

**TOWN OF GUILDERLAND  
PLANNING BOARD**

**September 14, 2011**

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

PRESENT: Stephen Feeney, Chairman  
James Cohen  
Thomas Robert  
Michael Cleary  
Paul Caputo

Linda Clark, Counsel  
Jan Weston, Planning Administrator

ABSENT: Theresa Coburn

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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.  
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**TCBY – 1512 Western Avenue**

Chairman Feeney announced that this was a site plan review to allow the use of 1,100 sq. ft. of the existing building to be used for a self-serve yogurt restaurant. Zoned Local Business. Eric Vickerson presenting.

Jan Weston, Town Planner, read the comments of the Planning Department as follows:  
TCBY - 1512 Western Avenue

The applicant has applied for a special use permit to use 1,100 sq. ft. of building space for a self-serve yogurt restaurant. The balance of the building is currently occupied by the Five Guys Burger restaurant.

This site was once entirely used by a Denny's restaurant and all the site conditions are pre-existing. Parking is adequate and there are pedestrian accommodations. One issue that should be addressed is the level of lighting that is unnecessarily bright.

No planning objections.

Eric Vickerson presenting: The 1,100 sq. ft. existing building will be used for a self-service yogurt restaurant. There will be seating for 12 people inside and the rest for takeout.

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

Chairman stated: This is pretty straightforward. Are we asking the applicant to do something with the lighting?

Jan Weston, Town Planner, said that the Zoning Board would ask them to address it.

Chairman asked if there is a sidewalk entrance to the building.

Mr. Vickerson explained that there is a sidewalk that goes around the whole perimeter of the building.

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

Chairman was willing to make a motion for the approval of TCBY Yogurt, 1512 Western Avenue, and recommend approval with the following conditions:

- A direct sidewalk connection be provided from the sidewalk going to Western Avenue to the perimeter sidewalk on the building.
- That the lighting be addressed as per town planners comment.

The motion was seconded by Michael Cleary and carried by a 5-0 vote by the Board.

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#### **TWENTY MALL – 2080 Western Ave.**

Chairman Feeney announced that this was a continued site plan review for proposed redevelopment including changes to the parking and circulation layout, the expansion of Gold's Gym within the plaza, relocating and expanding the existing stand alone bank, and the addition of a drive thru fast food restaurant. Zoned General Business.

Dan Hershberg presenting.

Jan Weston, Town Planner, read the comments of the Planning Department as follows:  
Twenty Mall - 2080 Western Avenue

The TDE has submitted a comment letter, which details the majority of concerns expressed by Town staff. I would recommend that the Planning Board add to this list of concerns if they have any, but that the recommendation on the site plan be continued until the applicant submits a revised plan addressing the comments.

Dan Hershberg, Hershberg & Hershberg Consulting Engineers, presenting: We did submit plans yesterday addressing the concerns. In an attempt to get this moving forward I would like to review the major changes that were made since the last time.

The entrance behind Dunkin Donuts was slide further to the west. The entrance sidewalk was changed. The arrangement of the parking was revised and we submitted a revised parking assessment on the new layout. We did widen the lane to 26 ft. after talking to the Fire Chief and pointed out that we took out some 5 spaces of fire lane, and we have shown the residential side light standards along Western Avenue. Also, we submitted a revised photometric plan that had these as non-cutoff light fixture. .

We also looked at the issue of the turning radiuses. The applicant will restrict deliveries to the rear of this building for everybody with a tractor-trailer and provided a delivery corridor for all the buildings. The other issue had to do with landscaping comments and we did add some street tree sides and some major trees along access aisle. The parking analysis was redone and the traffic study was revised. (On file)

We made a change with the CDTA bus stop and the handicap spot and an additional accessible route for additional parking. The arrangement with the CTDA is still under negotiations.

Mr. Hershberg explained the other issues were with the proximity or convenience of parking and the parking spaces. We believe that the question of proximity of the parking has been answered.

Another issue was with the location of the driving lanes to the rear of the existing Dunkin Donuts by Star Plaza property and a portion on Twenty Mall property. We think that this is in accordance with the agreement which allows a relocation of parking by either a relocation of egress or ingress easement by either party.

The concern regarding people utilizing, the entrance to Gold's Gym using Star Plaza is a very valid one. We have adequate parking there and provided a retaining wall for grading purposes.

We need a recommendation from this Board and the ZBA Board approval in October, and we should be able to address all of the outstanding issues that the TDE has raised.

Chairman stated: We have received a letter, dated September 6, 2011, from Barton & Liquidize, P.E. Thomas Johnson, TDE that included 7 pages of comments. These responses were just received today and did not have enough time to review them.

Thomas Johnson, TDE, explained that we did submit a letter of comments based on the parking analysis, safe circulation analysis and traffic analysis.

We did received yesterday; updated reports based on our comments, on the parking and safe circulation comments and today received the updated traffic analysis update based on our comments. There is also a detailed letter from Mr. Hershberg based on each one of our comments.

A lot of our comments are related to the parking and traffic analysis as far as technical comments that we felt needed to be revised in the reports. We were not able to review and to make a conclusion as far as the summary of the traffic and parking analysis. We are hoping to have the review done by mid next week.

Chairman would like to address everything in a timely manner: I don't know that if I am completely comfortable in recommending something to the Board tonight with a whole series of conditions. Not having a letter back from the TDE saying that they were satisfied.

Jan Weston, Town Planner, felt that at some point we keep getting all of these reiterations. It would be better if we would all sit down in the same room together and just go through all of the TDE's comments and how to address them and just move on.

Chairman stated: I commend the applicant for responding to many and all of the concerns that the Board has raised. I appreciate for trying to accommodate CDTA and may disagree with one of the comments. My comment is that the parking shouldn't count towards your onsite parking if that indeed becomes a Park and Ride. It would be my position since those spaces are not exclusive to the Park and Ride. They will be counted for the overall plazas number, and I would rather encourage you to provide that as oppose penalizing you for providing that.

Chairman mentioned and explained some of the minor comments. One is the lighting. We suggested to add the pedestrian scale widening similar to WalGreens and the bank parcel down the road. I envision that the entirety of the path sight would be lighted with that type of fixture as oppose just running it along Western. Another comment would be I would like the path sight be along the bank and the fast food use and possibly along the parking lot adjacent to Dunkin Donuts should be lit entirely with pedestrian scale decorative lighting.

There was further discussion about the lighting. Mr. Hershberg had no problem with the changing and the adding of a few more lights.

Chairman added that another issue is that we need to somehow establish a logical eastern terminus for the sidewalk along Western Avenue. I think that the way you are showing it now is unacceptable to DOT because it is in the right-of-way.

Chairman further explained that out in front of the Price Chopper why no end islands are being added and we are trying to prevent any high-speed crossing of the parking lot, and add to the landscaping and green space and to add to the sight distance of people pulling out of those parking aisles. Also is it possible to install curb end islands in that vicinity to help prevent any speeding.

Mr. Hershberg explained that we actually do have enough space in there to do a 3 ft. island similar to what is there now and add four more islands.

There was discussion about the crosswalk details. Mr. Hershberg stated that they can add another crosswalk and will work with Price Chopper and with the Town Designated Engineer.

Chairman would like also to identify the CDTA bus stops and the handicap accessibility to be noted on the map.

There was discussion about the landscaping to be done and the types of trees to be planted.

Chairman also mention that in the first parking spaces, you may be better off extending the curb to match your opposite side curb to give you some storage at least.

Chairman added: I know that Mr. Ermides has some comments and I believe that he is requesting that you eliminate the steps that you have between the two plazas on the plan. I would suggest that you consider retaining it and install a gate to prevent access.

Another issue is with the bank and the fast food path site and I would like you to address this. Parking to the bank is a problem with the angle spaces in the back and suggest a different layout. My comment would be to consider modifying it to improve - expanding available on-site parking.

James Cohen wanted to know if the “Recovery Room” or the drive-thru restaurant is still under negotiations. Mr. Hershberg said yes it is and explained what is being presented.

Chairman asked for any comments from the audience.

Savas Ermides, President Star Plaza, stated: My objection here is to the Gold’s Gym and went over some of his concerns that were raised up at the last meeting. We are concerned that moving the entrance of an enlarged gym from the rear of the 20 Mall to the front east corner creating a traffic nightmare and will encourage new gym customers to park on Star Plaza property creating hardships for our tenants and their customers. The gym customers will seek out the closest parking spaces to this new entrance and many would be parking on the Plaza’s spaces, plus it will cause a dangerous and unsafe situation due to the congestion. The door to the gym door should remain in its current location.

Mr. Ermides talked about his concerns over the new retaining wall along the shared property line between Star Plaza and 20 Mall. We feel that this would create a safety hazard, as it would produce an immediate and dangerous five-foot drop in elevation between the parcels. We also would like more green space to be added.

Mr. Ermides wanted to say that Star Plaza objects to the Gold’s Gym door being moved to the front, and the retaining wall and the movement of the proposed curb cut in front of the Hollywood Video store closer to Star Plaza. The best safe area for the customers is to have this easily travel road between the two roads that has been there for forty-five years. Also, I would like for the all of the stairways to be all on 20 Mall properties. Chairman asked for any more comments.

David Szary, Chief, Westmere Fire Department stated: I did submit a letter to the Zoning Board of Appeals, to discuss the concerns of the Westmere Fire Department involving fire protection, and agreed to an additional lock box at the rear of the mall and have no further concerns based on the fire protection plan drawings.

Chairman stated: Mostly everything is done, except for some remaining analysis and some conclusions and some opinions from our TDE. The issues that were raised tonight,

from a site plan perspective are all very minor. I wouldn't anticipate changing the outcome one way or the other and will see you at the next meeting.

The site plan review for Twenty Mall at 2080 Western Avenue was continued.

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**WOLANIN – 1700 Western Avenue (rear)**

Chairman Feeney announced that this was an advisory opinion on a request rezone 21 acres from R15/RO40 to Planning Unit Development for the purposes of developing 248 apartment units and 12,000 sq. ft. of commercial space. Francis Bossolini presenting.

Jan Weston, Town Planner, read the comments of the Planning Department as follows:  
Wolanin – 1700 Western Avenue (rear)

**APPLICANT REQUEST**

The applicant is requesting to rezone two parcels adjoining parcels of land from RO-40 and R-15 to Planned Unit Development. The request is made to allow for the construction of 246 apartment units on the site.

**SITE DESCRIPTION**

This is a 20-acre parcel that is almost completely wooded and contains two streams and a marshy area. The topography is uneven and below the elevation of the elementary school. There are numerous trails that run through the property.

**NEIGHBORHOOD DESCRIPTION**

This parcel is surrounded by 1700 Apartments to the north, a single-family residential neighborhood to the east and south, and Town Plaza and Wetmore Elementary School to the west.

**COMMENTS**

The request would change the allowable density from 1 unit per acre to 12 units per acre. Having higher densities close to a collector road and mass transit opportunities is desirable. However, the Town should consider some on- or off-site improvements to balance the density bonus the developer will receive.

I have many questions and concerns about this proposal, most specifically about the potential impact on traffic, drainage, the elementary school and the surrounding existing environmental features. However, at this point we are not reviewing the details of the proposal but rather the merits of a rezone that would allow up to 248 apartment units at this site.

I do question why the request is for a Planned Unit Development which by definition should include a variety of housing types. This proposal seems more suited for a Multiple Residence designation, as it is strictly apartments, with the small commercial building being rezoned to Local Business.

Francis Bossolini, P.E., Ingalls & Associates, presenting: The property that we are looking at is located at the rear of the existing 1700 Apartment Complex, along Western Avenue, just east of Johnston Road. This parcel is approximately 22 acres and currently vacant. It does have access to Western Avenue, and property frontage to Johnston Road along the side of Westmere Elementary School.

The Army Corps of Engineers has a review of our jurisdiction and they concurred with our jurisdiction that it was our determination that it was under their jurisdiction. Based on this concept plan, we came up with some proposed impacts and submitted that work to the Army Corps. They are prepared to write a letter of authorization authorizing these impacts under nationwide permit when we get to that point when we are ready.

Also, the environmental factors, we have completed a cultural resource evaluation and that was found of nothing of significance. We have also conducted our own threatened endangered species reviews based on the results of the DEC queries. All of those are under review by their prospective agencies. The DEC does not have any permit here other than a water quality certificate. Once the town acts on SEQR they will be able to issue that water quality certificate.

We are proposing 248 rental apartment units in a variety of styles and rental offerings. There will be two main building types that allows for the transition from the more heavily developed corridor along Western Avenue back to a lighter, less intense development back towards the existing residential neighborhood. The larger building will be 32 units in each building with interior parking. The smaller building will be a 10-unit building with direct entry parking. The proposal also includes a clubhouse/pool facility and mixed-use buildings for office and retail space. There will be almost 60 % of green space. The PUD requirement is 25% and within that green space we are providing the residents with mostly passive recreation, such as walking trails, and nature observation areas.

With the town code, we have a statutory 100 ft. buffer setback against any property that is zoned single family resident. Our buildings all meet that requirement of 100 ft. setback. The first 50 ft. is required to have no disturbance and will comply with that. We have also looked at the potential traffic impact

Mr. Bossolini discussed the traffic impact review. Also, we have been working with the Guilderland Elementary School. The school has an easement for access over the applicant's parcel, and the proposal is to share the accessed driveway with the school. He also explained about the third access point into the town center plaza itself .

Mr. Bossolini continued to explain the density of the development and we did examine the fiscal considerations from the tax revenue standards.

We are very confident that this type of development is appropriate here and will generate a positive development from a revenue standpoint.

We are here tonight to get an advisory opinion on the rezone change and to make sure that the Boards are happy with the design.

Chairman Feeney stated: There has been a traffic study completed, and I do have a letter from Albany County Planning Board, dated April 21, 2011, for their recommendation and the Albany County DDPW has reviewed the applicant's Traffic Study and has many concerns. (On file)

Chairman wanted to know if you are in the mist of expanding your traffic study. Mr. Bossolini said that is correct. We are updating that traffic study and primarily with the intersection and will be submitted to you by next week. Our conclusion is that we will have little or no effect on the interaction with the Westmere School.

Chairman asked if you had any correspondence with DOT.

Mr. Bossolini stated: When we finished the revision to the Traffic Study, then we will submit that to them for their concurrence.

There was further discussion about the traffic study.

Chairman stated: We will need some comments from the Department of Public Works. I would certainly want to see some more commentary from the Department of Transportation and what the County is looking for before we make any sort of recommendation regarding the rezone.

Mr. Bossolini explained that we have met with the County in response to their subsequent comment on the PUD application. We went through the items that they were looking for. At that time it was summer and now we are counting the school traffic to get a legitimate count.

Chairman asked about the wetlands on the site and you have been working with the Army Corps on that.

Mr. Bossolini said that the Army Corps has reviewed the layout of the site and is ready to issue the letter to us. Once we received the letter, then that will put us in a statutory timeframe, because they will want deed restrictions filed, and they are enforcing those timeframes.

Chairman wanted to know about the series of gates entering the facility. Is this proposed as a gated community?

Mr. Bossolini stated: Mr. Wolanin would like to have a secure community. They will have an identification card to buzz in

Thomas Robert wanted to know if the whole area would be fenced in.

Greg Wolanin, Wolanin Companies, Ltd., stated: The property is presently completely fenced around and it will limit the amount of interaction between the neighborhoods, plus security for the residents.



Chairman stated: Personally, I have issues with isolating the community from the other community. Is this really appropriate as a PUD? From a PUD perspective I have a real problem with that.

Dave Sussman, Consultant, stated: There is clearly walkability from the rental units to the retail and the transportation system on Western Avenue. We did meet with some of the neighbors and some of their comments were to keep this separate. I am not sure that is what the community wanted. There are options to have walkability from that community through, next, or adjacent to the shopping center. I am not sure that is what the community wanted. It is isolated because we thought that this is what the neighbor hood wanted.

Chairman wanted to know why not use the Multiple Family Zoning for this project. We encourage neighborhood connections.

There was further discussion about the zoning.

Dave Sussman continued to say that clearly the first phase being the retail and 1700 apartments, therefore, this is viewed as something that is piggyback on to that. We will talk some more with the neighbors and try to get their feel as to walk ability there. One thing that Mr. Bossolini mentioned with the two other connections their, is something that the community feels strongly that they are going to have some type of deed restrictions stating that we are not going to ever connect with the road system there.

I would like to say also for the record, I have spend two days at the Westmere School and out of the 500 students there, not one child walks to school. Each child is driven to the school and dropped off to their homes.

Chairman stated: As a PUD, it goes against some of the philosophy that we have been promoting in town. It connects residential neighborhoods at least by bikes or paths to make it convenient.

Mr. Bossolini explained about what we are going to do with the gate, as far as giving overflow parking to the middle school.

Chairman stated: My biggest issue now is the traffic analysis and can we wait to get comments from DOT and final comments from the County. We will need to wait, for it is to early for site plan issues.

There was further discussion about the design of the parking and the location of the stormwater and the levels of the water table by the next meeting.

Chairman asked for any comments from the audience.

Ernie Carbone, resident of Joseph Terrace, had a number of issues. The town has developed a Master Plan that has established this area as R040 for the purpose of keeping and maintaining it as a residential ownership community. That Master Plan is not obsolete. It was recently developed and to now change the focus from a ownership community to a transient community and to create a high density apartment complex as this, will not only undermine the purpose of this master plan, but negatively impact the school district, and the residential area that is already in ownership community. The setbacks should be taken into consideration as to the overall project and the minimum in many instances is not adequate. Also, I have concerns with the environmental impact and the increase of the stormwater load.

Alice Bagley, 27 Patricia Lane, explained that I hope that you think very clearly about the 248 apartments and the traffic impact this will have on Western Avenue, and I am also concerned about the effect that it will have on the School and its safety. I think that this project is much too dense for that area.

Richard Ruid, 25 Patricia Lane, had the same concerns as Alice Bagley, particularly with the entrance that goes out towards Westmere School and the buses and the safety for kids.

Tim Burke, Alton Lane, was concerned also that the elementary school district is just not a good option and concerned about the traffic & crime impact and the traffic site needs to be redesigned. I feel that we have plenty of apartments here already in this area.

David Szary, Chief Westmere Fire Department, explained that I had the opportunity to be involved in the beginning as you were developing the documents for your project.

Dan Hershberg, explained the impacts and the contact agency wanted clarification for the record, with respect to the driveway and its access to Johnston Road over through the elementary school driveway and access from the rear of the Town Center.

Chairman stated: Our one main concern is to wait for the comments from the County Department of Public Works on the Westmere Elementary entrance and am curious about what the Department of Transportation position would be. There are some alternate access points.

I don't think that this Board would entertained any vehicular access to the residential neighborhood. How it would function with the school this remains to be seen. We will review the Comprehensive plans about this particular site and any zoning change should be consistent with the comprehensive plan.

Rosemary Van Walker, Patricia Lane, had a question about the opening for the emergency access for the emergency squad.

Chairman explained that I don't think that they are proposing it. It does not show on the plans.

Chairman stated: We will continue with our advisory opinion and wait for DOT, and DPW comments and any other information that you can provide us with and will review the comprehensive plan, any written comments, and any other concerns that the people has raised.

We need more information and any comments from the School District, and the Fire Department. If need be, we will put you on the agenda for the 12<sup>th</sup> of October.

Advisory opinion for Wolanin, 1700 Western Ave. was continued.

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Michael Cleary made a motion to adjourn, seconded by James Cohen and carried by a 5-0 vote by the Board. .

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MEETING ADJOURNED: 10:20 P.M.

**TOWN OF GUILDERLAND  
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**TWENTY MALL – 2080 Western Avenue**

**WOLANIN – 1700 Western Avenue**