

Planning Board Minutes
Regular Meeting July 21, 2014

James Greene, Chairman
Stephen Caruso, Board member
Elaine Van De Carr, Board member
Kevin Clancy, Board member
Cathy Glass, Board member

Michael Moore, Village Attorney
Kelly Best, Secretary
Kerry Dineen, Village Trustee
John Huber, ZBA member
Steve Walrath, LS & representative for
Mr. Todd Dube and Mr. and Mrs. Edwards
Cinna Edwards, applicant
Pat Morgan, resident
Todd Dube, applicant
Jason Peterson, LS & representative for Bushes
Wayde and Monica Bush, applicant
Kyle Haines, applicant
Willard Shultz, President Altamont Fair
Michael Biscone, Attorney Altamont Fair
Carmen Warkin, Assist. Attorney Altamont Fair

Chairman Greene opened the Planning Board meeting at 7pm. He outlined the 4 items on the agenda.

The Board reviewed the lot line adjustment for the Edward application. They currently own 2.24 acres and are purchasing 16.2 acres from the Becker estate. The Becker lands are in both in Guilderland and Altamont. The Edwards are purchasing only land that is within the Village of Altamont.

They want to combine the two parcels to create one lot. They will not be creating a building lot just moving their property line. They will not be purchasing the remaining Becker land which is located in the Town of Guilderland.

The Board determined that the Rail Road line will be the dividing line and although a very small amount of land on the other side of the rail road line is within the village, the Edwards wish to only purchase the property west of the rail road line.

Mrs. Edwards stated that they will not be asking to reclassify the land's use.

Michael Moore reviewed with the Board 315-10 E 3 of the Village Code. The Board asked if there were any objections from the public. There were none. Board member Van De Carr made a motion to approve the lot line adjustment application of Cinna A. and Joel Edwards pursuant to the survey lot line adjustment map of the lands of Edwards and Becker dated May 15, 2014 prepared by Steve Walrath. Board member Glass seconded the motion. All in favor.

The Board started the concept meeting for the request for a minor sub division for Mr. Todd Dube.

The Board noted that Steve Walrath was also representing Mr. Dube. Chairman Greene stated that Mr. Dube has been a client in the past and is not at this time and that he, Chairman Greene, felt this would not be a conflict if he were to participate hearing the application. Board member Van De Carr also stated that she has conducted business with Mr. Dube in the past and feels that this would not have an impact on her capability to hear Mr. Dube's request.

Steve Walrath informed the Board that the parcel is zoned R-20. The Board was presented minutes from the June 8th meeting of the Zoning Board of Appeals in which Mr. Dube was granted variances for two lots which would be less than 20,000 sq. feet each if the sub division was to be granted. Those minutes were distributed to the Planning Board and will be filed with these minutes as part of the official record.

Chairman Greene stated that the minutes are not yet approved by the ZBA, the Board cannot take action at this time. It was also determined that this is a concept meeting and that no action would be taken until after the public hearing. It was noted that the ZBA found that majority of pre-existing residential lots in that area of the Village do not meet the required 20,000 sq. feet. It was determined that the current 5 ft. strip would be absorbed by one of the two requested lots. It was also determined that it was at one time two separate lots when Sunset Drive was developed around approximately 1962. The parcels were then merged at some point after that. The request is to subdivide into two lots.

The Board inquired where a curb cut of a driveway would be located on the lot which is on the corner of Sunset Drive and Maple Avenue. The Board was also interested in knowing which direction the front of the home would be facing, whether it be Sunset Drive or Maple Avenue.

Board member Glass asked about the ditch along Maple Avenue and how would a driveway impact the drainage. It was determined that a curb cut request would have to be made to the County and that they would become involved with determining the manner in which the drainage would be handled. It was determined that a curb cut permit would have to be obtained from the Village DPW if the driveway were to be place on Sunset Drive. The Board discussed that a home could face Maple Avenue but have its driveway located on Sunset Drive.

Chairman Greene explained the process for the minor subdivision with Mr. Dube. He stated that the next step would be a public hearing in which the Board will review a final plat. Michael Moore advised the applicant that there is no concept public hearing requirement listed in Village Code only 315-11 Final Plat. He advised the applicant to please provide the Board with everything listed on the check list per Village Code.

The Chairman informed the public and board that Mr. Haines has been in front of the Zoning Board of Appeals requesting a variance of one foot to install a 4 foot fence in a front yard where a 3 foot fence is allowed with a Special Use Permit. The ZBA opened the public hearing on Tuesday, July 8 and has continued the public hearing until Tuesday, July 22. The ZBA asked Mr. Haines to provide them with a detailed landscaping plan on July 22.

Board member Caruso made a motion to open the public hearing for the request of Mr. Haines to allow a 4 foot fence in the front yard of a corner lot. Board member Van De Carr seconded the motion. All in favor.

Chairman Greene explained that the Planning Board could not take a vote until it was determined by the ZBA if they would allow a one foot variance. Chairman Greene asked that the information provided by Superintendent of Public Works, Jeff Moller, be added to the official records. Chairman Greene also reviewed the comments of Mrs. Sprague and the letter will be entered into the official record also. Chairman Greene summarized Mrs. Sprague's comments that the fence seemed to be too close to the road and would create sight line issues when it snows and that she felt a 4 foot fence was needed because she felt the dogs were aggressive.

The Board asked for a surveyed plat plan but was informed by Village Attorney, Michael Moore, that the Village Code doesn't require the applicant to hire a licensed survey and that a sketch plan with accurate measurements and details would be sufficient. The Board asked that Mr. Haines consider planting the landscaping, but Mr. Haines is reluctant to do so in case the Board does not approve the fence and he would have to remove it. There was discussion by the board regarding setback from the road and were referred to the written comments made by the Superintendent of Public Works. The Board asked the secretary to verify the code relating to fencing and above ground pools with the Building Inspector in Guilderland. Mr. Haines will provide some pictures to the board. Board member Caruso made a motion to continue the public hearing until Monday, September 22, 2014. Board member Glass seconded the motion. All in favor.

Chairman Greene opened the concept hearing for the sub division request of Mr. and Mrs. Bush. Mr. Peterson, representing the Bush family, reviewed the property owned by Mr. and Mrs. Bush on the corner of Brandle Road and Arlington. It was acknowledged that Arlington is a private road owned by Altamont Fair. The Bushes own 1.84 acres and would like to divide that into 3 lots. Their home would be on one of the 3 lots. Mr. Peterson has met with the Town of Guilderland Zoning/Building Department regarding Arlington. The Bushes informed the board that the fair was aware of their request.

Fair Attorney, Mr. Biscone, stated the Fair once owned Danvers, Berkley and Arlington roads completely. He stated that Danvers and Berkley have been completely taken over by the town as well as part of Arlington due to the development of residential lots. The remaining part of Arlington still belongs to the Fair. The Fair will not allow the Bushes to access their property from Arlington due to the "Chip and Dip" process used to maintain the road. The Fair does not object to subdividing the land but insist that the Bushes find alternate access to the proposed lots.

Mr. Peterson explained that would leave the property land locked unless the Board would approve a keyhole lot. The Bushes had asked the Fair for a simple right of way for the one lot. That lot would be given to their son who may or may not someday build on it. Mr. Bush stated that the Fair indicated that they would be will to grant the Bushes access for two driveways as of last week but it seems that they have now changed their minds.

The Planning Board asked the Michael Moore if this was considered a minor or major subdivision under the Village Code. Michael Moore stated that this is considered a major subdivision under the Village Code. The Board asked why Mr. Bush wanted to divide into three lots and he stated that he has three children.

Mr. Peterson asked if he received the notes from Jan Weston. He did not. Secretary is to make sure he gets a copy. The Board inquired how would Mr. Bush cross the stream. It was determined that input from NYS Department of Environmental Services would have to be consulted. The Board also pointed out that the Fair will not allow access from Arlington. The Board was concerned that crossing the stream may cause drainage and pollution issues but acknowledge that NYSDEC would make that determination. Without access from Arlington, The Bushes would have to create a keyhole lot. This is also known as a flag pole lot. The Bushes were informed that a 100 foot setback would be required from the stream to where a home could be built. The Board inquired if the current home is 100 feet from the stream.

Michael Moore wondered if the 100 ft. setback is in the Village Code. The Bushes home was built 1987. Michael Moore stated that if it were not 100 ft., it may be covered under a pre-existing Village Code.

The Board pointed out that if the Bushes wish to divide property into three lots, it would become a major subdivision. Being a major subdivision, more requirements will be needed to be met to proceed.

The Board also determined that the property being subdivided is definitely in a flood plain. The Board wants the Bushes to consider that even if the Board approves a lot, no one may ever be able to build on it.

The Board told the Bushes that they will have to provide the Board with a grading/clearing plan. The Bushes will also have to involve NYSDEC. The Bushes will also have to provide a water table analysis.

Michael Moore advised the Bushes to meet again with the Town of Guilderland Planner/Building Inspector regarding 355-32 keyhole lots. He also suggested that the Bushes contact Region 4 of the NYSDEC.

The Bushes did let the Board know that the culvert has been replaced by the Corp of Engineers and no longer floods that area. The Bushes were informed that crossing the stream and the keyhole lot issues need to be dealt with before the Board can proceed. The Bushes again were told to contact NYSDEC and the Town of Guilderland. Once this is done and they have something to report, they can contact the secretary by email or telephone.

Board member Van De Carr made a motion to approve the minutes of April 2014. Board member Clancy seconded the motion. Board member Caruso – in favor, Board member Van De Carr – in favor, Board member Clancy – in favor, Board member Glass – abstain, Chairman Greene – in favor.

Chairman Greene states that the Planning Board will not meet in August and the next scheduled meeting will be Monday, September 22. Currently, the following two items will be on the agenda: Dube – minor subdivision and Haines – fence in front yard of a corner lot. If the Bushes have something, they can ask also to be on the agenda.

Board member Caruso made a motion to adjourn the meeting at 8:25 pm. Board member Van De Carr seconded the motion. All in favor.

Respectfully submitted,

Kelly Best
Secretary