

**TOWN OF GUILDERLAND
PLANNING BOARD
MAY 25, 2016**

Minutes of meeting held at Guilderland Town Hall, Rt. 20, Guilderland NY, 12084 at 7:30pm.

Members Present: Stephen Feeney, Chairman
Michael Cleary
James Cohen
Thomas Robert
Herb Hennings
Theresa Coburn
Bruce Sherwin

Jan Weston, Planning Administrator

Chairman Feeney called the meeting to order at 7:30pm. He noted the emergency exits in the event they were needed.

Chairman Feeney asked for a motion to approve the minutes of April 27, 2016, so moved by Terry Coburn, seconded by Mickey Cleary and carried by a 7 - 0 vote of the Board.

DAVIS – MILLARD LANE

Chairman Feeney stated that this A public hearing for a final plat of a proposed two-lot subdivision of 49 acres. Zoned: R40 Brendon Davis presenting.

Terry Coburn read the legal notice:

“The case of Brendon Davis will be heard on Wednesday, May 25, 2016 at 7:30 p.m. at the Guilderland Town Hall, Route 20, Guilderland, New York, 12084 for the purpose of obtaining final plat approval for an unnamed subdivision.

Such subdivision is proposed as one lot cut out of a 49-acre parcel.

The general location of the site is adjacent to #103 Millard Lane.

The property is zoned: R-40

Tax Map # 28.00-1-27.4

Plans are open for inspection, by appointment, at the Planning Department during normal business hours.

Dated: May 6, 2016

Stephen Feeney
Chairman
Planning Board”

Jan Weston, Town Planner, had the following comments: “The applicant is requesting final plat approval to cut a 1.25 acre building lot from a 39 acre parcel. I have the following comments:

- The applicant has submitted a shared maintenance and access agreement for the driveway.
- There is a note on the plat regarding the construction of the driveway and the requirement that it meets all NYS building and fire codes.
- The adjacent well and septic has been shown along with the proposed locations of the new facilities that will require Albany County Health Department approval.
- The limits of grading and clearing have been shown.
- The board also requested a deed restriction stating there will be no further subdivision on Millard Lane until the driveway is upgraded to Town standards that should be submitted and also noted on the plat.

No objection to final approval conditioned on the deed restriction.”

Chairman Feeney stated that they would condition the approval that there would be no further subdivision with access to Millard Lane until Millard Lane is improved to Town standards. Chairman Feeney stated that they would also place a note on the plans.

Chairman Feeney asked if there were any questions or comments from the residents. There were none. Chairman Feeney made a motion to close the public hearing, so moved by Tom Robert and seconded by Mickey Cleary. Vote 7 – 0.

Chairman Feeney stated that Albany Pine Bush did identify the property as full protection but there were not many comments in their letter.

Chairman Feeney stated that the GCAC had comments regarding the grading.

Chairman Feeney made a motion for SEQR as follows:

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 following project may have a significant effect on the environment and on the basis of the review hereby finds: that the proposed project will not have a significant impact upon the environment and therefore does not require the preparation of an Environmental Impact Statement. This determination was based upon the review and comments of the Town Conservation Advisory Council, correspondence received from the Albany Pine Bush Commission and the relatively minor nature of one

additional single family lot of 1.25 acres cut from the 49 acre parent parcel. Motion seconded by Thomas Robert and carried by a 7 – 0 vote of the Board.

Chairman Feeney made a motion for final approval of Brendon Davis for a 2-lot subdivision with the following conditions:

- Albany County Health Department approval (with building permit application)
- \$1500.00 per dwelling unit – Park & Recreation Fund (with building permit application)
- No further subdivision of parent parcel accessing Millard Lane prior to bringing Millard Lane up to Town standards.

Motion seconded by Herb Hennings and carried by a 7 – 0 vote of the Board.

ST. MADELEINE’S – 3510 CARMAN ROAD

Chairman Feeney stated that this was a site plan review to allow an accessory building to be used for pre-K classrooms. Zoned R-15 James Belogi presenting.

Jan Weston, Town Planner, had the following comments:

“The applicant has requested a special use permit to use an existing building on the south border of their property for pre-K classes. The single story building was previously used as a doctor’s office and is adjacent to the present school building. There is adequate existing parking and access to both Carman and Fuller Stations Roads. No planning objections.”

James Belogi stated that they were moving one class of pre-K three year olds to this building. A portion of this building was renovated in the 1970s for use as a doctor’s office and now the doctor has retired and they would like to renovate that space for pre-K three year olds.

Chairman Feeney asked if there were any questions or comments from the audience. There were none. Chairman Feeney entertained a motion to move the staff opinion and recommend approval. So moved by Terry Coburn and seconded by Mickey Cleary and carried by a 7 – 0 vote of the Board.

MATTER OF PHILLIPS HARDWARE – 6495 RT. 158

Chairman Feeney stated that this was a site plan review to allow the redevelopment of the site to include retail and office space, apartments, convenience store, gas station, drive-thru restaurant and an indoor sports dome on 13 acres. Zoned: General Business Mark Jacobson presenting.

Jan Weston, Town Planner, had the following comments:

“The applicant has applied for a special use permit to redevelop this 13-acre site with a new hardware store and corporate offices, a gas station and convenience store, 8 apartments, a drive-thru restaurant, and a sports complex dome. The property is zoned General Business and all uses are permitted. I have the following comments:

- The site has access to municipal water but will have to extend the sewer district. Early discussion with the Wastewater Superintendent indicates that there is adequate capacity.
- The parcel contains wetlands and is within a 100 year floodplain. The wetland delineation will need to be confirmed by the Army Corps.
- Correct stormwater management and the protection to runoff into the Black Creek will be paramount.
- A variance will be required for the front yard setback but it appears that all other requirements are being met.
- A traffic study should be completed while the high school is still in session. I think that the drive-thru restaurant and gas/convenience store will probably route a significant amount of students and commuters thru this intersection.
- The location of the curbcuts need to be examined for potential sight distance and proximity to the intersection issues. DOT approval will be necessary.
- The applicant has submitted a short form EAF but the Zoning Board should consider, due to the project's close proximity to poor soils, wetlands and the Black Creek, whether this should be considered an Unlisted Action and a more detailed environmental review conducted.
- The plan shows more parking than is, (or will be required under the new ordinance) and consideration should be given to banking parking, especially those spaces closest to the creek.
- The drive-thru stacking lane seems crammed into a small space and difficult to maneuver, both in terms of access and turning radius.
- The 8 spaces shown near the entrance to the drive-thru should be eliminated as they create more conflict of vehicular movements in a space where the drive-thru access will dominate.
- It appears that pedestrians moving from the sports complex to the restaurant would have to walk along the drive up window aisle to access the store. Safe pedestrian access must be provided.
- No dumpster locations are shown.
- Because this site is on a state road sidewalks would be required.
- Landscaping and lighting plans should be submitted.

Overall the project meets our zoning. However, there are environmental, stormwater and traffic access and safety issues that require much closer examination.”

Jon Phillips stated that they had sold the Colonie hardware store and knew that they would have to redevelop the hardware store in Altamont so decided with the competition of trying to create one clean development project, all run by the Phillips family. There will be a convenience store with a fast food with a drive-thru, gas, a hardware store and a sports bubble.

Mark Jacobson stated that the property is approximately 12 acres; the topography slopes from Rt. 158 back towards the Black Creek. There is floodway along the Black Creek, there is also a 100 year floodplain. Mr. Jacobson stated that they did have the wetlands delineated preliminary in January and will have them added to the maps. Mr. Jacobson stated that they do anticipate a Wetland Disturbance Permit.

Mr. Jacobson stated that they are working with Creighton Manning regarding the traffic study and they will also be in charge of the highway use permit and the sewer district extension.

Mr. Jacobson stated that they do meet the 100' setback from the stream. They are proposing putting apartments over the hardware store; however it is not permitted in the Zoning Code but will be allowed in the new Code. Mr. Jacobson also discussed the front yard setback of 25' which is also allowed in the new Code; currently the Code requires 50'.

Mr. Jacobson stated that they envision banking parking especially along Rt. 156. They have shown 248 parking spaces and the required is 198.

There was discussion regarding the retention basin; they will not be using infiltration, they will be using bioretention, which is a filter that cleans it and runs into storage and then into the creek.

Chairman Feeney stated that before they get too far along on this project, they need to have discussions with NYSDOT. Chairman stated that as far as the site plan itself, a lot of it is going to be dictated by where you can access the project. If the access points change, the site plan will change quite a bit.

Chairman Feeney stated that from his perspective this is very conceptual until they start having discussions with NYSDOT.

There was discussion regarding the proposed mixed-use building.

Chairman Feeney stated that stormwater and traffic are going to be major issues.

Chairman Feeney asked if there were any comments from the residents.

Sue Greene had concerns regarding water issues, drainage, and the Watervliet Reservoir.

Jon Phillips stated that they do envision moving their corporate offices to this site.

Mike Canali, a teacher at Guilderland High School, spoke about the benefits of this sports facility.

Chairman Feeney stated once again that the applicant needs to get together with NYSDOT.

Chairman Feeney stated that Delaware Engineering would be the TDE for the case and the main concerns would be stormwater and traffic.

MATTER OF RYAN JANKOW – 1206-1210 WESTERN AVENUE

Chairman Feeney stated that this was a site plan review to allow the redevelopment of the site as a neighborhood shopping center. Zoned: GB Daniel Hershberg presenting

Jan Weston, Town Planner, had the following comments:

“The applicant has requested a special use permit to redevelop the property which currently contains a deteriorating residential structure and two vacant lots, one of which in the rear is in the City of Albany. The proposal calls for a 5000sf single-story building to be used for retail or restaurant purposes. I have the following comments:

- One existing curbcut will remain unchanged while the curbcut that serves the house will be eliminated. However, it appears that if the entrance were moved to the west side of the building it might align with the SUNY traffic light. The SUNY entrance should be shown on the plans along with crosswalks.
- The proposal decreases the amount of green space from 27.9% to 14.3% which will require a variance from the required 30%. Variances are also requested for a 24’ drive aisle and front setback.
- 35 parking spaces are required and 65 spaces are provided. However, this parking area is already often filled to capacity from adjoining uses. The Boards may want to consider having a certain number of spaces reserved, during busy hours, for the patrons of the new building only.
- The majority of these lots are currently paved which was apparently done without the benefit of Town approvals. This reduction of green space and addition of pavement most likely impacted the stormwater management in this area. The proposal calls for a new stormwater recharge gallery which may improve the situation and a TDE should review the details.
- A couple of parking spaces near the Western Avenue curbcut should be eliminated to lessen the congestion at the throat of the entrance. Also, the last space along the border with Santa Maria should have an end island to prevent any conflict with other traffic movements.
- I did not see a dumpster location on the plans.
- Lighting and landscaping should be discussed as well as snow removal.

Overall there are many positives to this proposal including the closing of a curbcut, the redevelopment of a declining property, landscaped end islands and the opportunity to improve some stormwater issues. But parking continues to be a concern as the City Line Restaurant uses a good deal of the available spaces. Additionally I believe the restaurant is seeking approval for an expanded deck which is in Albany. I would anticipate that the new building will attract a significant amount of pedestrian traffic but, if approved, the applicant should choose tenants that will complement the timing of trips generated and also set aside spaces specifically for the new use.”

Daniel Hershberg presented the case. Mr. Hershberg stated that the applicant runs the City Line Restaurant. Mr. Hershberg stated that the entire site (including the City of Albany) does have

19.3% greenspace. There are no specific tenants yet but envisions this to be occupied by sit-down restaurants with a take-out component and a portion may be occupied by a small retail tenant. The existing curbcut will stay where it is and the second curbcut will be eliminated. There also is a cut through between the back of the adjoining building to interconnect for people going to the City Line parcel looking for parking.

Mr. Hershberg stated that they do feel the need for the front setback to keep the building up to the same line as the adjoining buildings; further back would make it invisible and not make the streetscape as desirable as it could be. Some changes will be made to the aisles and improve some of the landscaping.

Mr. Hershberg stated that they are not disturbing more than ½ acre of property to build this building. In order to be consistent with stormwater requirements, they take the roof drainage from the site and put it into a recharge gallery. The parking exceeds the parking demand for this retail use but it does provide parking for City Line also.

Chairman Feeney stated that a lot of this will also hinge on NYSDOT comments. Chairman stated that this would be an adventurous left hand turn.

Chairman Feeney asked if there was any consideration of lining up with the intersection.

Dan Hershberg stated that they would need a Highway Utility Permit for their water connection, other than that they do not intend to go for any driveway work. DOT will be involved through the highway permit project.

Chairman Feeney asked if there was a parking easement with the hotel also.

Mr. Hershberg replied that there is an informal agreement to allow overflow parking there.

There was discussion regarding the difficulty of making a left hand turn out of the property.

Mr. Jankow discussed the parking and he stated that he is not going to put a competitive use next to him.

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

Don Reeb of 5 Norwood Street stated that this is a very troubled site as far as ingress and egress. Mr. Reeb discussed the parking, the attractiveness and the landscaping.

Debbie Trees of McKownville also had concerns regarding ingress and egress and thanked the applicant for making an effort to clean up the property.

Chairman Feeney stated that as far as the front setback, it does make sense to maintain the building frontage line and may even comply with the new Zoning Code.

Chairman Feeney also would like to see a detailed landscaping plan. He would also like to see an overlay of adjoining property uses so they can get a sense of how it all relates. Chairman Feeney stated that there are concerns regarding the parking nearest the intersection, they would like to keep the throat distance open to lessen congestion.

Mr. Hershberg discussed the drainage and stated that the drainage is hard piped into an 84" pipe and has been that way for years.

Jan Weston asked where the dumpster would be located.

Mr. Jankow stated it would be all the way to the back.

Don Reeb had concerns that neighboring residents in the City of Albany were not notified.

Chairman Feeney stated he would like to continue this case and get some correspondence from DOT, a more detailed landscaping plan, a detailed lighting plan, building footprint and a more detailed architectural rendering.

OTHER:

Chairman Feeney asked for a motion to appoint Ken Johnson of Delaware Engineering as TDE to review the Mat Farms subdivision and drainage. So moved by Terry Coburn and seconded by Tom Robert. Vote 7 – 0.

Jan Weston stated that there will be a Planning Board meeting on June 8, 2016.

Meeting adjourned at 9:25pm.

