



GUILDERLAND PLANNING BOARD
PLANNING BOARD
P A C K E T
JUNE 14, 2023
07:00 PM

A G E N D A
GUILDERLAND PLANNING BOARD
PLANNING BOARD
JUNE 14, 2023
07:00 PM

1. Call to Order

2. Approval of Minutes

3. **DECISION ONLY.** Consideration of Final Plat Approval for a 2 Lot Minor Subdivision - Vaughn Drive/Birch Drive - Diamond Home Designs, LLC

The applicant is proposing a 2 lot minor subdivision of 9.5 acres of land located in the Residential Overlay (RO40) District. One driveway will enter the parcel from Vaughn Drive and then will split into 2 separate driveways to service each lot. Each lot will be serviced by municipal utilities. The subdivision was previously approved in 2008, but the applicant failed to record the plat with Albany County, therefore, the subdivision approval has expired. The subdivision now proposed is a similar layout as approved in 2008.

Attachment: [Town Planner Memo](#)

Attachment: [Vaughn Drive Minor Subdivision Sheet 1](#)

Attachment: [Vaughn Drive Minor Subdivision Sheet 2](#)

Attachment: [Vaughn Drive SEQR Resolution.FINAL.pdf](#)

Attachment: [April 16 2023 Vaughn Dr - Applicant Letter to Planning Board](#)

Attachment: [Vaughn Drive Minor Subdivision Application.pdf](#)

Attachment: [ACPB Recommendation - Minor Subdivision of Diamond Home Designs LLC.pdf](#)

Attachment: [December 27 2022 Town of Bethlehem GML Referral Letter](#)

Attachment: [Vaughn Drive Minor Sub SEQR EAF.pdf](#)

Attachment: [GCAC Report Jan 19 2023.pdf](#)

Attachment: [Vaughn Drive Minor Subdivision Cover Letter.pdf](#)

Attachment: [2007 Niagara Mohawk Easement](#)

Attachment: [2022--10--19 from National Grid re easement.pdf](#)

4. Concept Plan Review for a 3 Lot Minor Subdivision - Settles Hill Road/Furbeck Road - Michael Flocuzzio

The applicant is proposing a 3 lot minor subdivision of 15.31 acres of land located in the Rural Agricultural (RA5) District. All lots will be on private wells and septic systems that will require approval from the Albany County Department of Health.

Attachment: [Town Planner Memo](#)

Attachment: [Settles Hill Road Minor Sub Plan - Color.pdf](#)

Attachment: [Settles Hill Road Minor Sub Concept Plan.pdf](#)

Attachment: [Settles Hill Road Minor Sub Concept Plan - Building Footprint Locations](#)

Attachment: [Settles Hill Road Minor Sub Application.pdf](#)

Attachment: [Settles Hill Road Minor Sub SEQR EAF.pdf](#)

5. Other Business

6. Adjournment

TOWN OF GUILDERLAND

Peter G. Barber
Supervisor

Kenneth Kovalchik, AICP
Town Planner

Planning Department
Town Hall, Route 20
P.O. Box 339
Guilderland, NY 12084-0339
Phone: (518) 356-1980 x 1061
Fax: (518) 356-5514
Email: kovalchikk@togny.org



MEMORANDUM

TO: Stephen J. Feeney, Chairman
& Town Planning Board

FROM: Kenneth Kovalchik, AICP, Town Planner

DATE: June 8, 2023

SUBJ: 2 Lot Minor Subdivision – Vaughn Drive/Birch Drive – Diamond Home Designs, LLC
Consideration of Final Plat Approval for a 2 Lot Minor Subdivision

Background

The applicant is proposing a 2-lot minor subdivision of 9.5 acres of land located in the Residential Overlay (RO40) District. One driveway will enter from Vaughn Drive and then will split into 2 separate driveways to service each lot. Each lot will be serviced by municipal utilities. The subdivision was approved in 2008 but the applicant failed to record the plat with Albany County, therefore, the subdivision approval has expired. The subdivision now proposed is the same layout as approved in 2008. Lot 1 would consist of 3.64 acres and Lot 2 would consist of 5.39 acres.

The driveway access from Vaughn Drive crosses a Niagara Mohawk Power Corporation right-of-way. In 2007 Niagara Mohawk granted an easement (Book 2885 Page 854) allowing a single driveway to cross their right-of-way to access the two proposed lots. In an email dated October 19, 2022 a representative from National Grid requested that all conditions outlined in the easement are strictly adhered to for the safety of the public as well as the facilities.

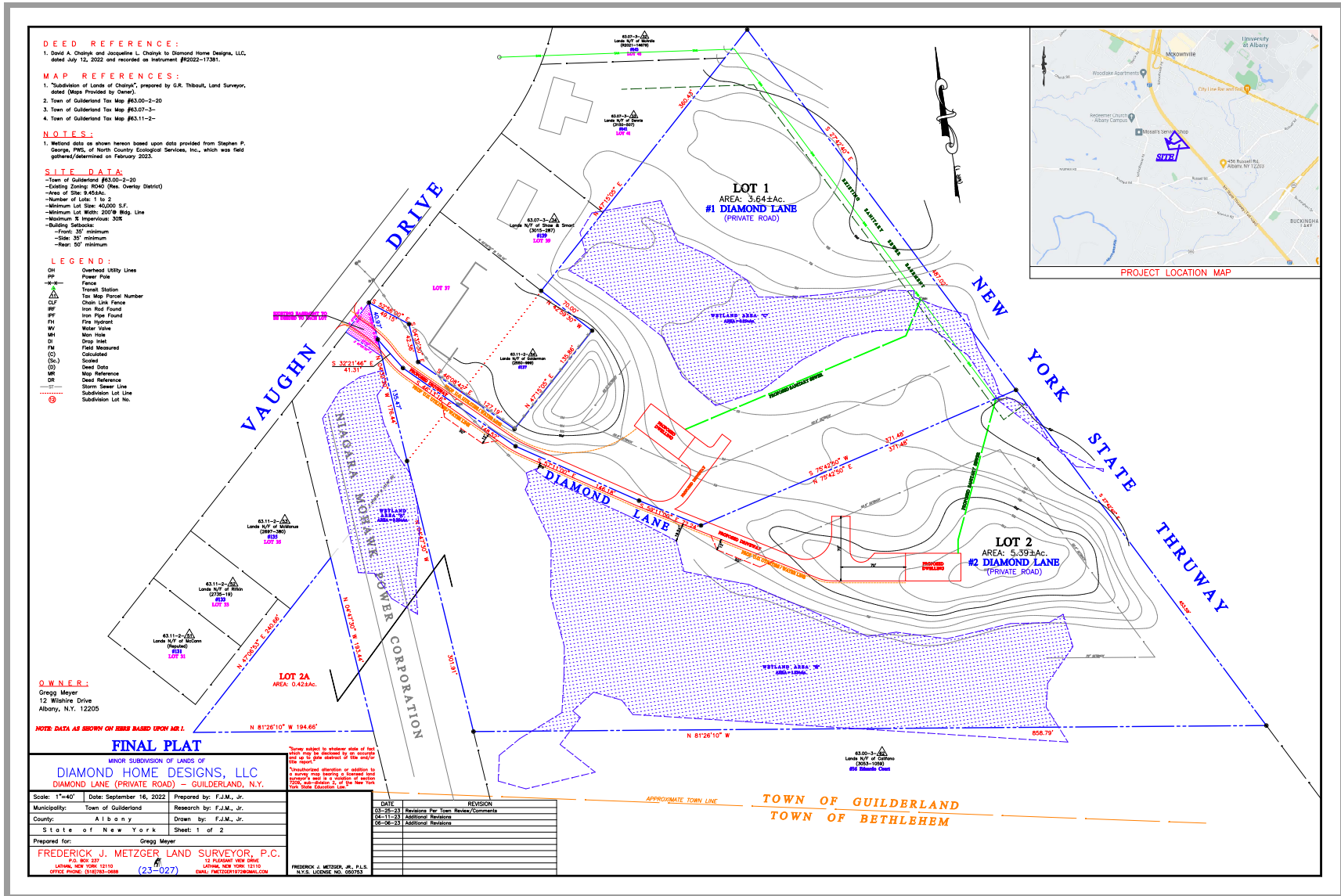
The Planning Board issued a SEQR negative declaration and held a public hearing at your May 10th meeting.

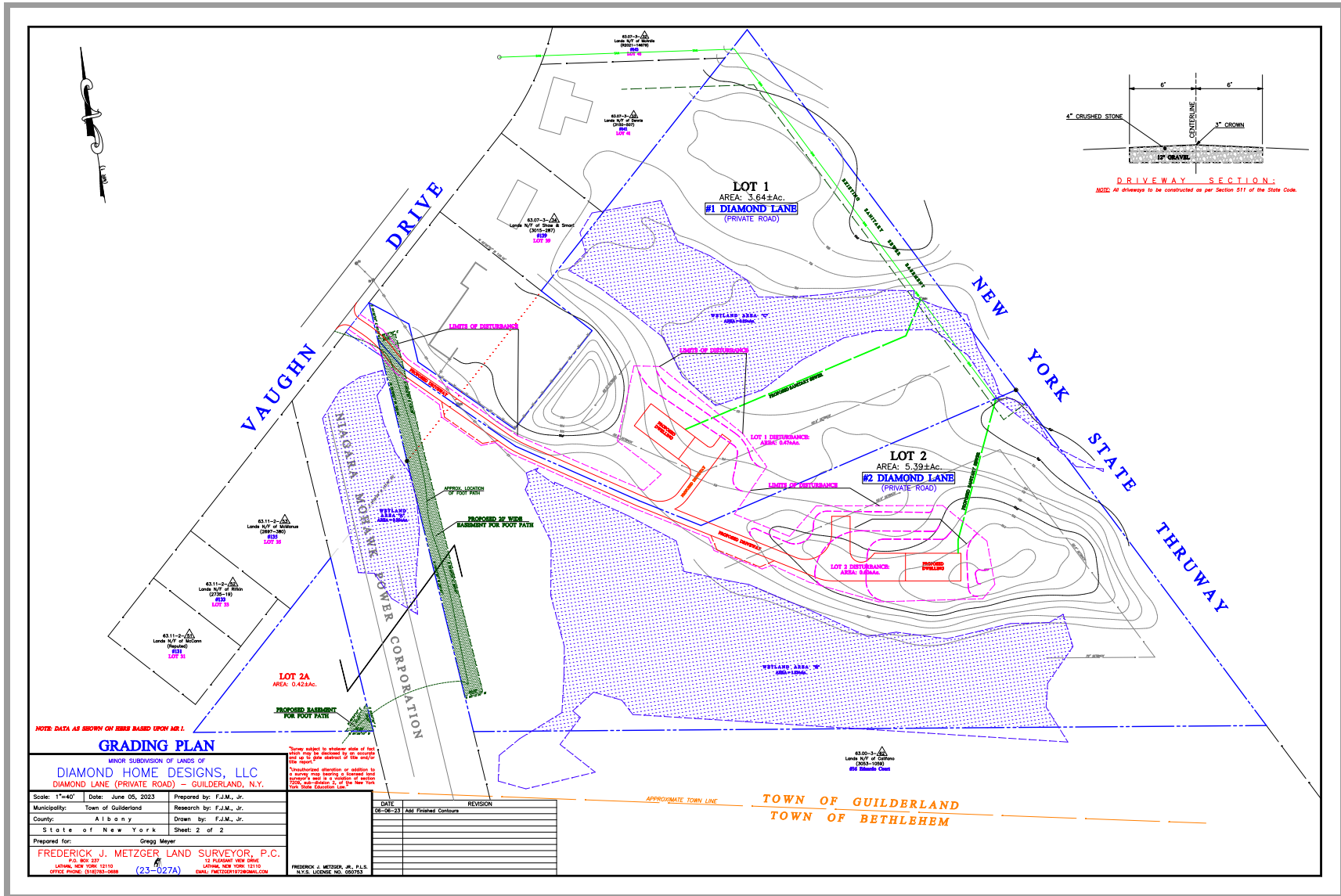
Project Update

The following revisions have been made to the plans since the Planning Board last reviewed the project at the May 10th meeting:

1. A Grading Plan (Sheet 2) has been provided showing the limits of disturbance on each lot. Lot 1 will have 0.47 acres of disturbance and Lot 2 will have 0.6 acres of disturbance.
2. A 20' wide foot path easement (Sheet 2) has been provided extending from the proposed driveway to the southern property line.

Visit the Town of Guilderland Website at <http://www.townofguilderland.org>





**TOWN OF GUILDERLAND
PLANNING BOARD
ALBANY COUNTY, NEW YORK**

**SEQR DETERMINATION
CLASSIFICATION OF ACTION AND NEGATIVE DECLARATION
VAUGHN DRIVE/BIRCH DRIVE – TWO LOT MINOR SUBDIVISION**

APPLICATION TYPE: Two Lot Minor Subdivision

APPLICANT/OWNER: Diamond Home Designs, LLC

PROJECT DESCRIPTION: The applicant is proposing a 2-lot minor subdivision of 9.5 acres of land located in the Residential Overlay (RO40) District. One driveway will enter from Vaughn Drive and then will split into 2 separate driveways to service each lot. Each lot will be serviced by municipal utilities. Lot 1 would consist of 3.64 acres and Lot 2 would consist of 5.39 acres.

TYPE OF ACTION: TYPE I TYPE II UNLISTED

LEAD AGENCY: Town of Guilderland Planning Board

CONTACT: Kenneth Kovalchik, Town Planner
Town Hall, Route 20
Guilderland, NY 12084-0339
Phone: (518) 356-1980 x 1061

In accordance with Section 8-0113, Article 8 of the New York State Environmental Conservation law, this Agency has conducted an initial review to determine whether the above named 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 the reasons stated below.


REASONS FOR DETERMINATION:

After review of the Environmental Assessment Form, the criteria contained in section 617.7 (c) of the SEQR regulations, and supporting correspondence from the Guilderland Conservation Advisory Council and Albany County Planning Board, and the fact that public water and sewer will be utilized, the Town of Guilderland Planning Board determined that the Project will not have a significant adverse impact on the environment.

SUPPORTING INFORMATION:

1. A short Environmental Assessment Form was prepared for the project by Gregg Meyer, and reviewed and accepted by the Town Planner.

2. The Albany County Planning Board (ACPB) reviewed the application at their December 15, 2022 meeting and recommended to modify the local approval to include: (1) Any wetlands disturbance will require notification to and review by the U.S. Army Corps of Engineers for permits under Section 404 of the Clean Water Act, and (2) Notification of the application should be sent to the Town of Bethlehem, including all required notices pursuant to GML §239-nn.
3. The Guilderland Conservation Advisory Council (GCAC) reviewed the project at their January 9, 2023 meeting and conducted a site visit on January 14th. The GCAC concluded they do not envision much, if any, negative environmental impact resulting from the subdivision provided tree cutting is kept to a minimum and care is taken to manage any storm water flowing from the driveways and residences when they are constructed. One negative aspect of the property is the proximity to the Thruway and the traffic noise. If necessary, the applicant could consider constructing a noise barrier such as a wall or earthen berm.
4. The plans were referred to the Town of Bethlehem considering the proposed subdivision is within 500' of the municipal boundary, with no comments having been received from the Town of Bethlehem.
5. The National Grid power line site adjacent to the property is subject to a Habitat Conservation Plan due to the presence of Lupine (host plant of the endangered Karner blue butterfly) underneath the power line. Town personnel confirmed the presence of Lupine on May 9, 2023. No construction for the proposed driveway and residences will be located near the habitat in question and no impacts from the development are anticipated. Lupine located within the National Grid right-of-way is located approximately 200 feet from the proposed driveway, which will be the closest land disturbance associated with the minor subdivision.



Planning Board Chairman

5/10/2023
Date

Vision Planning Consultants LLC

April 16, 2023

Town of Guilderland
5209 Western Turnpike
Guilderland NY 12084

Re: Vaughn Dr – 2-lot subdivision

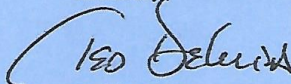
Mr. Kenneth Kovaichik Town Planner,

Please find attached the plan revisions based on our December 14, 2022 Planning Board meeting. Based on the Boards discussions we have revised the plan for our two lot residential subdivision. The revisions are as follows:

- 1) An update delineation has been added to the plan, see note 1.
- 2) The driveway designs and specifications to comply with the code standard are noted.
- 3) The existing drainage culvert is noted.
- 4) The proposed sewer, water and public utilities area noted.
- 5) The topo has been added.
- 6) I met with the Conservation Council on Jan. 14. 2023. They requested to show the distance separation from the wetland boundary to the driveways which has been added.
- 7) We applied to the assessor's office to name the private road for the driveways. (see attached)
- 8) The owner has reached out on April 11, 2023 to the Town of Bethlehem to see if there was an interest for the donation of the triangle portion of land on the other side of the National Grid easement for any purpose. They in turn forward the request to the Deborah Kitchen, with the Town of Guilderland to determine how to handle the jurisdictional boundary if there even was an interest to do so. To date we have not received a response.

At this time I would like to resubmit these revisions based on the owners request for our next Planning Board meeting. If I am lacking any information for this purpose please let me know.

Sincerely,



Ted DeLucia

Building Codes Division Certified – NYS#0007857

PO Box 442
Newtonville, NY 12128

518 857- 4486
Visionplanningconsultants@gmail.com

TOWN OF GUILDERLAND
ASSESSOR'S OFFICE
P.O. Box 339
Guilderland, NY 12084-0339
(518)356-1980
Fax: (518)356-3955

PETER G BARBER
SUPERVISOR

HEATHER L WEINHOLD
ASSESSOR

Date: APRIL 13, 2023

Owner's Name(s): DIAMOND HOME DESIGNS, LLC


Phone #: (518) 209-6416

Current Property Address: DOESN'T HAVE ONE

Suggested Private Lane Names:

- 1. DIAMOND LANE
- 2. TWIN HILLS LANE
- 3. PENNY LANE

All private lanes must end with "lane". Your suggested names will be checked for similarities to road names in the same zip codes. Any names which may cause confusion with already existing named roads will not be accepted.


Owner's Signature

Owner's Signature

PLEASE NOTE: Requesting a private lane address will also change your mailing address, unless you have a P.O. box.

FOR OFFICE USE ONLY

**TOWN OF GUILDERLAND
APPLICATION FOR SUBDIVISION**

RETURN TO:

Planning Department, Attn: Town Planner
Guilderland Town Hall, Rte 20
Guilderland, NY 12084
(518)356-1980 ext 1061
(518)356-1990 (fax)

FEES:

Subdivision Application Fee: Minor Concept Plan \$150 Subdivision Hearing Fee: Minor Final Plat - \$50 per lot
 Major Concept Plan \$500 Major Preliminary Plat - \$75 per lot
 Lot Line Amendment \$100
 Fee in lieu of parkland reservation* - See §280-36 of Town Code
*Payable with building permit application

APPLICANT INFORMATION

Name: DIAMOND HOME DESIGNS, LLC
Address: 12 WILSHIRE DRIVE
ALBANY, NEW YORK
Zip: 12205
Phone #: (518) 209-6416
Email: GMEYER41@AOL.COM

SUBDIVISION INFORMATION

Name of Subdivision: MINOR SUBDIVISION OF DIAMOND HOME DESIGNS, LLC
General Location: OFF VAUGHN DRIVE, OFF OF SCHOOLHOUSE ROAD
Zoning: RO40 Total Acreage: 9.45
Tax Map number(s): 63.00-2-20
Number of Proposed Lots: 2

Relationship to property:

owner
contract vendee
other, explain

ENGINEER, ARCHITECT OR SURVEYOR: (if other than applicant)

Name: FRED METZGER, LAND SURVEYOR
Address: 12 PLEASANT VIEW DRIVE
LATHAM, NEW YORK Zip: 12110
Phone: (518) 783-0688
Email: FMETZGER1972@GMAIL.COM

PROPERTY DESCRIPTION

Current land use of the property: VACANT
Briefly describe proposed project MINOR 2-LOT SUBDIVISION FOR RESIDENTIAL CONSTRUCTION.

Generally describe any restrictions on the property (easements, deed restrictions, etc.): PROPERTY CONTAINS AN EASEMENT OVER NIAGARA MOHAWK PROPERTY FOR ACCESS TO THIS SITE.

Does the property contain any of the following: Stream Pond Wetlands Other body of water
 Floodplain Steep Slopes Pine Bush Historic/Archeological Resources

If yes, please elaborate: WETLANDS HAVE BEEN PREVIOUSLY DELINEATED.

Water will be provided by:

Well Connect to existing Town water Extension of Water district

Sanitary sewer will be provided by:

Septic system Connect to existing Town sewer Extension of Sewer District

Will there be any land dedicated to the Town for a park or open space commonly owned by a Homeowner's Association?
NO If yes, what is the percentage and proposed ownership of the open space? _____

AGREEMENT

The applicant hereby certifies that he/she is the owner of record of the above property, or that he/she has been duly authorized by the owner of record to make this application. Further, by signing this application, the owner/designee gives permission for a representative(s) of the Town of Guilderland to walk the property for the purposes of conducting a site review.

Signature of Owner:  Date: NOVEMBER 13, 2022



**ALBANY COUNTY PLANNING BOARD
NOTIFICATION**

RECOMMENDATION DATE: December 15th , 2022

Case #: **10-221204125**
Project Name: **Minor Subdivision of Diamond Home Designs, LLC**
Project Location: Schoolhouse Rd
Tax Map Number: 63.00-2-20
Referring Agency: Town of Guilderland Planning Board
Considerations: Two lot minor subdivision of 9.5 acres of land which was previously approved in September 2008 but has now expired.

ACPB Recommendation: Modify local approval to include

1. Any wetlands disturbance will require notification to and review by the U.S. Army Corps of Engineers for permits under Section 404 of the Clean Water Act.
2. Notification of the application should be sent to the Town of Bethlehem, including all required notices pursuant to GML §239-nn.

Advisory:

Gopika Muddappa, Senior Planner
Albany County Planning Board

NOTE:

- This recommendation is rendered in compliance with applicable requirements of Section 239 of New York State General Municipal Law. Final determination on this matter rests with the appropriate municipal body.
- A recommendation of "APPROVE" or "MODIFY LOCAL APPROVAL" should not be interpreted as a recommendation by this body that the referring agency approve the matter referred. Such recommendation does not indicate that this body has reviewed all local concerns; rather the referral has met certain countywide considerations. Evaluation of local criteria is the responsibility of the referring agency.
- General Municipal Law Section 239 requires that the local agency notify the county within thirty days of its final action. Please use the OFFICIAL NOTICE OF LOCAL ACTION form that is attached for this purpose.
- General Municipal Law Section 239 sets forth the procedural requirements for taking local action contrary to the County Planning Board's recommendation of objection or conditional approval.
- Albany County is required to submit a Municipal Separate Storm Sewer System Permit (MS4) (No. GP-0-10-002) Notice of Intent (NOI) to comply with the NYS DEC permit for the control of wastewater and stormwater discharges in accordance with the Clean Water Act. Construction Activity Permit No. GP-0-1-001 issued by NYSDEC is also required for activity with soil disturbances of one acre or more. The law is required by the Clean Water Act to control point source discharges to ground water as well as surface waters.

**449 New Salem Road, Voorheesville, NY 12186
TELEPHONE: (518) 655-7932 FAX: (518) 765-3459**

In compliance with Article 12-B, Section 239 of New York State General Municipal Law, this serves as official notification to the Albany County Planning Board of the action taken on the application described above.

LOCAL ACTION ON ACPB RECOMMENDATION:

- AGREED WITH COUNTY PLANNING BOARD RECOMMENDATIONS TO MODIFY OR DISAPPROVE
- OVER-RULED COUNTY PLANNING BOARD RECOMMENDATIONS TO MODIFY OR DISAPPROVE

LOCAL DECISION ON PROJECT:

- PROJECT APPROVED
- PROJECT DISAPPROVED

VOTE RECORDED: _____ DATE OF LOCAL ACTION: _____

Set forth the reasons for any action contrary to the ACPB recommendations (use additional sheets if needed):

SIGNED: _____ TITLE: _____

TOWN OF GUILDERLAND

Planning Department

Town Hall, Route 20
P.O. Box 339
Guilderland, NY 12084-0339
Phone: (518) 356-1980 x 1061
Fax: (518) 356-5514
Email: kovalchikk@togny.org



Peter G. Barber
Supervisor

Kenneth Kovalchik, AICP
Town Planner

December 27, 2022

Robert Leslie, Director
Economic Development and Planning
Town Hall, Room 203
445 Delaware Avenue
Delmar, NY 12054

RE: Proposed 2 Lot Minor Subdivision @ Vaugh Drive/Birch Drive

Dear Mr. Leslie,

In accordance with the General Municipal Law section 239-nn, enclosed is a minor subdivision plan application for a proposed 2 lot minor subdivision located within 500 feet of the Bethlehem town line. We would appreciate receipt of any comments you may have regarding this proposal by January 30, 2023 so we may take them into consideration.

Should you have any questions, please contact me.

Regards.

A handwritten signature in black ink, appearing to read "Kenneth Kovalchik".

Kenneth Kovalchik, AICP
Town Planner

Enc application materials

Visit the Town of Guilderland Website at <http://www.townofguilderland.org>

Short Environmental Assessment Form Part 1 - Project Information

Instructions for Completing

Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 – Project and Sponsor Information				
Name of Action or Project: MINOR SUBDIVISION OF LANDS OF DIAMOND HOME DESIGNS, LLC				
Project Location (describe, and attach a location map): LOCATED OFF VAUGHN DRIVE WHICH IS OFF OF SCHOOLHOUSE ROAD. LOCATION MAP IS ON THE PLANS.				
Brief Description of Proposed Action: IT IS PROPOSED TO CREATE A MINOR 2-LOT SUBDIVISION FROM 9.5 ACRES OF LAND MORE OR LESS. THERE IS A DEED GRANTED AND RECORDED AND FILED THAT ALLOWS ACCESS TO THIS PROPERTY ACROSS THE LANDS OF NIAGARA MOHAWK POWER CORPORATION. ONE DRIVEWAY WILL ENTER FROM VAUGHN DRIVE AND THEN WILL SPLIT INTO 2 DRIVEWAYS IN ORDER TO SERVE EACH HOME. EACH HOME WILL BE SERVICED BY MUNICIPAL UTILITIES. THIS PROJECT WAS APPROVED BACK IN 2012 BUT THE OWNER AT THAT POINT DID NOT SUBMIT THE APPROPRIATE PAPERWORK FOR FILING AND THE APPROVALS WERE DEEMED NULL AND VOID. THIS SUBMITTAL IS JUST A MIRROR OF THE PREVIOUSLY APPROVED MINOR SUBDIVISION.				
Name of Applicant or Sponsor: DIAMOND HOME DESIGNS, LLC.		Telephone: (518) 209-6416 E-Mail: GMEYER41@AOL.COM		
Address: 12V WILSHIRE DRIVE				
City/PO: ALBANY		State: NEW YORK	Zip Code: 12205	
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval: PLANNING BOARD - SUBDIVISION APPROVAL			NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
3. a. Total acreage of the site of the proposed action?		9.5 acres		
b. Total acreage to be physically disturbed?		0.98 acres		
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		9.5 acres		
4. Check all land uses that occur on, are adjoining or near the proposed action:				
5. <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban) <input checked="" type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify): <input checked="" type="checkbox"/> Parkland				

5. Is the proposed action, a. A permitted use under the zoning regulations?	NO	YES	N/A
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels? b. Are public transportation services available at or near the site of the proposed action? c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____ _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____ _____	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ _____	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency? b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: THE WETLAND IS UNDER THE JURISDICTION OF THE ARMY CORPS OF ENGINEERS. 0.1 ACRES OF WETLANDS WILL BE DISTURBED IN ORDER TO INSTALL A 30" DRAINAGE PIPE APPROXIMATELY 60' IN LENGTH AND AN AREA TO BE FILLED IN ORDER TO GET ACCESS ACROSS THE WETLAND TO THE PROPOSED 2 NEW PARCELS. THIS WAS AGREED TO UPON THE PREVIOUS SUBMITTAL.	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input checked="" type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input checked="" type="checkbox"/> Wetland <input type="checkbox"/> Urban <input type="checkbox"/> Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
a. Will storm water discharges flow to adjacent properties?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
If Yes, briefly describe: _____ _____		
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment: _____ _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____ _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____ _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor/name: <u>DIAMOND HOME DESIGNS</u> Date: <u>NOVEMBER 13, 2022</u> Signature: <u><i>Doree Meiser</i></u> Title: <u>OWNER/APPLICANT</u>		

PRINT FORM

To: Guilderland Planning Board
From: Guilderland Conservation Advisory Council
Date: January 19, 2023
Re.: Diamond Home – Vaughn Drive

APPLICATION

Applicant(s): Gregg Meyer

Proposed Subdivision: A proposed two lot subdivision of 9.45 acres.

Location: Property is located in the east end of Town to the east of Schoolhouse Road. East side or rear of the property is adjacent to the NYS Thruway. Acreage is to the rear of existing lots on the east side of that portion of Vaughn Drive.

Zoning: RO40 Residential Overlay District

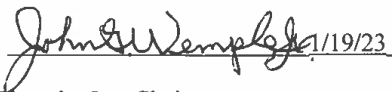
Site Inspection Summary:

Site Inspection Date: January 14, 2023

Meeting Attendees: (January 9, 2023) Applicant Gregg Meyer; GCAC Members Darrell McKnight, Elizabeth Markham, Matthew Minniefield, Margaretann Paczkowski, Steve Sawicki, Caitlin Ferrante, Cody Arana and John Wemple Chair; and Town Supervisor Peter Barber.

Inspected by: Applicant’s associate Ted Delucia form Vision Planning Consultants; GCAC Members Darrell McKnight, Elizabeth Markham, Matthew Minniefield, Margaretann Paczkowski, Steve Sawicki. Caitlin Farrante, Cody Arana and John Wemple Chair; and Laura Barry..

Conclusions: GCAC does not envision much if any negative environmental impact resulting from this planned two lot subdivision provided tree cutting is kept to a minimum and care is takne to manage any storm water flowing from the planned driveways and from the residences when they are constructed. One negative aspect of this piece of property that GCAC noticed is the traffic noise emanating from the Thruway which is adjacent to the northeast boundary of the lots.. Reportedly researchers believe that traffic noise can cause increased levels of stress hormones which can increase stress and sleep problems. If necessary, Applicant could consider constructing a noise barrier such as a wall, an earthen berm, or a combination of wall and berm. Of further concern, GCAC noted that there had been apparent dumping on the property including fencing, cans and concret slab which the Applicant may find it desirable to renove especially if he has any intention of selling either lot. Because there is so much wetland on his property, Applicant may also find it advisable to determine if the wetlands are caused by stormwater run off from neighbors’ properties on Vaughn Drive.

Respectfully submitted:  1/19/23
John G. Wemple, Jr. - Chair

INSPECTION DETAILS

Applicant(s): Diamond Home Designs LLC, Gregg Meyer

Address: off of Vaughn Drive, Albany NY 12203

Background: GCAC had previously reviewed subdivision for this property in 2005 when the owner was David Chainyk. At that time GCAC felt that the proposed subdivision and subsequent development would have minimal adverse effect on the environment provided the proposed excavation necessary to grade the area at the rear of 137 Vaughn Drive would be accomplished with the least amount of disturbance as possible as well as tree cutting being kept to a minimum. Current owner plans to have a similar subdivision of this 9 1/2 acre parcel as the 2005 proposal. Applicant remarked that he would like to have a log cabin on one of the lots which would be for himself and his three dogs. Plan is to have driveways for both lots with either a turnaround or a hammerhead. According to Applicant, he has been granted access by National Grid (NiMo) for the driveway to cross their property at Vaughn Ter. His representative at the time of the site visit, also noted that this permission had been obtained.

Topography: A review of the contour lines on the drawing from the County Interactive Mapping site shows an elevation of about 226+ feet Above Mean Sea Level (AMSL) at the north corner of the property and at about 200 at the southeast corner. This triangular shaped parcel is at about 230 ft AMSL at the south west corner. In general the parcel is hilly with the location of houses 1 and 2 at 220 and 222 ft. AMSL respectively. GCAC noted the property being hilly at time of site visit.

Vegetation/Trees: According to Applicant, property is fully wooded with some areas more than others. He noted that there would be a minimum of tree cutting, but there would be a need to clear scrub at entrance for the driveway. At time of site visit, GCAC noted that the acreage has white oak, red oak, scarlet oak, white pine, yellow birch, white birch and beech; and there are many invasive plants including barberry, tree of heaven, oriental bittersweet and phragmites (common reed). The wooded lot shows signs of deer as well as pileated woodpeckers which reportedly are one of the biggest, most striking forest birds on the continent. Regarding the trees, GCAC noted that there are many dead trees on the property the cause of which appears to be due to excessive water since that area is bordered by wetlands.

Soil: Applicant was not aware of the type(s) of soil on the property, but a review by GCAC of the County Interactive Mapping site shows that the property has four different soils- Gr, Uf, EnB and CoC. The northern third of the parcel has Gr soil which also covers much of the southern part of the property. There is a strip, about 120 to 200+ feet wide of EnB soil across the midsection of the acreage on which both residences will be located. There is also an area of CoC soil at the southwest corner of the property. A brief description of these soils and their limitations according to "Soil Survey of Albany County, New York" -1992 – James H. Brown is described as follows: **Gr – Granby loamy fine sand**. This nearly level soil is very deep and poorly drained to very poorly drained. The seasonal high water table is at a depth less than one foot from November to June. Bedrock is more than 60 inches deep. Permeability is rapid. The available water capacity is moderate, and surface runoff is very slow or ponded. The surface layer and subsoil are moderately acid to neutral. The seasonal high water table causes shallow root development, which results in seedling mortality and windthrow hazard. Main limitations on

Inspection (Continued) – Page 2 of 3 — Diamond Home, Vaughn Drive - January 2023

sites for dwellings with basements are the seasonal high water table and ponding. Similar limitation for local roads and streets due to the high water table and ponding. Installing drainage will lower the water table near road sites. Constructing roads on raised fill material will also reduce wetness. The main limitations affecting the use of this soil as a site for septic tank absorption fields are the seasonal high water table, ponding, and poor filtering capacity. Other nearby soils are better suited to this site. **Uf – Udipsamments – Urban land complex** - This map unit consists of nearly level to gently sloping, very deep, well drained to somewhat excessively drained cuts and fills in sandy soils and areas of Urban land. Udipsamments are generally soils that have been disturbed as a result of manmade cuts or fills. Slopes range from 0 to 8 percent. Typically, the surface layer is brown loamy fine sand or fine sand and as much as 10 percent gravel. The seasonal high water table in this soil is generally at a depth of more than 6 feet but in some areas is at a depth of 4 feet. Depth to bedrock is more than six feet. Udipsamments are suitable for most building uses. In some places, excavations deeper than 48 inches reach finer textured materials or the seasonal high water table. If the soils are exposed, soil blowing is a hazard. Steep cuts should be avoided because cutbacks tend to cave or slump. Areas of these soils are difficult to stabilize because of droughtiness, and irrigation will help establish vegetative cover. Onsite investigation is needed to determine the potential or limitations of these soils for any proposed land use. **EnB- Elnora loamy fine sand, 3 to 8 percent slopes** This gently sloping soil is very deep and moderately well drained.– This nearly level soil is very deep and moderately well drained. Seasonal high water table is at a depth of 1 ½ to 2 feet from February to May. Depth to bedrock is more than 60 inches. The main limitation of this soil on sites for dwellings with basements is the seasonal high water table. Installing foundation drains, applying protective coatings to basement walls, and diverting surface water away from dwellings help prevent wet basements. Main limitations for local roads and streets are moderate frost action potential and seasonal high water table. Adequate drainage of surface water and constructing the road on a course textured subgrade or base material help overcome these limitations. The main limitations of this soil on sites for septic tank absorption fields are the seasonal high water table and a poor filtering capacity. The soil is rapidly permeable and a poor filtering capacity. This soil is rapidly permeable and is a poor filter for effluent. Consequently, ground-water contamination is a hazard. The author notes that a specially designed septic tank absorption field or an alternative system will adequately filter the effluent. Other less sandy soils in the higher landscape positions are better suited to this use. **CoC – Colonie loamy fine sand, rolling** – This rolling soil which is very deep and well drained to somewhat excessively drained. Slopes range from 8 to 15 percent. The seasonal high water table in this Colonie soil is at a depth of more than six feet, but it may fluctuate to within 3 ½ feet of the surface for very brief periods in early spring. Depth to bedrock is more than 60 inches. Permeability is moderately rapid or rapid. The available water capacity is low, and surface runoff is medium. The main limitation of this soil on sites for dwellings with basements is the excessive slope on rolling topography. Designing dwellings to conform to the natural slope or landscaping helps overcome this limitation. The main limitation of this soil for local roads and streets is the slope. Grading and excavation costs are higher than in lesser areas of Colonie soils. Constructing roads on the contour wherever possible or landscaping and grading help overcome the slope limitation. The main limitation affecting the use of this soil as a site for septic tank absorption fields is a poor filtering capacity. The soil has moderately rapid or rapid permeability and so is a poor filter of effluent. Consequently, ground-water contamination is a hazard. A specially designed septic tank

Inspection (Continued) – Page 3 of 3 — Diamond Home, Vaughn Drive - January 2023

absorption field or an alternative system will properly filter the effluent. Other soils that have a moderate permeability rate are better suited to this use.

Drainage/Wetlands: According to the Applicant, the drainage is from the sites where the residences are planned to the adjacent land which is at a lower elevation. He further noted that it would be necessary to disturb a wetland area near the front of the acreage where the proposed driveway crosses it. At that area there will be an extension of a culvert which will be filled in. The County Interactive Mapping site shows a large area of wetlands on the southern part of the property covering about half of the south border. The Applicant's drawing shows even more wetlands. Besides the area noted on the County map the wetland area appears to be even large covering about half of proposed lot 2. In addition, there is a fairly large wetland area extending across much of the midsection of lot 1. Reportedly the Corp of Engineers identified the wetland but the applicant stated he now has another agency doing a wetland determination. At time of site visit, GCAC noted that there is much standing water on the property some of which could be the result of the snow that occurred prior to the site visit. The area on and adjacent to the power line right of way has much standing water which appears to be part of a wetland stream entering the property from the area of the roadway. It was observed that the proposed driveway will be laid over a pipe that runs from a wet area across the street for some 60 feet until it becomes a brook. It was further observed that there also appears to be a natural gas pipeline in that same area. Thus, caution should be taken not to dig up or crush existing structures.

Septic/Wells: Applicant plans to have municipal water and sewer and there would be no wells.

Visual Impact: Applicant wants to keep as much of the trees as possible which would act as a visual barrier.

Endangered Species: On the property, none known to the Applicant; and none seen by GCAC at time of site visit.

Historical Considerations: On the property, no old buildings or anything of historical significance known to the Applicant.

Submitted by: John G. Wemple, Jr. 1/19/23

John G. Wemple, Jr. - Chair

November 13, 2022

Dear Mr. Chairman:

This project is known as "Minor Subdivision of lands of Diamond Home Designs, LLC." It sits just off Vaugh Drive but has been granted an easement by the Niagara Mohawk Power corporation for access to this site. The project site is comprised of approximately 9.5 acres of land and is situated in a RO40 zoning district. It is intended to subdivide the parcel into 2 residential building lots. Each lot will be serviced by municipal water and sewer. It is intended to construct 1 driveway from Vaughn Drive crossing the easement and then split in 2 individual driveways to service each home. Initially there will be approximately .98 acres of land to be disturbed. This will include individual driveway construction, home construction and disturbance to extend the storm main and cross over the ditch with a single driveway from Vaughn Drive.

This project was approved in theory back in 2012 but the owner at the time did not supply the requested documents for signature and ultimately filing of the subdivision. According to the guidelines, if 6 months from the time of approvals elapses, the approvals become null and void. With that being said, I am trying to re-create the subdivision as was proposed and approved in the past. So, at this time I would like to request this project be considered by the planning board to get a minor subdivision approval.

Thank you for your time and consideration in this matter.


Gregg Meyer



Albany County Clerk
32 North Russell Rd.
Albany, NY 12206-1324

Return to:

DAVID A CHAINYK
40 BEVERLY DR
ALBANY NY 12203

Instrument

Deed, Easement

Document Number: 9966754 **Book:** 2885 **Page:** 864

Grantor

NIAGARA MOHAWK POWER CORPORATION

Grantee

CHAINYK, DAVID A
CHAINYK, JAQUELINE L

Number of Pages: 23

Filing Date/Time 05/31/2007 at 9:38 AM

Receipt Number 386354

Transfer Tax Receipt
Albany County Clerk Received:
Trans Tax # 7437
.....\$0.00

Note:

THIS PAGE CONSTITUTES THE CLERK'S ENDORSEMENT, REQUIRED BY SECTION 316A(5)&
319 OF THE REAL PROPERTY LAW OF THE STATE OF NEW YORK. DO NOT DETACH.


Thomas G. Clingan, County Clerk

1280

Albany County Clerk
Deed Books (Record Room)
Book 2885 Page 865

EASEMENT AND RELEASE OF PRIOR AGREEMENT

Albany County Clerk
Document Number 9966754
Rcvd 05/31/2007 9:38:42 AM



THIS INDENTURE, made this 5th day of February, 2007, by and between
NIAGARA MOHAWK POWER CORPORATION, a transportation corporation of the State of
New York, with its principal office and place of business at 300 Erie Boulevard West, Syracuse,
New York 13202, hereinafter called "NIAGARA", and **DAVID A. CHAINYK** and
JAQUELINE L. CHAINYK, residing at 2 Jean Lane, Albany, New York 12203, hereinafter
called "GRANTEE",

WITNESSETH:

SUBJECT to and upon receipt of one and 00/100 dollars (\$1.00) and such other terms and
conditions hereinafter in this Indenture set forth, **NIAGARA** does hereby grant and release to
GRANTEE, [their heirs and assigns] its successors and assigns, without covenant or warranty of
any kind, express or implied, a permanent easement to construct and maintain a driveway and
underground utilities (the "Easement") upon a parcel of **NIAGARA'S** land known as the Central
Avenue-Krumkill 34.5 kV electric transmission line and the Western Avenue-Normanskill #29
natural gas transmission line (the "Right-of-Way") located in the Town of Guilderland, County of
Albany, and State of New York, as described on **EXHIBITS "A-1" and "A-2"** and shown on
EXHIBIT "B" attached hereto and made a part hereof.

This Easement constitutes an extinguishment and release to **NIAGARA** by **GRANTEE** of
all rights previously conveyed in an easement between Niagara Mohawk Power Corporation and
Lena M. Chainyk, dated July 2, 1962. A copy of the easement is attached hereto as **EXHIBIT**
"C". **GRANTEE** acquired title to the property benefited by the easement dated July 2, 1962 via
Executor's deed dated December 27, 2001 and recorded December 28, 2001 in book 2699 at page

RTR DAVID A CHAINYK
40 BEUGLY DRIVE

52 from David A. Chainyk as Executor of the Last Will and testament of Andrew H. Chainyk, who acquired title by deed from Andrew H. Chainyk, Executor of the Last Will and Testament of Lena M. Chainyk dated October 23, 1997 and recorded in the Albany County Clerk's Office on October 24, 1997 in Liber 2589 of Deeds at Page 494.

NIAGARA retains the right to construct, install, repair, and replace facilities within the bounds of the above described Easement.

The rights granted herein are subject to the conditions described in **EXHIBITS "D" and "E"**, attached hereto and made a part hereof. Said Easement is further subject to the following provisions:

GRANT SUBORDINATE TO PRIOR RIGHTS

1. The rights described above are given and accepted subject to any and all outstanding rights, leases, tenancies, easements, licenses, covenants, restrictions, or other tenures, and/or claims of title affecting **NIAGARA'S** said lands or any portions thereof; and subject also to any and all encumbrances, liens, conditions, restrictions and/or reservations under which **NIAGARA** holds the same.

INSURANCE REQUIREMENT

2. At the time of execution of this Agreement by **GRANTEE**, **GRANTEE** shall furnish to **NIAGARA** evidence that insurance policies satisfactory to **NIAGARA** and not subject to cancellation or material change without ten (10) days prior written notice to **NIAGARA** have been issued to it, which policies or equally satisfactory renewals or extensions thereof shall be maintained in force so long as **GRANTEE** exercises the rights granted herein as follows:

A. **Public Liability Insurance**, including contractual coverage, with limits of liability of at least:

Bodily Injury:	\$1,500,000 per occurrence
	\$1,500,000 aggregate
Property Damage:	\$ 500,000 per occurrence
	\$ 500,000 aggregate

B. **Niagara Mohawk Power Corporation** shall be named as additional insured hereunder. (Paragraph 2C attached hereto on page 3a.)

PRIOR NOTICE OF CONSTRUCTION AND RIGHT OF INSPECTION

3. **GRANTEE** shall give **NIAGARA** at least one week's written notice before commencing any work hereunder whether in initial construction or subsequently. **NIAGARA**, at its election, may have an inspector present at the time or times such work is being executed. Such inspector shall have the right and authority to require modification or cessation of any or all work hereunder, when, in his judgment, such work is contrary to the provisions of this agreement, or is or may become a source of danger to the facilities of **NIAGARA**, and in any such event, **GRANTEE** shall promptly pay **NIAGARA** the reasonable cost and expense of such inspection. The presence or absence of **NIAGARA'S** inspector shall not constitute a waiver of any provisions of this agreement.

In case of emergency, however, **GRANTEE** may proceed to make immediate repairs upon verbal or telephone notice to **NIAGARA** of the situation which said notice **GRANTEE** shall follow within three (3) working days thereof with a confirming letter.

SPECIAL CONDITIONS

4. The installation and/or construction of **GRANTEE'S** facilities upon the affected premises, entry onto **NIAGARA'S** lands, protection of **NIAGARA'S** facilities, payment of consideration and other relevant matters may be subject to the conditions of those special

2.C. In the event that **GRANTEE** is going to fulfill the insurance requirements through the use of a homeowners and/or umbrella insurance policy(ies), and in the event the corresponding insurance carrier(s) will not provide the additional insured status as required above, then the additional insured requirement is hereby removed. However, **GRANTEE** agrees to indemnify **NIAGARA** for any liability that would have otherwise been covered had the insurance carrier(s) recognized the additional insured status. In addition, this exception does not apply to any contractors that have been hired by **GRANTEE** to perform any work activities on the Right-of-Way as defined in this Agreement.

provisions set forth in **EXHIBITS "D" and "E"**, attached hereto.

CONDUCTOR AND STRUCTURE CLEARANCE

5. The excavation, construction, operation, maintenance, repair, reconstruction, and removal of said facilities of **GRANTEE** shall be accomplished without the aid of cranes, backhoes, or mechanical diggers having extensions whose highest point reaches (or which is potentially capable of reaching) within fifteen (15') feet of the lowest electric conductor on **NIAGARA'S** said lands. There shall be a minimum horizontal clearance to the nearest structure of twenty-five (25') feet. All construction equipment working under or near electric conductors shall be grounded.

COMPACTION OF EXCAVATION

6. The Easement shall be designed and compacted so as to be capable of withstanding **AASHTO-H20** highway loading. **GRANTEE** shall provide not less than thirty (30") inches of cover over any underground facilities installed by **GRANTEE** pursuant hereto.

PRESERVATION OF DRAINAGE AND FURTHER RESTRICTIONS ON USE OF EASEMENT

7. **GRANTEE** shall restore existing grades and contours so that there will not be a collecting or pooling of runoff waters or surface waters upon the premises resulting from the installation, construction, maintenance and operation of **GRANTEE'S** facilities.

In addition, **GRANTEE** shall not:

- a. Park on the Easement or Right-of-Way.
- b. Store, repair or dispose of vehicles in the Easement or Right-of-Way.
- c. Store or dispose of oil or hazardous wastes or substances in the Easement or Right-of-Way.
- d. Install any unauthorized structure on the Easement or Right-of-Way including, but not limited to, sheds, swimming pools, light standards, and the like.
- e. Prevent longitudinal vehicular travel by **NIAGARA** once **GRANTEE'S** permanent facilities are installed.
- f. Change grade without consent of **NIAGARA**.
- g. Perform blasting operations of any nature.

LOCATION MARKERS

8. Standard marker posts (if applicable), extending a minimum of three (3') feet above ground, shall be installed by **GRANTEE** at the points of entrance and exit of any pipelines, cables or other underground facilities installed by **GRANTEE** across the Right-of-Way.

SOIL RESTORATION

9. All earth or soil disturbed by the construction, operation, maintenance, repair, reconstruction, and/or removal of said facilities of **GRANTEE** shall be properly backfilled and the surface thereof restored to its former condition to the extent reasonably possible by **GRANTEE** at its sole cost and expense.

STANDARD CONSTRUCTION

10. The facilities constructed and installed shall be in compliance with all federal, state and local regulations concerning the construction of such facilities. **GRANTEE** shall, at all times after construction, maintain said facilities in good repair and in a safe condition.

QUALITY OF CONSTRUCTION MATERIALS

11. The quality of the material to be used in constructing the facilities on **NIAGARA'S** land shall be in compliance with all regulations relating to the construction of such facilities.

COMPLIANCE WITH APPLICABLE LAWS

12. **GRANTEE**, prior to the commencement of construction, shall obtain all necessary licenses, consents, permits, and rights for the installation of its facilities. **GRANTEE** shall, at its own cost, comply with applicable laws, ordinances, orders, rules and regulations of the United States, State of New York, or any departments, bureaus, authorities or commissions created under the laws of either government, and of the municipalities in which said lands are situated as the same relates to the exercise of the rights, privileges and easements granted hereunder.

NON-INTERFERENCE WITH ELECTRIC AND GAS FACILITIES

13. **GRANTEE** shall so construct and shall thereafter operate, maintain, repair, reconstruct, and/or remove its facilities so as not to injure or damage **NIAGARA'S** said lands or injure, damage or interfere with its electric or gas transmission or distribution lines or other facilities currently existing or which may be installed in the future by **NIAGARA**.

NIAGARA'S PARAMOUNT RIGHTS

14. All rights granted hereunder shall be subject and subordinate to rights as follows:

a. The paramount rights of **NIAGARA** now and hereafter to occupy and use all or any portion or portions of said lands in its operations. **NIAGARA** shall not be responsible to **GRANTEE** for any damage to **GRANTEE'S** facilities arising out of **NIAGARA'S** operations or otherwise.

b. The right of **NIAGARA** from time to time hereafter to grant to others or to authorize the occupancy or use by others of any portion or portions of said lands for any purpose or purposes whatsoever.

REIMBURSEMENT FOR MODIFICATION OF FACILITIES

15. **GRANTEE** shall promptly reimburse **NIAGARA**, upon submission of proper bills, for any and all reasonable costs and expenses of changing and/or relocating **NIAGARA'S** existing or future facilities, and any and all additional costs and expenses involved in the construction of new facilities made necessary by the installation and presence of **GRANTEE'S** facilities.

NOTICE

16. Any notice to be given to **NIAGARA** under the terms of this agreement shall be in writing, addressed to the attention of the Real Estate Supervisor-East, 1125 Broadway, Albany, New York 12204. The date of mailing shall be deemed the date of service of such notice.

REIMBURSEMENT OF TAXES

17. **GRANTEE** shall reimburse **NIAGARA** for all additional taxes and assessments levied against the premises because of **GRANTEE'S** occupation and use of same.

INDEMNIFICATION

18. **NIAGARA** shall not be responsible for loss, damage, or injury (including death) to property or persons, including **GRANTEE** and **GRANTEE'S** employees, agents and guests, arising from or in any way connected with the exercise of the rights provided herein. **GRANTEE** agrees to indemnify, defend and hold harmless **NIAGARA** against all loss, damage, liability, cost and expenses arising from or in connection with any damage or injury to third parties (including real property, personal property and environmental damages) or persons (including injuries resulting in death), directly or indirectly arising out of, caused by, incurred during, or in any way connected with the use of the rights granted herein, or which occurs on or about the area of the Easement granted herein, or which is caused by any act, omission, negligence or misconduct of **GRANTEE**, including its agents, employees, and guests.

PAVING

19. No paving shall be allowed unless specifically permitted as shown on **Exhibit "B"**.

ENTIRE AGREEMENT

20. No provision of this grant shall be deemed to have been waived by **NIAGARA** unless such waiver be in writing signed by **NIAGARA**. This grant contains the entire agreement between the parties and any executory agreement hereafter made shall be ineffective to change, modify or discharge it in whole or in part unless such executory agreement is in writing and signed by both parties.

IN WITNESS WHEREOF, the parties hereto have hereunto subscribed their names and affixed their seals all on the day and year first above written.

NIAGARA MOHAWK POWER CORPORATION

By: William T. Flaherty

Name: ~~V.P. - Business Services~~ William T. Flaherty

WTC

Its: V.P. - Business Services

David A. Chainyk
DAVID A. CHAINYK

Jacqueline L. Chainyk
JACQUELINE L. CHAINYK

STATE OF NEW YORK :
: ss.:
COUNTY OF ALBANY :


On the 5th day of February, 2007, before me, the undersigned, a Notary Public in and for said state, personally appeared William J. Flaherty, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.



Halina M. Gajewski
Notary Public, State of New York
Qualified in Schenectady County
No. 01GA6107895
Commission Expires April 12, 2008

STATE OF NEW YORK :
: ss.:
COUNTY OF Albany :

On the A day of JAN, 2007, before me, the undersigned, a Notary Public in and for said state, personally appeared JACQUES L CHAIWYK and DAVID A CHAIWYK, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.



PAULETTE ALLEN OLMSTED
Notary Public, State of New York
No. 4679834
Qualified in Albany County
Commission Expires April 30, 2010

STATE OF NEW YORK :
: ss.:
COUNTY OF :

On the _____ day of _____, 200__, before me, the undersigned, a Notary Public in and for said state, personally appeared _____, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

EXHIBIT "A-1"

PAD 830 / Asset ID 04-06.17.006

GRANTEE: David A. Chainyk and Jacqueline L. Chainyk

PURPOSE: Parcel to construct driveway for access to property

LOCATION OF PROPERTY: Town of Guilderland, County of Albany

DEED REFERENCE:

To: New York Power and Light Corporation
From: George A. and Helen Shutter
Dated: January 23, 1940
Recorded: February 6, 1940
Book 917 Page 38
County: Albany

MAP REFERENCE:

Electric: Central Ave-Krumkill, Q-450, sheet 7
Gas: Western Ave-Normanskill #29, C-12666-E, sheet 2
Deed Book T-56, Parcel 16

NIAGARA MOHAWK PERSONNEL TO ADVISE OF CONSTRUCTION:

Jim Murphy	Dan Thurn
Superintendent	Gas Transmission Supervisor
Electric Transmission & Design	518-433-3535
518-382-2841	

ADDITIONAL REQUIREMENTS AND CONDITIONS:

See Attached Exhibits "D" and "E"

Exhibit "A-2"

LAND SURVEYOR
G.R. THIBAUT
103 MCKOWN ROAD WEST
ALBANY, NY 12203
(518) 456-0305

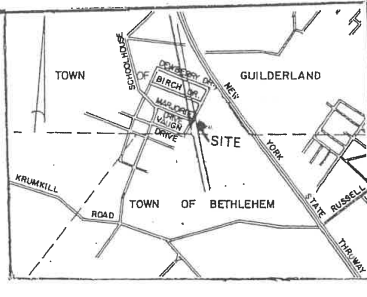
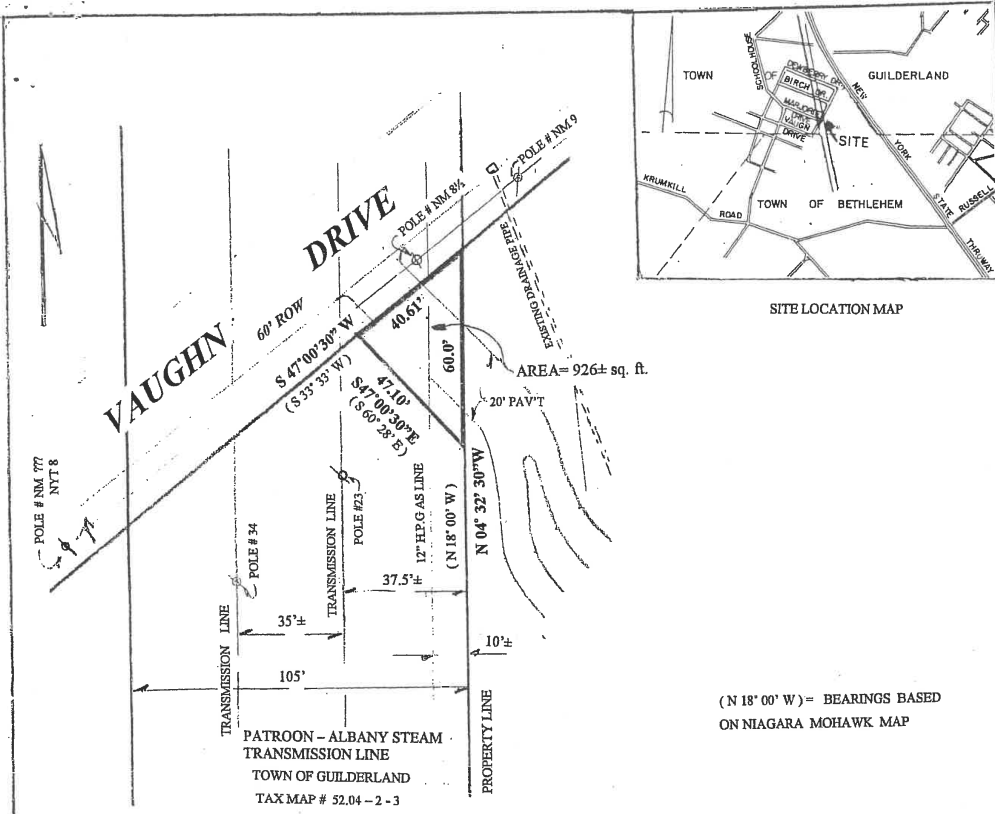
May 15, 2006

SUGGESTED LEGAL DESCRIPTION
EASEMENT TO BE GRANTED TO CHAINYK
FROM NIAGARA MOHAWK POWER CORPORATION
TOWN OF GUILDERLAND, NEW YORK

All that piece or parcel of land, situate, lying and being in the Town of Guilderland, County of Albany, State of New York, bounded and described as follows;

BEGINNING AT THE INTERSECTION OF THE SOUTHERLY BOUNDARY OF VAUGHN DRIVE WITH THE EASTERLY LINE OF THE LANDS N/F NIAGARA MOHAWK POWER CORPORATION; THENCE SOUTH 33° 33' WEST ALONG THE SOUTHERLY BOUNDARY OF VAUGHN DRIVE A DISTANCE OF 40.61 FEET TO A POINT; THENCE SOUTH 60° 28' EAST THROUGH THE LANDS OF NIAGARA MOHAWK POWER CORPORATION A DISTANCE OF 47.10 FEET TO A POINT IN THE EASTERLY LINE OF THE LANDS N/F OF NIAGARA MOHAWK POWER CORPORATION. THENCE NORTH 18° 00' WEST ALONG SAID EASTERLY LINE A DISTANCE OF 60.0 FEET TO THE POINT AND PLACE OF BEGINNING, CONTAINING 956 SQUARE FEET OF LAND MORE OR LESS.

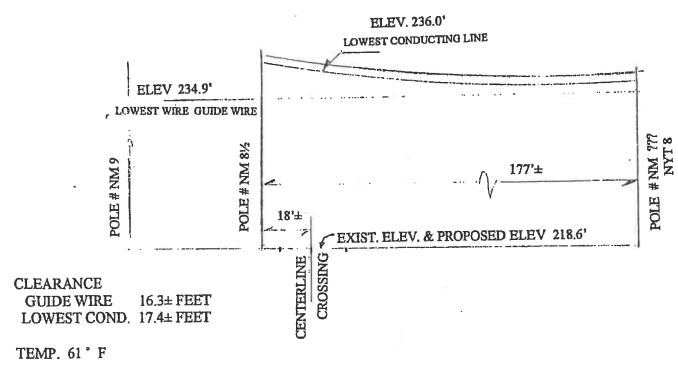
Exhibit "B"



SITE LOCATION MAP

LOCATION PLAN

(N 18° 00' W) = BEARINGS BASED ON NIAGARA MOHAWK MAP



PROFILE

 NYS 46467	○ = IRON PIPE SET ● = IRON PIPE FOUND	MAP OF EASEMENT TO BE GRANTED TO CHAINKY		
	DATE _____ RECORD OF WORK _____ 7/24/06	TOWN OF GUILDERLAND COUNTY ALBANY NY SCALE 1" = 30' DATE 5/6/06 TAX ID. 52.04-2-3 G. R. THIBAUT LAND SURVEYOR 103 McKOWN ROAD WEST ALBANY, N.Y.		

Exhibit "C"

Page 16E

694-Statutory Form DD, Photostat Recording, Quitclaim Deed.-Corporation.

*44148 JULIUS BLUMBERG, INC. LAW BLANK PUBLISHERS 80 EXCHANGE PLACE, AT BROADWAY, NEW YORK

44148

THIS INDENTURE, made the 2nd day of July, nineteen hundred and Sixty-two

BETWEEN NIAGARA MOHAWK POWER CORPORATION, a corporation organized and existing under the laws of the State of New York, having its principal place of business at 300 Erie Boulevard West, in the City of Syracuse, New York,

~~and~~ party of the first part, and LENA M. CHAINYK, residing on Schoolhouse Road (no street address) in the Town of Guilderland, Albany County, New York,

part Y of the second part,

WITNESSETH, that the party of the first part, in consideration of

-----ONE-----Dollars,

lawful money of the United States, and other good and valuable consideration in hand

paid by the part Y of the second part does hereby remise, release and quitclaim unto the part Y of the second part,

her heirs

and assigns forever,

XXX An easement for the purposes hereinafter set forth upon and over all that certain piece or parcel of land situate, lying and being in the Town of Guilderland, County of Albany, State of New York, bounded and described as follows:

Beginning at station 177 + 90.3 of the traverse for the right of way of the party of the first part for its existing transmission line extending from its Patroon Substation to its Krumhilt Substation and running thence from said point of beginning South 33 degrees 33 minutes West 86.19 feet to a point in the westerly boundary of the lands of the party of the first part; thence North 18 degrees 00 minutes West along the westerly boundary of the lands of the party of the first part 128.38 feet to a point; thence on a curve to the left with a radius of 25 feet, 56.05 feet to a point; thence North 33 degrees 33 minutes East and passing through station 177 + 13.7 of said traverse 82.30 feet to a point in the easterly boundary of the lands of the party of the first part; thence South 18 degrees 00 minutes East along the easterly boundary of the lands of the party of the first part 76.61 feet to a point; thence South 33 degrees 33 minutes West 47.88 feet to the point or place of beginning containing 0.20 of an acre be the same more or less.

All bearings refer to true north.

The aforesaid easement shall be for all purposes for which highways are commonly used, including the installation and maintenance of surface water drainage facilities, sanitary sewage facilities, water mains and utility mains and lines.

Said easement shall be in lieu of all rights which the party of the second part now has to cross the lands of the party of the first part as said rights are reserved in the deed from George A. Shutter and wife to New York Power and Light Corporation dated January 23, 1940 and recorded in the office of the Clerk of the County of Albany on February 6, 1940 in Book 917 of Deeds at page 38, and the deed from the party of the second part to the party of the first part dated July 20, 1953 and recorded in the office of the Clerk of the County of Albany on August 3, 1953 in Book 1367 of Deeds at page 511.

This easement is granted upon condition that the grade of said highway shall not be materially raised above the existing grade and all work upon the lands above described shall be done in such manner as not to interfere with or damage the existing electric transmission lines of the party of the first part and no equipment shall be used upon the lands above described which shall come within 15 feet of the existing conductors of the party of the first part.

*0.120 + From Pat. 16
0.845 " " 44 Albany - Roff Amos*

1995 1048 5475

TOGETHER with the appurtenances and all the estate and rights of the first part in and to said premises.

TO HAVE AND TO HOLD the premises herein granted unto the part J of the second part, her heirs and assigns forever.

IN WITNESS WHEREOF, the party of the first part has caused its corporate seal to be hereunto affixed, and these presents to be signed by its duly authorized officer the day and year first above written.

In presence of:

By, NIAGARA MOHAWK POWER CORPORATION Vice President

STATE OF NEW YORK COUNTY OF ALBANY On the 2nd day of July 19 62 before me came R. H. STRATTON to me known, who, being by me duly sworn, did depose and say that he resides at on Birch Hill Road, Albany, New York;

that he is a Vice President of NIAGARA MOHAWK POWER CORPORATION, the corporation described in, and which executed, the foregoing instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the board of Directors of said corporation; and that he signed his name thereto by like order.

Notary Public, State of New York Qualified in Albany County My Commission expires March 30, 1964

4448

NIAGARA MOHAWK POWER CORPORATION

to

LENA M. CHAINIK



QUITCLAIM - CORPORATION

Dated, July 2, 19 62

The land affected by the within instrument lies in the Town of Guilderland, Albany County, New York.

RECORD AND RETURN TO

Reserve this space for use of Recording Office.

95 1048 5475

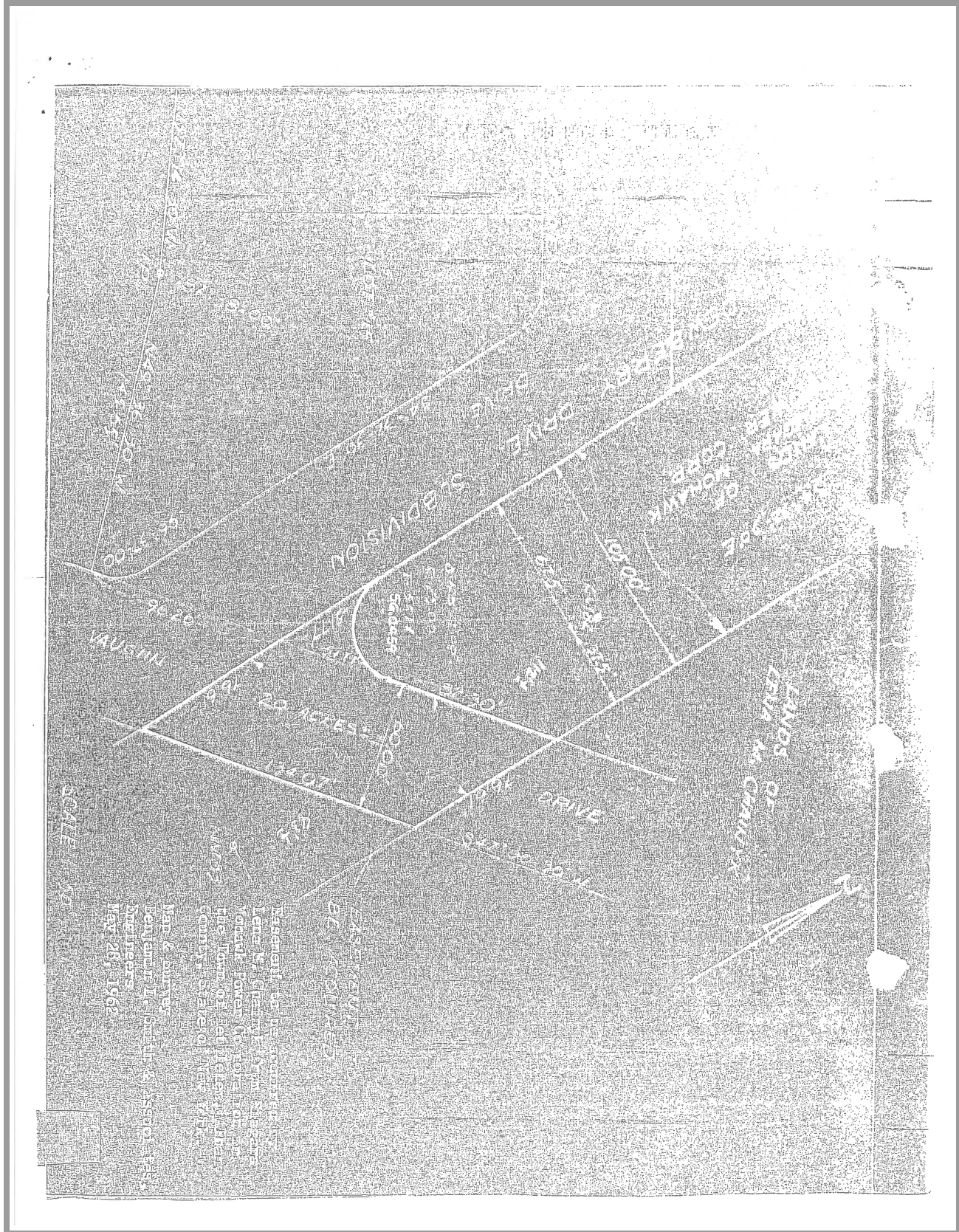


EXHIBIT "D"

**Niagara Mohawk, a National Grid Company
Conditions for Proposed Activities
Within Transmission Line Rights-of-Way**

1. Compliance/Safety

- A. All activities conducted by GRANTEE, its employees, contractors and subcontractors shall comply with all applicable federal, state, and local laws, statutes, rules, regulations, and codes. In particular, the requirements of the following statutes, regulations, and safety codes and guidelines must be met:
- *National Electrical Safety Code*
 - In Massachusetts, 220 CMR 125.00, "Installation and Maintenance of Electric Transmission Lines,"
 - In New York, Part 57 of the New York State Industrial Codes Rules (also known as the "High-Voltage Proximity Act")
 - OSHA regulations governing working clearances from energized lines. OSHA Standard 29 CFR 1926.550 Subpart N is specific to cranes, derricks, hoists, elevators, and conveyors. However, all vehicles, equipment, and loads shall maintain the minimum clearances from energized wires that are specified in this Standard unless a more restrictive standard applies.
- B. GRANTEE and all users of the right-of-way shall not place or store any items within the right-of-way, including construction materials or debris, excavated soil, trailers, or storage containers.
- C. GRANTEE and all users of the right-of-way shall not unload or load vehicles or equipment within the right-of-way.
- D. GRANTEE shall adequately ground vehicles, equipment, fences and gates, at all times and in accordance with applicable federal, state, and local laws, statutes, rules, regulations, and design codes, including, but not limited to, those listed in paragraph A above and IEEE Standard 80.

2. Protection of Transmission Line Facilities

GRANTEE shall, at all times, protect transmission line facilities from damage. In addition to compliance with safety codes as described in paragraph 1 above, protection of transmission facilities shall, at a minimum, include the following:

5/5/04

- A. GRANTEE shall operate equipment and vehicles at least 50 feet horizontally away from any transmission line pole, tower, guy wire, or guy anchor.
- B. When making a rough cut during excavation, GRANTEE, its employees, contractors and subcontractors shall disturb no earth within an area bounded by a line drawn 25 feet plus 2.5 times the depth of the cut from the nearest transmission line pole, tower leg, guy wire, or guy anchor, but not less than 50 feet. Upon completion of the rough cut, the slopes of the bank shall be graded on a slope no steeper than one vertical to five horizontal and stabilized with vegetation or rip-rap. The top of the slope shall be at least 50 feet from the nearest pole, tower leg, guy wire, or guy anchor.
- C. GRANTEE, its employees, contractors and subcontractors shall not store or use explosives within the right-of-way.

3. Access to Right-of-Way

- A. GRANTEE and all users of the right-of-way shall not at any time block or impede access to or along the right-of-way.
- B. GRANTEE and all users of the right-of-way shall not damage roads or trails used to gain access to or along the right-of-way.

4. Preservation of Rights and Future Use

- A. NIAGARA retains all rights granted in the original right-of-way deed. Specifically, NIAGARA reserves the right to place future structures or relocate existing structures anywhere within the right-of-way, and it reserves the right to control any vegetation within the right-of-way.
- B. GRANTEE shall place no above or below ground structures within the right-of-way, including streetlights, signs, sheds, fences, septic systems, and swimming pools.
- C. Improvements shall not continuously occupy more than 100 feet along any line drawn longitudinally along the right-of-way.
- D. Improvements shall not occupy expected future locations of transmission structures. This includes the bisector of angles in the right-of-way and generally includes areas adjacent to existing structures.

5/5/04

5. Protection of Interests

- A. NIAGARA shall not be held liable for any damage to GRANTEE'S activities within the right-of-way when such damage is the result of construction, maintenance, or operation or other use of existing or future transmission line facilities.
- B. GRANTEE shall pay all costs associated with modifications or repairs made necessary to NIAGARA'S facilities as a result of activities by GRANTEE, including the cost of repairs or modifications to buried ground wires. Repairs and/or modifications shall be performed by NIAGARA. GRANTEE shall notify NIAGARA when a buried wire is damaged.

5/5/04

EXHIBIT "E"

**SPECIFICATION FOR WORK ON
 NIAGARA MOHAWK/NATIONAL GRID (NM/NG) EASEMENTS AND
 RIGHTS-OF-WAY (ROW) CONTAINING GAS FACILITIES**

1. No construction work shall start on the Pipeline/Main Easement/ROW until final construction drawings are submitted and approved by NM/NG.
2. No work shall take place in the proximity of the Natural Gas Pipeline/Main until the facilities are located by hand shovel method and marked. These locations and markings shall be maintained throughout the construction duration.
3. NM/NG shall be notified at least one week in advance of any work in the proximity of the Pipeline/Main Easement/ROW. At its election, NM/NG may have an inspector. The related cost shall be assessed on site during construction.
4. When working in the general vicinity of said gas facilities, extreme care shall be taken. All excavation within 2 feet of the Pipeline/Main shall be done by hand in order to protect the pipe and its coating.
5. All rules and regulations, included in but not limited to the N.Y.S. Department of Public Service Code 16 NYCRR Part 753 as amended 2/28/01, for the safety and protection of personnel and gas facilities shall be adhered to while work is being performed in the vicinity of NM/NG facilities.
6. Random travel across the Pipeline/Main in grass areas with heavy equipment and loaded trucks will not be allowed. Travel across the Pipeline/Main will be confined to areas protected by a 2-foot thick mat of run-of-crush limestone underlaid with filter fabric.
7. Care shall be taken to avoid damage to natural gas witness posts, test stations and other related natural gas facilities. Any damage of said facilities shall be reported immediately. Cost of repairs shall be assessed.
8. Test holes may be required and the Pipeline/Main located and its elevation determined by survey. This is necessary for establishing guidelines for grading and for crossing the pipeline.
 - A. Cover Over Transmission Pipelines and Distribution Gas Mains:
 1. Minimum Cover:
 - a. 24 inches - Mains; All locations.
 - b. 36 inches - Pipelines; Grass areas.
 - c. 42 inches - Pipelines; Roads, Parking Lots, Paved Areas.
 2. Maximum Cover: 72 inches - Pipeline/Main

- B. Clearances for Other Utility Mains, Other Service Laterals and Structures Installed in Proximity to the Pipeline/Main.
 - 1. When installed across the Pipeline, the face-to-face clearance is 1 foot with the space in between filled with sand.
 - 2. No manhole or utility structure shall be installed within NM/NG ROW.
 - 3. No buildings shall be constructed within the Easement/ROW.
 - C. All work within the Easement/ROW shall be performed in the presence of an NM/NG inspector, unless otherwise approved by NM/NG. Three days' notice is required.
 - D. When crossing an NM/NG Pipeline/Main, all excavation work shall be done by hand.
9. In areas where fill (permanently or temporarily) is planned to be dumped on the Easement/ROW, a proposal shall be submitted in writing to NM/NG for prior approval along with a sketch describing the depth and the permanence of this material on our Easement/ROW. All drainage patterns shall be returned to their pre-construction condition.
 10. When paved parking areas will cover the Pipeline Easement/ROW, NM/NG requires a 4 foot x 4 foot grass area be constructed and maintained. These grass areas are required so that NM/NG can conduct Cathodic Protection Surveys. These grass areas are to be located every 100 feet.
 11. Backfill material over or in contact with the Pipeline/Main must be free of sharp rocks, large stones and other debris which may damage the pipe coating. Any damage (however slight) to the coating must be reported to NM/NG immediately so that it can be repaired.
 12. Any contractor working on an NM/NG Easement/ROW must provide a certificate of insurance coverage to protect NM/NG interests in the project area.
 13. When excavating in poor soils (soils of poor bearing qualities or subject to quick conditions) in the proximity of the Pipeline/Main, additional support may be necessary as determined by the NM/NG inspector. Such support will be provided by the contractor at his cost.
 14. No blasting will be permitted on the Easement/ROW without the approval of the Regional Gas Superintendent or the Manager of System Gas Engineering at NM/NG.
 15. No shrubs or trees shall be allowed to be planted on the Easement/ROW
 16. Under no circumstances will NM/NG allow the grade of the Easement/ROW to be altered until final plans and elevations of proposed drainage, pavement and other construction have been submitted and approved by the proper authorities at NM/NG.
 17. NM/NG reserves the right to excavate anywhere on the Easement/ROW. NM/NG shall not be required to restore any pavement, grass areas, etc., excavated within the

Revised 3/06

Easement/ROW and shall only be responsible in reestablishing a rough grade in these areas.

18. Submit all drawings and information for review and approval to: Tom Picciott, Gas Engineering, System Gas Department (315-428-5996).
19. Because foreign use of the Easement/R.O.W. involves additional risk to NM/NG due to its use of said premises for its facilities and in consideration granting this permission, this document will have to be signed by all parties responsible in performing the work.
 - A. You hereby assume all risk of and release and waive any and all rights to ask for or demand damages from NM/NG for any and all losses, cost or expenses you may sustain as a result of your use of the Easement/R.O.W. and activities conducted thereon, unless attributable or claimed to be attributable, in whole, to the fault, failure or negligence of NM/NG, its officers, agents, contractors or employees.
 - B. You hereby assume all risk of, and shall and, hereby do indemnify NM/NG and save it harmless from any and all losses, damages or injuries to property (including property of NM/NG and of third parties) or persons (including personal injuries resulting in death) arising out of, caused by, incurred during or in any way connected with your use of the Easement/R.O.W. and activities conducted thereon, and of and from all detriment damages, losses, claims, demands, sums and expenses connected with such losses, damages or injuries, whether the loss, damage or injury result to or be sustained by (i) officers, contractors, agents, or employees of NM/NG or (ii) any other persons, firms or corporations, unless attributable or claimed to be attributable in whole to the fault, failure or negligence of NM/NG, its officers, agents, contractors, or employees.

Revised 3/06

10/19/22, 11:07 AM

Town of Guilderland Mail - RE: [EXTERNAL] Fwd: Vaughn Drive subdivision



Kenneth Kovalchik <kovalchikk@togny.org>

RE: [EXTERNAL] Fwd: Vaughn Drive subdivision

1 message

Aspinall, Pamela <Pamela.Aspinall@nationalgrid.com>

Wed, Oct 19, 2022 at 8:58 AM

To: Kenneth Kovalchik <kovalchikk@togny.org>

Cc: Ted DeLucia <visionplanningconsultants@gmail.com>, Gregg Myer <gmeyer41@aol.com>

Good Morning, thank you for your follow up. National Grid asks that all conditions outlined in the easement are strictly adhered to for the safety of the public as well as the facilities. If there are any questions with understanding the conditions please have them reach out to me.

Thank you

From: Kenneth Kovalchik <kovalchikk@togny.org>

Sent: Tuesday, October 18, 2022 10:10 AM

To: Aspinall, Pamela <Pamela.Aspinall@nationalgrid.com>

Cc: Ted DeLucia <visionplanningconsultants@gmail.com>; Gregg Myer <gmeyer41@aol.com>

Subject: [EXTERNAL] Fwd: Vaughn Drive subdivision

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe. If you suspect this email is malicious, please use the 'Report Phish' button.

Pamela,

In 2008 the Town of Guilderland Planning Board approved a 2 lot minor subdivision on Vaughn Drive. See attached subdivision documents. National Grid granted a 40' wide easement from Vaughn Drive, across a NIMO ROW, to the parcel. The easement restricts the access to 2 driveways. See attached executed 2007 easement with Book/Page number for its recording with the Albany County Clerk.

It appears the final plat for this project was never recorded with the Albany County Clerk. The timeframe to have recorded the final plat has since expired. A representative for the project has approached the Town and indicated they would like to file another minor subdivision application and obtain approval for the previously approved 2 lots. Prior to the applicant filing a new subdivision application I wanted to reach out to you to inquire if National Grid has any comments?

Regards.

Kenneth Kovalchik, AICP

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10/19/22, 11:07 AM

Town of Guilderland Mail - RE: [EXTERNAL] Fwd: Vaughn Drive subdivision

Town Planner

Guilderland Town Hall – 2nd Floor

[5209 Western Turnpike](#)

P.O. Box 339

Guilderland, NY 12084

(518) 356-1980 ext 1061

kovalchikk@togny.org

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----- Forwarded message -----

From: **Ted DeLucia** <visionplanningconsultants@gmail.com>

Date: Mon, Oct 17, 2022 at 3:09 PM

Subject: Vaughn Drive subdivision

To: Kenneth Kovalchik <kovalchikk@togny.org>, Gregg Myer <gmeyer41@aol.com>

Ken,

I appreciate meeting with you today regarding this matter. I have attached some records of this previous 2 lot subdivision that was very close to a final approval in 2008. However, the project stalled and I now represent the new owner who wants to complete the approval process. Based on the letter from Jan Weston the Planning Board gave final approval on September 24, 2008. The items that were required were the typical highway, sewer and water permits. A sewer mitigation fee and a 10 ft strip along the border of National Grid property to access the Town of Bethlehem Park. Obviously, some years have passed but the new owner is ready to complete these lacking items or whatever else needs to be done to complete this process. Can you please advise how to proceed?

Thanks,

Ted DeLucia

Vision Planning to Construction

Consultant Services

PO Box 442

Newtonville, NY 12128

518- 857 -4486

<https://mail.google.com/mail/u/0/?ik=891c08f431&view=pt&search=all&permthid=thread-f%3A1746963016839501506%7Cmsg-f%3A17471208741159...> 2/3

10/19/22, 11:07 AM

Town of Guilderland Mail - RE: [EXTERNAL] Fwd: Vaughn Drive subdivision

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You may report the matter by contacting us via our [UK Contacts Page](#) or our [US Contacts Page](#) (accessed by clicking on the appropriate link)

Please ensure you have adequate virus protection before you open or detach any documents from this transmission. National Grid plc and its affiliates do not accept any liability for viruses. An e-mail reply to this address may be subject to monitoring for operational reasons or lawful business practices.

For the registered information on the UK operating companies within the National Grid group please use the attached link: <https://www.nationalgrid.com/group/about-us/corporate-registrations>

<https://mail.google.com/mail/u/0/?ik=891c08f431&view=pt&search=all&permthid=thread-f%3A1746963016839501506%7Cmsg-f%3A17471208741159...> 3/3

TOWN OF GUILDERLAND

Peter G. Barber
Supervisor

Kenneth Kovalchik, AICP
Town Planner

Planning Department
Town Hall, Route 20
P.O. Box 339
Guilderland, NY 12084-0339
Phone: (518) 356-1980 x 1061
Fax: (518) 356-5514
Email: kovalchikk@togny.org



MEMORANDUM

TO: Stephen J. Feeney, Chairman
& Town Planning Board

FROM: Kenneth Kovalchik, AICP, Town Planner

DATE: June 7, 2023

SUBJ: 3 Lot Minor Subdivision – Settles Hill Road/Furbeck Road – Michael Flocuzzio
Concept Plan Review

Background

The applicant is proposing a 3-lot minor subdivision of 15.13 acres of land located in the Rural Agricultural (RA5) District. The RA 5 District requires a 5-acre minimum lot size. Lot 1 would consist of 5.06 acres; Lot 2 would consist of 5.00 acres and Lot 3 would consist of 5.06 acres. The property is bisected by Settles Hill Road, with approximately 4.65 acres located on the west side of Settles Hill Road and 10.48 acres located on the east/south side of Settles Hill Road.

There is no public water and sewer infrastructure in this area of town, therefore, each lot will be serviced private wells and septic systems that will need approval from the Albany County Department of Health. The concept plan includes a plan sheet depicting locations of proposed building footprints, wells and septic systems for each lot.

Considering no development activity is proposed within the 4.65-acre portion of the 3 lots proposed on the west side of Settles Hill Road, the Planning Board may want to consider if this acreage could be deed restricted as open space.

National Grid Easements

There are existing overhead wires located on the property. A note on the plan's states:

"Utility easement to Niagara Mohawk Power Corporation (easement width, covenants and restrictions not researched).

The applicant should research the easement to confirm the proposed residential use, building locations and septic system locations are in compliance with any restrictions that may be included in the easement.

Visit the Town of Guilderland Website at <http://www.townofguilderland.org>

Federal Wetlands

The concept subdivision plan depicts federal wetlands in the following areas of the parcel:

10.48-acre portion of the parcel on the east/south side of Settles Hill Road

Lot 1 – Wetland Area 1 which consists of 2,131 square feet of federal wetlands with little to no disturbance proposed. A portion of Wetland Area 2, which is 1,439 square feet in size.

Lot 2 - A portion of Wetland Area 2, which is 1,439 square feet in size.

4.65-acre portion of the parcel located on the west side of Settles Hill Road

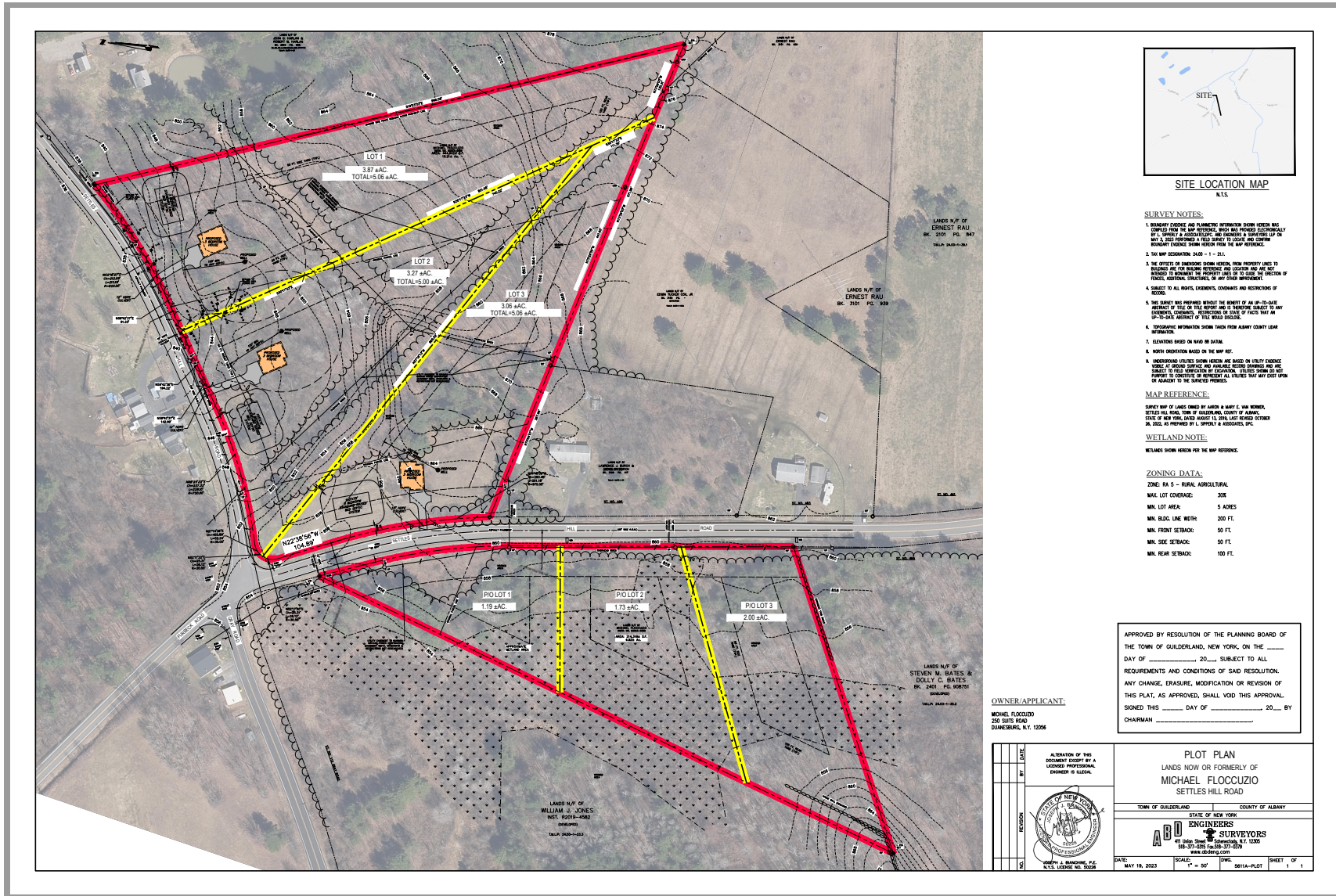
Federal wetlands are located on portions of each of the 3 lots located on this side of the road. No construction activity/disturbance is proposed within the portions of the 3 lots located on this side of the road.

Guilderland Conservation Advisory Council

The application was referred to the Guilderland Conservation Advisory Council (GCAC) for their June 12th meeting. The GCAC will provide a report to the Planning Board upon completion of the site visit.

Next Steps

If the Planning Board has no concerns with the proposed concept plan, the Board may consider granting concept plan approval.



- SURVEY NOTES:**
1. BOUNDARY EVIDENCE AND PLANNING INFORMATION SHOWN HEREON WAS OBTAINED FROM THE MAP RECORDS, AND WAS REPRODUCED ELECTRONICALLY BUT A FIELD SURVEY WAS CONDUCTED TO LOCATE AND CORRECT ANY DISCREPANCIES FROM RECORD FROM THE MAP RECORDS.
 2. THE MAP RESOLUTION IS 1" = 20'.
 3. THE OBJECTS OR DIMENSIONS SHOWN HEREON FROM PROPERTY LINES TO RECORD ARE FOR RECORD PURPOSES AND LOCATION MAP ARE NOT INTENDED TO INDICATE THE PROPERTY LINES OR TO GUARANTEE THE LOCATION OF SUCH OBJECTS, DIMENSIONS, OR ANY OTHER IMPROVEMENTS.
 4. SUBJECT TO ALL RIGHTS, EASEMENTS, COVENANTS AND RESTRICTIONS OF RECORD.
 5. THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF AN UP-TO-DATE RECORD OF THE DEED OR RECORD AND IS THEREFORE SUBJECT TO ANY EASEMENTS, COVENANTS, RESTRICTIONS OR SALES OF FACTS THAT AN UP-TO-DATE RECORD OF THE DEED RECORD.
 6. DISCREPANCY INFORMATION SHOWN TAKEN FROM ALBANY COUNTY DEED RECORDS.
 7. ELEVATIONS BASED ON NAVD 83 DATUM.
 8. NORTH ORIENTATION BASED ON THE MAP REF.
 9. UNDERGROUND UTILITIES SHOWN HEREON ARE BASED ON PUBLIC RECORDS AND FIELD SURVEY. FIELD SURVEY OF UTILITIES IS FOR INFORMATION ONLY AND IS NOT INTENDED TO GUARANTEE THE LOCATION OF SUCH UTILITIES. FIELD SURVEY OF UTILITIES IS FOR INFORMATION ONLY AND IS NOT INTENDED TO GUARANTEE THE LOCATION OF SUCH UTILITIES.

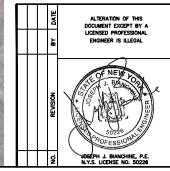
MAP REFERENCE:
 SURVEY MAP OF LANDS OWNED BY ARNOLD & MARY L. VAN NORDEN, SETTLES HILL ROAD, TOWN OF GOULDERSLAND, COUNTY OF ALBANY, STATE OF NEW YORK, DATED JANUARY 11, 2011, LAST REVISED OCTOBER 24, 2012, AS PREPARED BY L. O'NEILL & ASSOCIATES, P.C.

WETLAND NOTE:
 WETLANDS SHOWN HEREON PER THE MAP REFERENCE.

ZONING DATA:
 ZONE: RA-5 - RURAL AGRICULTURAL
 MIN. LOT COVERAGE: 30%
 MIN. LOT AREA: 5 ACRES
 MIN. BLDG. LINE WIDTH: 200 FT.
 MIN. FRONT SETBACK: 50 FT.
 MIN. SIDE SETBACK: 50 FT.
 MIN. REAR SETBACK: 100 FT.

APPROVED BY RESOLUTION OF THE PLANNING BOARD OF THE TOWN OF GOULDERSLAND, NEW YORK, ON THE ____ DAY OF _____, 20____, SUBJECT TO ALL REQUIREMENTS AND CONDITIONS OF SAID RESOLUTION. ANY CHANGE, ERASURE, MODIFICATION OR REVISION OF THIS PLAN, AS APPROVED, SHALL VOID THIS APPROVAL. SIGNED THIS ____ DAY OF _____, 20____, BY CHAIRMAN _____

OWNER/APPLICANT:
 MICHAEL FLOCCUZIO
 200 SUTTS ROAD
 GOULDERSLAND, N.Y. 12056

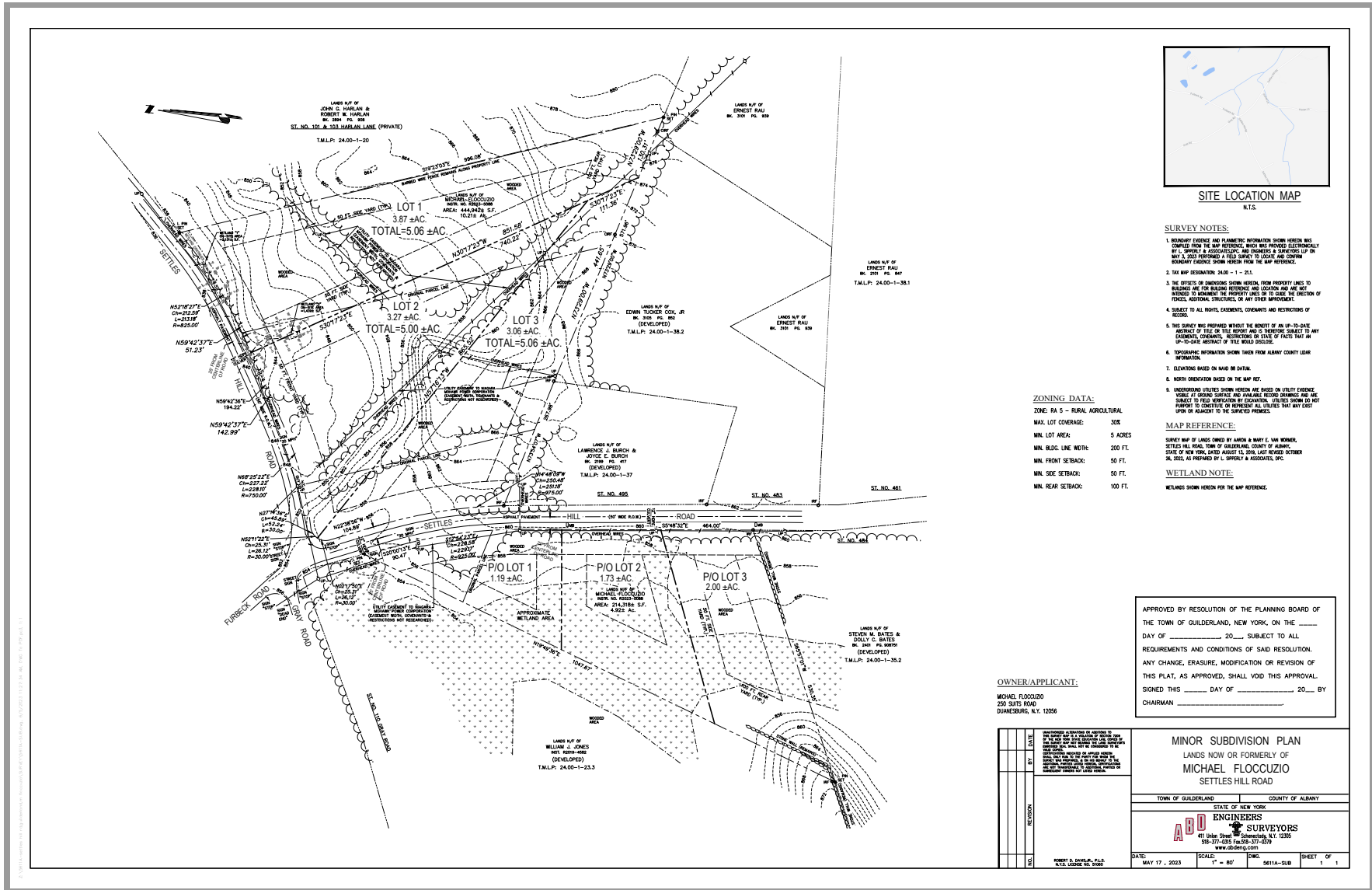


PLOT PLAN
 LANDS NOW OR FORMERLY OF
 MICHAEL FLOCCUZIO
 SETTLES HILL ROAD

TOWN OF GOULDERSLAND COUNTY OF ALBANY
 STATE OF NEW YORK

ENGINEERS & SURVEYORS
 811 Main Street
 Schenectady, N.Y. 12305
 518-377-1200 Fax 518-377-0279
 www.dodaro.com

DATE: MAY 18, 2023 SCALE: 1" = 50' DWG: SB11A-PLOT SHEET 1 OF 1



SITE LOCATION MAP
N.T.S.

- SURVEY NOTES:**
1. BOUNDARY EVIDENCE AND PLANNING INFORMATION SHOWN HEREIN WAS OBTAINED FROM THE MAP REFERENCED HEREIN AND WAS PROVIDED ELECTRONICALLY BY L. SPERRY & ASSOCIATES, P.C. ENGINEERS & SURVEYORS LLP ON MAY 1, 2023 THROUGH A FILE DRAWING TO LOCATE AND CORRECT BOUNDARY EVIDENCE SHOWN HEREIN FROM THE MAP REFERENCED.
 2. THE MAP RESOLUTION: 24.00 - 1 - 21.1.
 3. THE EFFECTS OF HORIZONTAL CURVE MEASUREMENT FROM PROPERTY LINES TO BUILDINGS ARE FOR BUILDING REFERENCE AND LOCATION AND ARE NOT INTENDED TO CORRECT THE PROPERTY LINES OR TO LOCATE THE POSITION OF FENCES, ADDITIONAL STRUCTURES, OR ANY OTHER IMPROVEMENTS.
 4. SUBJECT TO ALL RIGHTS, EASEMENTS, COVENANTS AND RESTRICTIONS OF RECORD.
 5. THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF AN UP-TO-DATE SURVEY OF THIS OR THE PROPERTY AND NO FINDINGS RELATED TO ANY EASEMENTS, COVENANTS, RESTRICTIONS OR STATE OF FACTS THAT AN UP-TO-DATE SURVEY OF THIS OR THE PROPERTY WOULD REVEAL.
 6. TOPOGRAPHIC INFORMATION SHOWN TAKEN FROM ALBANY COUNTY LEAD INFORMATION.
 7. ELEVATIONS BASED ON NAVD 83 DATUM.
 8. NORTH ORIENTATION BASED ON THE MAP REF.
 9. UNDERGROUND UTILITIES SHOWN HEREIN ARE BASED ON UTILITY EVIDENCE SHOWN AT SURVEY DATE. ANY AVAILABLE RECORD EVIDENCE AND ARE SUBJECT TO FIELD VERIFICATION BY FOOTCANDLING. UTILITIES SHOWN DO NOT REPRESENT THE LOCATION OR DEPTH OF ALL UTILITIES THAT MAY EXIST UPON OR ADJACENT TO THE SURVEYED PREMISES.

ZONING DATA:
 ZONE: RA 5 - RURAL AGRICULTURAL
 MAX. LOT COVERAGE: 30%
 MIN. LOT AREA: 5 ACRES
 MIN. BLDG. LINE WIDTH: 200 FT.
 MIN. FRONT SETBACK: 50 FT.
 MIN. SIDE SETBACK: 50 FT.
 MIN. REAR SETBACK: 100 FT.

MAP REFERENCE:
 SURVEY MAP OF LANDS OWNED BY ANTON & MARY E. VAN WORMER, SETTLES HILL ROAD, TOWN OF GUILDERLAND, COUNTY OF ALBANY, STATE OF NEW YORK, DATED AUGUST 13, 2014, LAST RECORDED NUMBER 36, 2022, AS PREPARED BY L. SPERRY & ASSOCIATES, L.P.C.
WETLAND NOTE:
 WETLANDS SHOWN HEREIN FROM THE MAP REFERENCED.

APPROVED BY RESOLUTION OF THE PLANNING BOARD OF THE TOWN OF GUILDERLAND, NEW YORK, ON THE _____ DAY OF _____, 20____, SUBJECT TO ALL REQUIREMENTS AND CONDITIONS OF SAID RESOLUTION. ANY CHANGE, ERASURE, MODIFICATION OR REVISION OF THIS PLAN, AS APPROVED, SHALL VOID THIS APPROVAL. SIGNED THIS _____ DAY OF _____, 20____, BY _____ CHAIRMAN

OWNER/APPLICANT:
 MICHAEL FLOCCUZIO
 235 SATEL ROAD
 DUANEBURG, N.Y. 12056

DATE	REVISION

MINOR SUBDIVISION PLAN
 LANDS NOW OR FORMERLY OF
MICHAEL FLOCCUZIO
 SETTLES HILL ROAD

TOWN OF GUILDERLAND COUNTY OF ALBANY
 STATE OF NEW YORK

ABD ENGINEERS & SURVEYORS
 811 Indian Street
 Schenectady, NY 12305
 518-377-2265 FAX 518-377-4379
 www.abdeng.com

DATE: MAY 17, 2023 SCALE: 1" = 80' DWG: 5611A-SUB SHEET 1 OF 1

**TOWN OF GUILDERLAND
APPLICATION FOR SUBDIVISION**

RETURN TO:

Planning Department, Attn: Town Planner
Guilderland Town Hall, Rte 20
Guilderland, NY 12084
(518)356-1980 ext 1061
kovalchikk@tognv.org

FEES:

Subdivision Application Fee: Subdivision Hearing Fee:
 Minor Concept Plan \$250 ___ Minor Final Plat - \$75 per lot
___ Major Concept Plan \$500 ___ Major Preliminary Plat - \$75 per lot
 plus \$100 per lot
___ Lot Line Amendment \$100
___ Fee in lieu of parkland reservation* -- See §280-36 of Town Code
*Payable with building permit application

APPLICANT INFORMATION

Name: Michael Flocuzzio
Address: 250 Sults Road,
Duanesburg, NY
Zip: 12053
Phone #: 518-813-1864
Email: flocuzzio88@gmail.com

SUBDIVISION INFORMATION

Name of Subdivision: Settles Hill Estates
General Location: Settles Hill Road & Furbeck Road
Zoning: RA5 Total Acreage: 15.1± Acres
Tax Map number(s): 24.00-1-21.1
Number of Proposed Lots: 3

Relationship to property:

owner _____
contract vendee _____
other, explain _____

ENGINEER, ARCHITECT OR SURVEYOR: (if other than applicant)

Name: Joseph J. Blanchine, P.E., ABD Engineers & Surveyors, LLP
Address: 411 Union Street
Schenectady, NY Zip: 12305
Phone: 518-377-0315
Email: joe@abdeng.com

PROPERTY DESCRIPTION

Current land use of the property: Vacant
Briefly describe proposed project: Subdivide into 3 residential lots of 5 acres on well and septic

Generally describe any restrictions on the property (easements, deed restrictions, etc.): Power lines and federal wetlands

Does the property contain any of the following: ___ Stream ___ Pond Fed. Wetlands ___ Other body of water
___ Floodplain ___ Steep Slopes ___ Pine Bush ___ Historic/Archeological Resources

If yes, please elaborate: Federal wetlands delineated on plans

Water will be provided by:

Well ___ Connect to existing Town water ___ Extension of Water district

Sanitary sewer will be provided by:

Septic system ___ Connect to existing Town sewer ___ Extension of Sewer District

Will there be any land dedicated to the Town for a park or open space commonly owned by a Homeowner's Association?
No. ___ If yes, what is the percentage and proposed ownership of the open space? _____

AGREEMENT

The applicant hereby certifies that he/she is the owner of record of the above property, or that he/she has been duly authorized by the owner of record to make this application. Further, by signing this application, the owner/designee gives permission for a representative(s) of the Town of Guilderland to walk the property for the purposes of conducting a site review.

Signature of Owner:  Date: May 17, 2023

Short Environmental Assessment Form Part 1 - Project Information

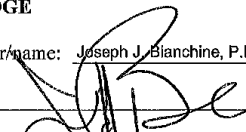
Instructions for Completing

Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 – Project and Sponsor Information			
Name of Action or Project: Settles Hill Estates Subdivision			
Project Location (describe, and attach a location map): Settles Hill Road & Furbeck Road			
Brief Description of Proposed Action: Subdivide 15 acre vacant parcel into three 5 acre lots on well and septic.			
Name of Applicant or Sponsor: Michael Flocuzzio		Telephone: 518-813-1864	
		E-Mail: flocuzzio88@gmail.com	
Address: 250 Suits Road			
City/PO: Duanesburg		State: NY	Zip Code: 12053
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.		NO <input type="checkbox"/>	YES <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval: Albany County Department of Health		NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
3. a. Total acreage of the site of the proposed action? _____ 15 acres			
b. Total acreage to be physically disturbed? _____ 3 acres			
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ 15 acres			
4. Check all land uses that occur on, are adjoining or near the proposed action:			
5. <input type="checkbox"/> Urban <input checked="" type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban)			
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify):			
<input type="checkbox"/> Parkland			

5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?	NO	YES	
If Yes, identify: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
b. Are public transportation services available at or near the site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements?	NO	YES	
If the proposed action will exceed requirements, describe design features and technologies: _____ _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply?	NO	YES	
If No, describe method for providing potable water: _____ Wells _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities?	NO	YES	
If No, describe method for providing wastewater treatment: _____ Septics _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?	NO	YES	
b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO	YES	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: <u>Federal wetlands 2.2 ± acres, w/ disturbance</u> _____			

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input checked="" type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input checked="" type="checkbox"/> Early mid-successional <input checked="" type="checkbox"/> Wetland <input type="checkbox"/> Urban <input type="checkbox"/> Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered? Northern Long-eared Bat	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
a. Will storm water discharges flow to adjacent properties?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Stormwater will flow to existing roadside ditches		
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment:	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe:	NO <input type="checkbox"/>	YES <input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe:	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor name: Joseph J. Blanchine, P.E., ABD Engineers & Surveyors, LLP Date: May 19, 2023		
Signature:  Title: Professional Engineer		

PRINT FORM

EAF Mapper Summary Report

Monday, May 15, 2023 10:02 AM

Disclaimer: The EAF Mapper is a screening tool intended to assist project sponsors and reviewing agencies in preparing an environmental assessment form (EAF). Not all questions asked in the EAF are answered by the EAF Mapper. Additional information on any EAF question can be obtained by consulting the EAF Workbooks. Although the EAF Mapper provides the most up-to-date digital data available to DEC, you may also need to contact local or other data sources in order to obtain data not provided by the Mapper. Digital data is not a substitute for agency determinations.

Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community

Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites]	No
Part 1 / Question 12b [Archeological Sites]	No
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
Part 1 / Question 15 [Threatened or Endangered Animal]	Yes
Part 1 / Question 15 [Threatened or Endangered Animal - Name]	Northern Long-eared Bat
Part 1 / Question 16 [100 Year Flood Plain]	No
Part 1 / Question 20 [Remediation Site]	No