

**TOWN OF GUILDERLAND
PLANNING BOARD**

Wednesday, March 12, 2008

Minutes of meeting held Guilderland Town Hall, Route 20, Guilderland, NY 12084 at 7:30 P.M.

PRESENT: Stephen Feeney, Chairman
Michael Cleary
James Cohen
Lindsay Childs
Thomas Robert

Linda Clark, Counsel
Jan Weston, Planning Administrator

ABSENT: Terry Coburn
Paul Caputo

Chairman Feeney called the meeting to order at 7:30 p.m. He noted the exits for the sake of the audience in the event they were needed.

Chairman Feeney made the motion to approve the minutes of February 13, 2008 minutes with few minor corrections. The motion was seconded by Thomas Robert and carried by a 5-0 vote by the Board.

MATTER OF DAS – 6030 Nott Road

Chairman Feeney announced that this was a public hearing on the final plat of a 2 lot subdivision of 11 acres. Zoned RO40. Sal Rico presenting.

Linda Clark, Counsel, read the Legal Notice as follows:

The case of Dilip Das will be heard on Wednesday, March 12, 2008 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 2 lots cut from 11 acres.

The general location of the site is at 6030 Nott Road.

The property is zoned: RO-40
Tax Map # 51.00-2-8

Plans are open for inspection, by appointment, at the Planning Department during

normal business hours.

Dated: February 27, 2008
Stephen Feeney, Chairman
Planning Board

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

Das - Nott Road

In preparation for the final hearing of this two lot subdivision, the applicant has met with the Chief Building Inspector and submitted information regarding the floodplain and finish floor elevations. Although I would still discourage building within a floodplain, the Chief Building Inspector has stated that he has enough information to be able approve a building permit on this site. The only other concern I have is the construction of the driveway on a slope, but this will require Highway Superintendent approval at the time of construction. No objection to final approval.

Sal Rico presenting: At the last meeting in October 2007, the GCAC walked the site and had a wetland question.

We submitted a letter for the files from Charles Maine, Soil Scientist and he saw no evidence of wetlands. The soils observed are somewhat poorly drained alluvial soils. Then we met with the Chief Building Inspector and stated that he has enough information to be able to approve a building permit on this site. He thought at that time, that the proposed location of the building would be really at the edge of the floodplain as oppose being actually on it.

Chairman asked Ms. Weston: Are we out of the floodplains or out it because they are going to fill above certain elevations? I have looked at the floodplain maps on the internet and looks as if the floodplain is out of the floodplain.

Thomas Robert stated: That should be shown on the map. They did it by the elevation. I am not sure what elevation there is on the map.

Sal Rico explained: It does show the foundation will be above the flood plain.

Chairman stated: The first floor elevation needs to be 2 ft. above flood level.

Mr. Rico explained: The proposed building finished floor will be at elevation 143' ft and the ground elevation now is 140ft.

Chairman stated: For the record, I have a correspondence from David Knight, dated January 29, 2008, and summarized as: I propose that the town consider purchasing the Das parcel, rather than have it to be developed. It would preserve an existing pathway along the sewer easement if it were possible that the applicant would consider obtaining the easement at the very rear of the property.

Lindsay Childs explained: The Pathway Committee has prepared a Master plan and one of the areas of concern was to make Nott Road Park more accessible by foot from nearby neighborhoods. We identify the sewer line as a desirable location for a path that would connect the street part of Nott Road Park to the entrance of the sewer plant.

The ideal would be if we could get a pedestrian easement on the sewer line easement to allow pedestrians to walk along the sewer line to get between the Town Park to the sewer treatment plant.

An alternative that we have looked at which might be more acceptable is to run a pedestrian easement along the southern edge of the property by the stream.

Chairman stated: If you are willing to offer the easement we will waive the \$1500.00 park fee. Also, I think that the Board would be in agreement to accepting the easement in lieu of the \$1500.00 park fee, and we would like to have a 20 ft. easement from the bank of the creek.

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

Chairman entertained a motion to close the hearing. The motion was seconded by Thomas Robert and carried by a 5-0 vote by the Board.

Chairman made a motion for SEQR Determination as follows:

In Accordance with Section 8-0113, Article 8 of the New York Environmental Conservation Law, this Agency has conducted an initial review to determine whether the following project may have a significant effect on the environment and on the basis of the review hereby finds:

The proposed project will not have a significant effect on the environment and therefore does not require the preparation of an Environmental Impact Statement. This determination is based on a careful review by the Planning Board, and by the comments of the Guilderland Conservation Advisory Council's review and a submittal of a letter from Maine Enterprises indicating that no wetlands were located, a review of the proposed building envelope by the town's zoning code officer and floodplain administrator that the applicant can construct a house that meets the floodplain requirements, and by the applicant agreeing to provide a pedestrian easement which will allow future connections to the town's park, and by the environmental short form which the applicant has filled out.

The motion was seconded by Thomas Robert and carried by a 5-0 vote by the Board.

Lindsay Childs added: Earlier we have talked about the 30 ft. from the centerline on Nott Road. The applicant did agree with that and the applicant needs to show the dedication of the additional property to obtain a 30 ft. from the centerline

Chairman made a motion to approved the final plat for your proposed two lot subdivision on Nott Road with the following conditions:

- Town Highway Superintendent approval
- Town Water & Wastewater Superintendent approval (with building permit

- application).
- \$2,085.00 per dwelling unit – sewer mitigation fee (with sewer hook-up application).
- Provide a 20 ft. pedestrian easement, to be shown of the final plat, across the rear of property for future trail and access to Town Park.
- Provide a strip of property along Nott Road frontage, to provide 15 ft. of road right-of-way from the centerline, to the Town, also to be shown on the final plat.

The motion was seconded by Thomas Robert and carried by a 5-0 vote by the Board.

MATTER OF PERLEE – 1189 Berne-Altamont Road

The applicant was not present to appear before the Board.

Chairman made a motion to tabled the application of Perlee, 11 89 Berne-Altamont Road; The motion was seconded by Lindsay Childs and carried by a 5-0 vote by the Board.

DOYLE – 2563 Western Avenue

Chairman Feeney announced that this was a site plan review to allow a consignment shop in the Park Place plaza. Zoned LB. Saydra Doyle presenting.

Jan Weston, Town Planner gave a short review of this site plan. It is located at Park Place Plaza and the applicant is requesting a special use permit to operate a consignment shop. She owns the adjoining store next door, which has an adjoining vestibule so there will still only be one employee for both stores. There are no parking or other site plan issues with the existing shopping plaza.

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

Chairman made a motion to recommend the site plan review for 2563 Western Avenue. The motion was seconded by Thomas Robert and carried by a 5-0 vote by the Board.

WOJDYLA – 1826 Western Avenue

Chairman Feeney announced that this was a site plan review to amend a prior special use permit to include additional office space. Zoned BNRP. Kara Wojdyla presenting.

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

Wojdyla - 1826 Western AvenueThe applicant is requesting to amend their special use permit because they converted residential apartment units to office space in this existing building, zoned BNRP. The office space also requires additional parking, which will require a variance.

The application states that the current use would require 19 parking spaces. There are 13 existing spaces on site, although only 8 spaces are lined on the pavement and all the

existing spaces necessitate vehicles having to back out onto Palma Blvd. Further, there is a partial sidewalk that disappears into a parking space.

I have no objection to the change of use, however, whatever informal parking arrangements now exist should be formalized to minimize the need for variances and the sidewalk should be properly installed.

Kara Wojdyla, Attorney for applicant presenting: There are 13 existing spaces on site and currently only 8 spaces are lined on the pavement. Realty USA has had an informal reciprocal parking arrangement with Dr. Michael Fischer's Dentistry practice, on the same side of Western Avenue directly across Palma. The second floor of the building has been modified and renovated from apartment/rental units to conference room space for the real estate office.

Lindsay Childs wanted to know how often they had meetings with the four employees.

Ms. Wojdyla stated: Tuesday mornings are the staff meetings and there will be 13 employees.

Lindsay Childs asked about the parking spaces in the back.

Thomas Robert suggested that if you took the deck off you would have a couple of extra parking spaces.

Chairman wanted to know if the driveway keeps going behind the Westmere Realty or not.

There was further discussion about the parking and the sidewalk being installed and to increase green space.

Lindsay Childs suggested to see if you could use some of the parking next door in the Westmere Realty lands.

Chairman made a motion to recommend the site approval in the matter of 1826 Western Avenue with the following conditions:

Provide continuous sidewalk from its existing terminal in front of the building to Palma Blvd. to be unobstructed by parked vehicles.

Consider opportunities to increase green space along Western Avenue

Finalize reciprocal parking arrangement with adjacent doctor's office or other neighbors.

The motion was seconded by Thomas Robert and carried by a 5-0 vote by the Board.

MATTER OF MEZZANOTTE RESTAURANT – 2026 Western Avenue

Chairman Feeney announced that this was a site plan review to amend the restaurant's special use permit by extending the hours of operation, using the patio for seasonal outdoor dining, and increasing the allowed usage of the upstairs dining room.

Victor Caponera presenting:

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

Mezzanotte Restaurant - 2026 Western Avenue

The applicant has applied to amend their restaurant special use permit by expanding the hours of operation, expanding the permitted capacity of the upstairs meeting room, and expanding the seating onto an outdoor patio for seasonal dining use. The main issue with these requests is the adequacy of the parking and also the impact of moving the use out of doors. I have the following comments:

- The original approval allowed for 60 seats in the restaurant plus 10 guests on the second level, for a total of 70 seats. The new proposal requests 52 seats indoors, 18 seats outdoors and the possibility of 30 people upstairs if only 40 people are downstairs. This would be a maximum of 88 people, or an increase of approximately 25%.
- I am not sure how, if the upstairs was reserved for a party of 30, that the downstairs could be limited to 40 patrons. This seems very difficult to regulate, and so I think there could be the potential for 100 guests. Further, I don't know if the seating at the bar has been included.
- The narrative states that the parking has increased from 45 to 54 spaces. To achieve this, the applicant is counting two spaces at the restaurant that are totally blocked in and every parking space at the adjacent office building at 2020-2022 Western Avenue. That office building presently has a counseling services tenant who has evening office hours. I am told that on certain nights, their clients cannot find parking now.
- I am also concerned about the outdoor seating area proposed hours - extending to 11 pm most nights and 12 midnight on Friday and Saturday. The proposed seating area is in close proximity to existing homes, and would be used during the warm weather months when people traditionally have their windows open.

When this application first came in, I was hesitant that the use was perhaps too big for the site as indicated that the majority of the required parking has to be located off-site. I think the applicant has made an outstanding effort in improving the site. But I am still concerned about the impact the use has on the adjoining residences and also the evening use of the office building. If these impacts could be adequately mitigated by finding additional parking, reserving parking spaces for the evening tenant use of the office building, and limiting the outdoor dining hours, I would have no objection.

Victor Caponera, Attorney, gave an overview of the proposal. This is an upscale restaurant and not a bar. We would like to amend the restaurant's special use permit to extend the operating hours and days of operation. Also, a request to serve food on the

patio and increase the number of dinners allowed on the second floor and limiting hours and opening on Sundays and a request to use the outside patio.

Thomas Robert mentioned that our concern is that because of the neighbors and the noise outside, we would like to see that limited to a little less than the inside of the restaurant. In the summertime people have their windows open and at midnight the people would have their dinner drinks out there.

Chairman added: One of the conditions is to require all employees to park at 2020-2022 Western Ave., therefore, the double stacked spaces could not be considered employee parking unless you ask for another modification.

There was further discussion about the parking and the seating.

Lindsay Childs asked about the valet parking.

Chairman asked: Is the office building at 2020-2022 Western Ave., limited by their SUP to daytime hours only.

Thomas Robert asked about the lighting and the noise at night on the patio. You will need to consider the neighbors.

Michael Cleary suggested fencing and landscaping to contain the sound and lights.

Chairman made a motion in the matter of Mezzanotte Restaurant, 2026 Western Avenue, site plan approval for modification of the SUP with the following conditions:

- Site plan should show actual improvements proposal/provided for the outdoor patio.
- Modify existing SUP limitation of employee parking to 2020-22 Western Ave. to identify the stacked parking spaces on 2026 as employer parking also.
- Consider reduced hours of operation on the patio
- Clarify the actual number of parking spaces required based on 108 seats purposed. Restricting the number of patrons that can be seated downstairs if the upstairs is fully occupied to be an unforeseeable condition.
The additional 7 parking spaces available at 2020-22 Western Avenue just outside the 300' limitation may be available by area variance.
- Clarify the exclusive availability of the parking at 2020-22 Western Ave. after 5:00p.m.

The motion was seconded by Thomas Robert and carried by a 5-0 vote by the Board.

MATTER OF MANGIA'S RESTAURANT – 1475 Western Avenue

Chairman Feeney announce that this was a site review to demolish the existing structure and construct a new 6,000 sq. ft. restaurant. Zoned LB. Tom Andres presenting.

Jan Weston, Town Planner, read the comments of the Planning Department as follows:
Mangia's - Stuyvesant Plaza

The applicant has requested a special use permit to demolish the existing Mangia's restaurant at Stuyvesant Plaza and to rebuild a similar structure with a slightly larger footprint and different orientation. I have the following comments:

- The proposal shows the building 34 ft. from Fuller Road and will require a variance from the 45 ft. required setback. Presently the building is 22 ft from the roadway so this proposal reduces the variance. However, the County has brought up concerns about the drainage in this area and coordination with the Albany County Public Works Dept. should be mandated.
- The applicant is proposing upgrading many amenities, particularly by adding sidewalks to Western Avenue and to the adjacent plaza. In addition, significant landscaping will be added and the dumpster relocated and better screened.
- While the building is larger, the application states that the number of seats will not change. I do not know if this calculation includes seating on the outdoor patio, which should be clarified since it impacts the parking requirements.
- I have not seen building elevations, which should be included, as well as a full landscaping and lighting plan.

I have no planning objections contingent on the above concerns being adequately addressed.

Tom Andress, ABD Engineers, gave an overview of the Mangia's Restaurant proposal. The applicant has requested a special use permit to demolish the existing restaurant building and then construct a new restaurant building. One of the important factors in reconstructing the building is to have a better-positioned entrance for the building so that it becomes more of a part of the plaza. The applicant is proposing to add sidewalks to Western Avenue and to the adjacent plaza. In addition, significant landscaping will be added along the new patio area and along the Route 20 presentation of the building.

Chairman asked about the sidewalk coming in. Is there any reason why you didn't provide a 5 ft. snow storage section from Western Ave. in?

Mr. Andress explained: We will need further information on the curbs.

Don Reed, 5 Norwood Street, suggested to install sidewalks on both sides of Western Avenue..

Discussion with NYS DOT, indicated that they are in the planning stages of doing something about the flooding on Western Avenue. Part of that involves storm sewer connection and would suggest to communicate with NYSDOT because part of the storm sewer goes close to that section of the Plaza.

The other suggestion would be for them to talk to the Albany County Department of Public Works because they are in the process of changing Fuller Road.

Chairman made a motion to recommend the site plan review for Mangia's Restaurant with the following conditions:

- consider curbed landscaped end-island in front of building in place of striped island proposed.
- Provide direct pedestrian connection to Fuller Road.
- consider providing snow storage area for proposed sidewalk along main entrance.
- Provide detailed landscaping plan identifying size and type of plant material proposal.

The motion was seconded by Thomas Robert and carried by a 5-0 vote by the Board.

SPA Li Ve – Cosimo Plaza

Site plan to allow a salon at Cosimo Plaza.

The Planning Board approved the site plan for the Spa Live at Cosimo Plaza. The motion was seconded by Thomas Robert and carried by a 5-0 vote by the Board.

MEETING ADJOURNED: 9:35 P.M.

**TOWN OF GUILDERLAND
PLANNING BOARD**

March 12, 2008

DAS – 6030 Nott Road

PERLEE – 1189 Berne-Altamont Rd.

DOYLE – 2563 Western Ave.

WOJDYLA – 1826 Western Ave.

MEZZANOTTE RESTAURANT – 2026 Western Ave.

MANGIA’S RESTAURANT – 1475 Western Ave.

SPA LiVe – Cosmos Plaza