemary Thomas, Guilderland Center, was concerned about the development of lot #1.

Chairman and the Board members approved the concept for this two lot subdivision on Depot Road.

Chairman made a motion to adjourn and the motion was seconded by Paul Caputo and carried unanimously by the Board.

Meeting Adjourned: 8:05 P.M.

DiBella - 2563 Western Avenue

The applicant is requesting a special use permit to use approximately 1400 sq. ft. of space for a restaurant and bar in Park Place Plaza. This plaza has operated for a number of years with different combinations of retail, offices and eateries. All site improvements have been previously approved and I know of no problems with traffic, parking or nuisances from this plaza. No planning objections.

Michael DiBella presenting: The proposed use of the property is for a sit-down restaurant consisting of eight tables and thirty-two seats. I would like to put a bar in front that would just serve wine and beer.

Chairman Feeney stated: This is pretty straight forward . There are no site changes and its does meet all the town requirements.

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

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

Chairman made the motion in the matter of DiBella, 2563 Western Avenue, to approve the site plan as submitted.

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

MATTER OF DUTCHMAN ACRES - Depot Road

Chairman Feeney announced that this was a preliminary discussion on a proposed hamlet design subdivision containing 27 single family and 5 duplex units. Zoned R-15.

Chris Meyer presenting.

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

Dutchman Acres - Depot Road

The applicant has requested an informal discussion with the Board to introduce a hamlet type subdivision for this site. The proposal calls for 27 single family homes on small, clustered lots and 5 duplex units close to Depot Road. A Hamlet District law is part of the Rural Guilderland study and draft regulations have been written. However, these regulations are still developing and nothing has been approved by the Town Board. Therefore, we are not able to discuss details such as number of permitted lots, specific lot sizes, or final percentages of open space. But the applicant would like to start discussing some of the major characteristics such as road and lot layout, open space and connections. I have the following comments:

- The proposed cluster design eliminates all encroachments into the wetland areas except for the road crossing. The open space is all contiguous and provides for a large buffer from the Black Creek. In terms of open space, this design represents many of our goals.

- The applicant has shown a cul-de-sac with access to Depot Road. However, the number of proposed lots on a one access street far exceeds our guidelines for emergency access. At the last hearing, the neighbors along School Road were concerned about the already congested conditions around the High School. Possible solutions might be to extend the cul-de-sac to School Road and provide a crash gate for emergency vehicles, or to allow a one way street.
- The plan shows a trail along the northern edge of the property which would then run adjacent to the Black Creek. The plan should show a connection to School Road and also a pedestrian/ bicycle connection directly from the proposed road to Nielsen Road.
- The Hamlet District Law will call for sidewalks. I am not sure of the need for a sidewalk along a one access road. However, we should be looking at making a connection that would provide these residents a safe route to Main Street.

Overall, I think the applicant has made a good first attempt at a hamlet-type design. Over the next couple of months the Town should be finalizing and adopting the laws necessary to achieve our rural Guilderland goals.

Chris Meyer presenting: Several months ago, before the moratorium went into place, we came in with a design of a subdivision. What we did was to utilize the current R15 zone, and the current buffer setback to the Black Creek. We adhered to the current buffer to the federal wetlands and had them put into place for the Army Corps of Engineers.

This last design contained 34 lots and all the lots were in conformance with the zoning. There was an access directly across from the High School, School Road and another access on Depot Road with a short cul-de-sac off of that.

Since that time, we have created another plan that was in keeping with what could possibly be the new Hamlet law and its adopted regulations. I think that this should take care of quite a few of the questions or the problems that we had with the original design.

What we did on this new plan is to create 32 lots. This proposal calls for 27 single family homes on small, clustered lots and 5 duplex units close to Depot Road and the balance of the property will remain open.

We created lots 60 ft. wide and they will be 120 ft. deep. In other areas, the houses will be designed specifically for the lots and the sidelines will maintain a minimum of 5 ft. which is the suggestion of the new regulations. This allows a similar density and in this plan we are 500 ft. away from the Black Creek and the wetland impact is minimal. The water and sewer design will stay the same. There will be the appropriate detention area and the storm water regulations will be maintained.

We propose along School Road a berm that will screen the School from the development and will also have a pathway that will go around the perimeter of the property along the

Black Creek. There is a strip of land that was left for the possibility of the need of ingress or egress from this site.

Chairman Feeney stated: My main concern really is the access road. I am not sure why you are not providing access to School Road.

Mr. Meyer explained: At the first meeting, it was a combination of the Board members and the comments from the audience who had street concerns about the traffic congestion during peak hours on School Road. That is why we eliminated that access.

There was further discussion about the access road and the traffic impact during the peak hours.

Chris Meyer stated: It seems that we are in between regulations, starting off with some new regulations that are not even completely adopted. We have been on hold and I just need some direction to proceed somewhere to develop this site.

Chairman explained: We are in a tough situation and you do have the right to pursue an R15.

James Cohen stated: I agree with the Chairman. We need to see the location of the driveway to School Road and the intersection of 202 and 201. If this is going to be in a Hamlet District there should be a pedestrian sidewalk out to School Road.

Terry Coburn asked: Previously, when we approved the duplexes on Depot road, the ground water level was very high in that area and they had problems. I wonder if by putting the houses so close, would that create a problem with that?

Mr. Meyer explained: We will be putting in basements and the whole area will also get a storm system for the collection of water. All of these homes that have basements will have sump pumps.

Chairman stated: I don't know where this code is going to go, but typically when you establish a number of lots, the storm water detention and retention facilities have to be shown as part of establishing your density.

Ms. Weston stated: The new regulations should be going before the Town Board for approval sometime in March or April.

Chairman Feeney asked for any comments from the audience.

Marijan Zacharkevics, 18 School Rd., was concerned about the traffic problem and the density of this development being closely clustered together.

Stephanie Guelpa, 10 Nielsen Rd., asked about the right-of-way strip and was concerned about the connecting of the pedestrian path. Things happened in the past on Nielson Road

in regard to the kids smoking and drinking. I am afraid that might encourage more of that kind of activity again. Also, I am concerned about drainage. We already have had some severe flooding problems on the block.

Mrs. Guelpa's daughter was concerned about the access road to Depot Road and suggested perhaps you can use a longer access out to a further point on Depot Road to where they would almost want to go around to Rt. 146. We have traffic from the Industrial Park, the high school and from the district bus garage which makes it very difficult during the peak hours.

Chairman explained in regard to drainage: The general law is not too impact neighbors. He will have to go through a storm water pollution prevention plan through the Department of Environmental Conservation.

The purpose of the Hamlet Design is not to have lots extremely smaller than what is out there.

Chairman stated: This Board realizes that there is a lot of traffic out there and we have to look at basically what the impact that this proposal will have on it. The impact may only be a relatively low 1 percent.

Dean Sim, 25 School Road wanted to know if the Army Corps. of Engineers has gotten back to you about the wetlands in that area and has it been designated yet?

Mr. Meyers explained: We had the wetlands delineated and had the Army Corps out there. They agreed to this being an isolated wetland. I have not seen the jurisdictional letter from the Army Corps. as of yet.

Mr. Sim asked about the detention pond. The detention pond that will be going in, will that be closer to the Black Creek?

Mr. Meyers said yes. It will still be quite a distance from the creek, but the new DEC regulations that went into effect in March, 2003, not only treat the quantity but the quality of the water. There are very strict guidelines that we have to follow.

Chairman added: I am assuming the open space that is being proposed will be in some homeowners association.

Mr. Meyer said: That would make the most sense.

Mr. Meyer's main question was: What is my procedure here to the board on getting approval?

Ms. Weston explained: You will have to wait until the Town Board approves the regulations in some form and then you will need the Hamlet zoning to get you going.

Mr. Meyer stated: Can I assume that the number of lots in this R15 zone, that was presented here, needs little work?

Ms. Weston stated: Without the new regulations we could not give you any assurances on the number of lots. The timing of the completion of the new regulations is uncertain. Once it goes before the Town Board, then it depends on public reaction.

Ms. Weston, Town Planner, explained: The Hamlet Design has its own density formula and it will have nothing to do with the R15 zoning anymore.

Chairman stated: You could do a traffic study, check out the water table to look at adding a turn-around for buses and emergency vehicles on the substandard Nielsen Road and a sidewalk connection to Nielson Road. You could have some discussion with the Highway Superintendent in regards to the access.

The Planning Board will be making a recommendation to the Town Board, but no action can be taken until the law is adopted.

Chairman made a motion to adjourn at 8:50 p.m. The motion was seconded by James Cohen and carried unanimously by the Board.

MATTER OF DUTCHMEN ACRES - School Road

Chairman Feeney announced that this was a concept presentation of a proposed 34 lot subdivision of 38.4 acres. Zoned R-15. Victor Caponera presenting.

Jan Weston, Town Planner, read the comments from the Planning Department as follows;
Dutchmen Acres - School Road

The applicant has submitted a concept plan for a 34 lot subdivision of 38 acres. The parcel is currently zoned R-15. Two new roads are proposed, one entering from School Road across from the High School, and the second, a cul-de-sac with access to Depot Road.

The northern boundary of the property contains the Black Creek and there are numerous federal wetlands that run southward through the parcel.

In 1991, the Town rezoned all vacant parcels over 5 acres to R-40. This parcel retained it's R-15 zoning because there was, at the time, an active subdivision application for the site on file. This application was later withdrawn. The School District also had an interest in this site for the expansion of athletic fields but deemed it too wet for their purposes. I have the following comments:

- I believe this parcel should not retain it's R-15 zoning. First, because it would have been rezoned in 1991 had an application not been on file. Second, and most importantly, because this is an extremely sensitive environmental site. The wetlands are part of the larger wetland area across Depot Road which were recently all protected with the Aliberti subdivision. Also, the Black Creek is a major tributary to the reservoir. 34 lots spread throughout the entire parcel will put a tremendous strain on this ecosystem.
- This parcel actually extends across Depot Road but is not shown on this plat in its entirety. The full parcel must be mapped and the remaining lands shown on another lot.
- All lots need to have adequate building envelopes which would provide at least a 30 to 50 ft. buffer from the wetlands. In the Aliberti subdivision, a 100 ft. buffer was provided.
- The 100 ft. buffer from the Black Creek should be deed restricted to prohibit any development, vegetation removal or the use of chemicals. Ideally, no lawn area would be included in this buffer.
- Any lots fronting on Depot Road should have shared driveways to minimize the curbcuts on this County Road.

- The Army Corps will need to certify the wetland delineation before the Board can grant preliminary approval.
- A storm water management plan is required and will be of particular importance due to the site draining into the Black Creek.
- A pedestrian connection to Nielson Road should be considered.

In summary, I would recommend this parcel be zoned R-40 and then the lots be clustered on smaller parcels substantially away from the Black Creek with large buffers provided around the wetland areas. This would allow for a hamlet-sized development but also allow for open space to protect the environmentally sensitive areas.

Gregg Meyer explained: The applicant submitted a plan for a 34 lot subdivision owned by Thomas Wu. The parcel is zoned R-15. The property is located across from the High School on School Road and will have access to Depot Road.

The abutting property lot sizes range between 10,000 to 12,000 sq ft. . The properties along Rt. 146, all have a variety of different sizes of parcels with all different road frontages. Some have an acre of land in size and there are two family homes.

The parcel has frontage along Depot Road and School Road. What is being proposed is two new roads. One road will enter from School Road across from the High School and the second road will have access to Depot Road. The northern boundary of the property is where the Black Creek is.

We have talked to Bill West, Superintendent of the Water Department, about the water and sewer. There is a sewer route in front and a manhole that sits in the center of the proposed roadway. There is a water line on the far side of School Road. We have met with Jan Weston, Town Planner, and talked to her about the concerns and comments about this project. All of this was based on the R-15 zoning. Ms. Weston explained that the Black Creek is a sensitive area and that a 100 ft. buffer is required. In the meantime, we had the property delineated and it has not been confirmed by the Army Corp yet. In all, there are about 7 1/2 acres of wetlands out of the 38 acres that this piece includes.

I have worked with the Army Corps on many projects and they would like to see a 40 to 50 ft. buffer area from side backyards. Based on the information that I have received, we have the 100 ft. buffer for the Black Creek and a 50 ft. buffer for wetlands. This is the proposal that we have come up with.

Again, using R-15 we did not make any 15,000 sq. ft lot. All of the lots are about half an acre or better. About 1/3 of the lots are an acre. The rest range between 20,000 sq. ft. to 3/4 of an acre.

We have a primary access on School Road and have a secondary access over on Depot Road. I know that traffic was an issue and with the secondary access that will help to alleviate that.

Based upon this design, it is anticipated that we are going to fill in a 1/4 of an acre of wetlands. This would have to be confirmed by the Army Corps but that is based upon this preliminary delineation.

There are four homes that we have proposed not to be on this new road. The areas that we are filling include the three cuts along Depot Road. Once the delineation is done, we are trying to keep it as a unique design as far as with the cul-de-sac. We have some lots that front along the Black Creek with the 100 ft. buffer there. No homes are closer than 150 ft. from the Black Creek.

We have not come up with a conceptual design for storm water management at this time. We came here to get some input from the Board.

Chairman Feeney stated: Because of the possibility of a moratorium this Board will not be able to take any action on this proposal.

Secondly, disregarding your design, the storm water plan will be a major concern of this Board. You are well aware that you are disturbing more than five acres. You are required to have quantity and quality controls. You also need to be aware of how our standards read now. I am assuming that there are no drainages or streams running through those wetlands. If so, they would have to be clearly identified on the plans. It would not just be the Black Creek.

In regards to the setbacks, lots 6 and 8 are a concern in that there is not a reasonable yard being provided for the residents.

Mr. Meyer said he made the proposal before talk of the moratorium was in place.

Mr. Meyer explained: I failed to mention that the area that has wetlands would have to be confirmed by the Army Corps, but the gentlemen that delineated for us deemed them isolated.

Chairman Feeney asked if lot #15, the back of lot #17 and along lot #19; if that is a drainage corridor?

Mr. Meyer stated: I don't know exactly what it is. My guess is that this was a farm before and that they are drainage ditches.

Chairman Feeney stated: With the moratorium out there, I don't know how much further we can go this evening. I don't know if there is going to be any rezoning.

Regina DuBois' main concern was the protection of the Black Creek. I personally would like to see the cluster subdivision with the protection of the Black Creek.

Chairman Fenney asked for any comments from the audience.

One resident is concern was the protection of the Black Creek and in regards to the negative impact. Is the negative impact on the Guilderland Center Community or the neighborhood as a whole?

Tim Backus' Nielsen Road, main concern was the impact of traffic and was concerned that Nielson Road is a dead end road, plus the impact to Guilderland Center itself. We cannot overlook the High School, the bus garage and the Industrial Park. I think we need to keep in mind how all of that fits into what goes on at School Road.

Michael Guettler, School Road, borders the access road to Depot Road. I was interested in the point that Ms. Weston made in her comments about the zoning. The only reason that this parcel was not zoned R40 was because, at that time, an active subdivision application for the site was filed and then later was withdrawn. Therefore, the only thing that kept this property from being zoned R40 was that subdivision application. I hope that this will be resolved within the moratorium.

I am also concerned about the tree line being cut down by lot #19 and lot #15. Also, I am concerned that I do have horses and whether or not people will complain about the odors.

Kelly VanWormer mentioned that the town's masterplan called for a neighborhood plan for Guilderland Center and saw this subdivision out of place. Also, there are many developments that have had a negative impact on the quality of life in Guilderland Center.

There were several other residents who had concerns about the impact of traffic, the pollution from the buses and the cars, the access road and the impact on Guilderland Center.

One resident strongly recommended that primary access should be eliminated in this development.

Mr. Meyer stated for the record: When I stated primary access, I didn't mean that as the first choice of access. I just meant to delineate as there is one and there is another. They both have the same right-of-way from both roads. They will stand as proposed in this plan as an access road.

Another resident mentioned that his main concern is the wetlands and the Black Creek and would like to have the subdivision downsize their proposal.

Chairman Feeny explained: You will need to show the surrounding details of where the High School driveway is and your primary access road is. The property across the street,

is that going to be retained by the current owners as one single lot. Where does the 60 ft. right-of-way end, and you need to show the adjoining road.

I would agree that it would be difficult to develop this site without access to School Road.

James Cohen's main concern also was the wetlands.

Paul Caputo also had several issues about this plan. The traffic is a concern and he would like to see a more detailed traffic study and the environmental concerns in regards to Black Creek and the wetland disturbance.

Also, given the fact that we may have a potential moratorium here, I think to do anything at this point is simply not be in anyone's best interest.

Chairman stated also that you will need to identify the streams, better identify the surroundings and clearly the access and traffic will have to be studied out. The main issue being is depending on the moratorium and what happens with that.

The Planning Board continued the concept presentation of this 34 lot subdivision.

Vote 6-0

Chairman Feeney announced that Dr. Becker did submit a resignation letter to the Board last month. I would just like to personally recognize his 20 years of dedicated service to the Town. He was a good Board Member and a knowledgeable man and will certainly be missed by all the members.

MEETING ADJOURNED: 9:00