

**TOWN OF GUILDERLAND  
PLANNING BOARD**

**October 12, 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  
Theresa Coburn  
Paul Caputo  
  
Linda Clark, Counsel  
Jan Weston, Planning Administrator

ABSENT:

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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.

Chairman Feeney asked for a motion to approve the minutes of July 13, 2011, August 10, 2011 and September 14, 2011 minutes with few minor corrections and so moved by Paul Caputo and seconded by Thomas Robert and carried by 6-0 vote by the Board.  
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**HYSENLLARI – 49 Fletcher Road**

Chairman Feeney announced that this was a concept presentation for a proposed 4-lot subdivision of 5.6 acres. Zoned R-15. Chris Meyer presenting.

Chairman asked for a motion to table the concept presentation for the proposed 4-lot subdivision of 5.6 acres until stormwater violations are resolved. The motion was made by Thomas Robert, seconded by Paul Caputo and carried by a 6-0 vote by the Board.  
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**TWENTY MALL – 2080 Western Avenue**

Chairman Feeney announced that this was a continued site plan review for a proposed redevelopment including changes to the parking and circulation layout, the expansion of Gold's Gym within the plaza, relocation 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:  
20 Mall – Route 20

Over the last few months, the applicant has revised the proposed site plan for the redevelopment of the 20 Mall numerous times in response to comments and concerns. Overall I think the site plan now reflects a good plan for vehicular and pedestrian circulation and safety and the developer has done an admirable job with amenities that will create a welcoming and safe environment. End islands, protected lanes for through traffic, sidewalks, landscaping, lighting and stormwater management have been well thought out and designed accordingly.

My remaining concern is about the parking. The applicant will be asking for a sizable variance from the parking requirements. The expanded Gold's Gym will be larger than the YMCA but with just a little more than half the parking, the drive aisles will require a variance to be reduced to 24 ft. wide instead of the required 26 ft., and the expanded bank and drive thru restaurant are situated awkwardly in the middle of otherwise available parking.

However, the applicant feels comfortable that this parking will work for his tenants. It is difficult to determine in these mixed-use situations exactly what the ideal number of parking spaces would be. Certainly the tenant mix dictates not only the demand but also the timing of demand. Some uses have a morning peak while others have an evening peak and shared parking is to be encouraged. With some applications I am concerned that inadequate parking will cause spillover onto adjacent streets. However, if customers cannot find convenient parking at the 20 Mall, they will leave. In this way, the mall is somewhat self-regulating.

Overall, I feel that this design is a vast improvement to the existing mall and I have no objections to an approval.

Dan Hershberg presenting: I will just be going over those things that have changed since the last time we were here. One is the east-west circulation aisle through the site. The concern was that we had parking on this thru-aisle. We removed the parking along both sides of the aisle in this location, and rearranged the parking to maintain the 715 parking spaces. We added an island and increased the size of an island.

An issue was also raised about the bus route that is going to come in from Mall Road. CDTA has this bus route that can work. A dividing island pavement striping has been shown on the plan to show the bus circulation and stop, and this will eliminate encroachments such as parked cars.

We have added sidewalks to make it more convenient to the front of the bank and a sidewalk connection from the potential Recovery Room to the East Parking lot. We also are making further changes to the lighting along Rt. 20 and did a revised photometric plan that has been provided, utilizing a decorative fixture which matches the wall scones utilized on the building and pretty much everything else stays the way it is.

Mr. Hershberg further explained that we did submit a modified parking plan and a plan prepared and attached to the parking analysis. A table has been added to the parking analysis showing the estimated number of employees at each area, which would indicate parking over which the tenants or the applicant can exercise control regarding parking areas to be utilized.

We noted that the weekend rate that the spaces were being utilized by the Gold Gym and a table was redone to reflect the changes to the parking analysis for the Sit Down Restaurant.

We think that the parking was conservatively done and we were able to handle everything. We still show the wall with the decorative fence and we have worked out a plan for the unloading at Dunkin Donuts. We will eliminate some landscaping and move the parking over at the Board's request. We do have an ultimate plan for Dunkin Donuts if this presents any problem for them unloading. That is not shown on the plans.

Chairman asked to explain the Park & Ride.

Mr. Hershberg explained that we have not yet reached an agreement with CDTA regarding that Park & Ride. The issue was raised whether or not it will reduce our available parking by 20 spaces. I think essentially, in fact, it is not exclusive and not fenced off in anyway for Park and Ride. It will be treated pretty much like general parking area.

Chairman stated: So you would construct the bus shelter and the sidewalks without a Park and Ride place.

Chairman mentioned that you would need to prepare to provide up to 20 or 25 spaces.

Mr. Hershberg stated: There is no formal Park & Ride here. Our goal here is to resolve it with CDTA, and Price Chopper and have the Lia's and their management company all come together to see if we can get an agreement on the Park & Ride.

William Lia stated: In regards to Park & Ride, we have not yet formally proposed this to Price Chopper. Part of our lease does require any type of parking restrictions that are put into place to be approved by them. We were not sure what the Board was going to approve or not approve. Once the Board approves this, then we will discuss this with Price Chopper. Also, wanted to mention that we did add end cap islands that are good for not cutting thru.

Michael Cleary commented and asked if it would be possible to say that you make that possible Park & Ride, "parking spot" just label parking, and this will not commit you to anything.

Mr. Hershberg said that we could consider and explore that.

Chairman stated that we do have a letter dated October 11, 2011 from Thomas Johnson, Barton & Loguidice, P.C., Town Designated Engineer. (On File)

Mr. Johnston summarized his comments based on the latest plans and reported that they are satisfied with the changes made regarding the vehicular circulation, and the lighting and landscaping, and the accessibility and drainage.

A recommendation that was made was that a centerline stripe be provided on the shared access drive so that trucks can be properly aligned with the new layout and not block the access.

Mr. Johnston also summarized the parking analysis and felt that it still needed some corrections to the analysis, and we made those corrections ourselves. We find that the parking spaces for the site will be nearly fully occupied at the weekday peak parking period based on the 85<sup>th</sup> percentile design condition. All other times of the day show more excess parking spaces available to visitors of the site. (Letter on file)

Chairman Feeney asked for any comments from the audience.

Savis Ermides, Star Plaza, showed an aerial view of the corner and Star Plaza and Twenty Mall that he had forty years ago and discussed his concerns over the traffic report and the number of parking spaces. I am tired of Mr. Hershberg saying that I have changed the easements. I have never changed or signed anything. The easements were approved by Star Plaza.

Mr. Ermides continued to have concerns of the moving the entrance of an enlarged gym from the rear of the 20 Mall to the front east corner. That would create a traffic nightmare and encourage new gym customers to park on Star Plaza property creating hardships for our tenants. We do not believe that there are adequate parking spaces within a convenient walking distance to this new entrance. We do not want them to move the entrance to the front.

I am requesting that the Board refuses this application because this is unacceptable to Star Plaza. If this Board approves this we will have to take further legal actions.

Mr. Ermides also discussed his concerns with the retaining wall and eliminating the green space that we have. 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 with a 3 ft. fence on top of that. This is dangerous.

Also, the movement of the proposed curb cut in front of the Old Hollywood Video store. This will cause congestion and hardship by creating a hazardous situation and should not be allowed to happen. This curb needs to stay the way it is.

It is unacceptable for them to change the traffic pattern for Star Plaza by having the extension of the Gold's gym and by adding the Recovery Room Restaurant.

Mr. Ermides continue to say that we do not agree that the trucks unloading on the exit drive of Dunkin Donuts to Star Plaza can be safely accommoplish. An agreement must be made, must be developed, to document that Star Plaza and Duncan Donuts owners will agree to the suggested changes in the deliveries and the suggested removal of parking spaces. I want to have a free traffic pattern here that will be freely travel by the customers. The TDE has no right to design my parking spaces.

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

Chairman stated: I think that the applicant has done a pretty good job as to addressing a lot of the comments. I believe the circulation as it exists now is not a great situation. The existing intersection that keeps being raised is very non-standard, as it exists now. I don't believe that it is a safe situation.

On the contrary, I think the site circulation is going to be much safer with numerous end islands, much better circulation of traffic. I believe that we still do have a concern about the loading. You have provided a design that allows for a loading zone in that location. I would rather not see it go that direction but it is good to know that if the Zoning Board of Appeals feels it is a real issue. They can require the different design.

Chairman added that this Board is mainly concerned with trying to get a good site plan without having to list numerous conditions. I believe taking out the steps at the Plaza and provides a decorative fence will deter access and I don't believe that the parking spaces in that area of Star Plaza will be attractive to the gym or potential tenant on the corner.

Chairman proposed a motion that in the matter of the redevelopment of Twenty Mall site plan review that the Board makes a recommendation approving the application with the following conditions:

- NYSDOT review and approval
- Identify proposed Park & Ride location on plans
- Submit Stormwater Pollution Prevention Plan

The motion was seconded by Terry Coburn and carried by a 6-0 vote by the Board.

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

Chairman Feeney announced that this was an advisory opinion on a request to 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 from the Planning Department at the last meeting. There were no more additional comments.

Francis Bossolini, Ingalls & Associates, LLP, presenting. We had presented this application to the Board at the last meeting. Our request was that this Board offers an opinion at the zone change to PUD. There were several outstanding issues that we had discussed at that last meeting. We were finalizing our traffic impact statement study with

some additional information that has been requested by the Town Planning Department, pertaining to the intersection of Johnston Road near the Westmere Elementary School. Our conclusion based on that analysis was that the addition of the traffic from the development would have little or no effect on the operation of the school driveway with Johnston Road. For the record, the school utilizes an easement from the Wolanins to access Johnston Road. With respect to parking and operation of the busses, we have proposed an access configuration for the new driveway that will not interfere with the existing traffic patterns utilized by the school busses.

The applicant has offered to construct a lighted walkway to connect the Town Center to the school parking lot, and to allow the school to use the rear parking area of the Town Center for extra parking spaces if needed.

The revised Traffic Study has been submitted to the NYSDOT and the Albany County DPW for review. They had comments and we have responded to those. In those comments there really was no disagreement with our conclusion that the intersection adjacent to the development and could handle the additional traffic.

The traffic study was also sent to ACPB and they did request for us to analyze the Johnston Road intersection. The County DPW has reviewed that and is satisfied that our study has addressed their concerns stating that this was an appropriate project. I will submit that letter to you for your records.

Mr. Bossolini continued saying that we did submit a fiscal impact analysis where we looked at the potential tax revenues of this parcel, and did a comparison from what is being paid now as vacant land and a projection as to what would be paid if the property was developed.

Mr. Bossolini had looked at the visual impacts and talked about the cross section connections between the site and the Town Center.

Thomas Robert wanted to know where the fence is going to be in this cross section and what is it going to look like.

Chairman stated: The purpose of the cross section is to give a sense of whether or not the buildings will tower over the single family homes or how are they really going to be in real life and how close are they really going to be. Will they overwhelm the adjoining residential homes.

Chairman asked what are you going to do as far as post construction stormwater management, and Mr. Bossolini explained that.

Chairman wanted to note that there is one additional letter from Ross Testa, dated October 9, 2011, to Jan Weston, in regards to 1700 Western –Wolanin, objecting to the proposal for allowing this rezone. (On file)

There was further discussion about the buffer setbacks between the boundaries.

We will provide additional information when we get to the final grading plan so that we can confirm that we are being consistent with some of the statements that we are making tonight.

Chairman noted a letter from David Szary, Chief, Westmere Fire Department, dated October 12, 2011, to the Planning Department in regards to this project, and they had comments and some requests that the Fire Department would like to see happen in order to provide fire protection to the area and the safety for the firefighters. (Letter on file).

David Szary, Chief, also mentioned that I got a commitment from the developer that these items and any future items would be addressed.

Chairman asked for any comments from the audience.

Aaron Carbone, 4 Joseph Terrace, mentioned the 2000 Comprehensive Plan, Chapter 3, B1, pages 6-9, established the visions statement for the Town of Guilderland. As part of that vision there was a focus group for McKownville that a number of issues were raised and incorporated into the Comprehensive Plan.

One of the issues relate directly to the over development of the neighborhoods within McKownville and continue to express concerns about ownership and community value and how this is being wiped away with this proposal.

Salvatore Cannistraci, 5 Joseph Terrace, was concerned about the sizes of the buildings and wanted to know if the value of my property will go down.

Gail Barrell, 13 Joseph Terrace, mentioned that the 3 photos that they gave you were ranch homes, and the majority of the homes are 2- story homes. Gail Barrell, 13 Joseph Terrace, stated that the 3 photos that were presented tonight, doesn't give you a fair representation of the berm, and there are places on the street where there are smaller berms, therefore, we would have more of the view of these town homes, and apartment rentals. Also, one of the major issues is the traffic and I feel that there should be no rezone of this property

Tom Remmert, 736 Kennewyck Circle, and a member of the Zoning Board of Appeals at the Town Hall, and I am not speaking for the Zoning Board, but as a resident of Westmere and a taxpayer and I am against the rezone. Talked about the density in this area and the number of apartments (3100) already in the Westmere area. I feel that we have more than enough density in the Westmere area and the burden that apartment complex puts on the school district, plus it doesn't come close to paying anywhere's near the amount of taxes that it takes to educate the children.

Joseph Spardela, 7 Joseph Terrace, was concerned about the sizes of the buildings being quite large and will be able to have a view of these buildings at least six months out of the year, and most of the green space will be gone. I am also concerned about the traffic impact and the value of my property going down.

Mr. Bossolini responded to some of the comments that were brought up. There are a lot of site plan issues that will be considered during the site plan review process. With regards to some general planning matters that would be considered in a zone change. The comprehensive plan specifically states that the Westmere area is appropriate for higher density development. In this town 12 units per acre is the maximum that the zoning code allows and that is what we are proposing.

Mr. Bossolini continued to discuss the project and the changes.

Chairman asked if the wetlands have been identified on the site and been mapped. The Army Corp. of Engineers has been out to the site and agreed to the jurisdiction determination.

Mr. Bossolini said yes they have.

Chairman stated: This project site as a multi-family development, appears to be consistent with the Town's Comprehensive Plan and I don't believe that the comprehensive plan recommended any zone changes to any particular parcels. This does not seem to be inconsistent with the comprehensive plan

Chairman talked about the different type of homes and apartments and discussed the impact issues on the school.

Chairman added: It does not seem to be inconsistent with the comprehensive plan and the styles of the units seem like they are relatively attractive units. Our main concern is that there is one issue that the County did raise and that was to concentrate the development at the upper northern end of the site with less development towards the southern end and the eastern end of the site.

As far as vehicular access, from my understanding, the state and county have no issues as to the amount of access or emergency services.

There was further discussion about the interaction with the Westmere School, and the gated community system and their connection.

Chairman added: Another comment was with PUD verses MR. From my perspective; I don't think that it really matters and should not be an issue. The only commercial they are proposing is a relatively small commercial office building. The PUD gives more authority to the Town Board to impose conditions or require mitigation than the Zoning Board would have.

A resident was concerned about the overflow from the school functions, parking at extra parking spaces at Price Chopper and the safety issue.



Mr. Bossolini explained some more of the full stormwater prevention plan that has all the calculations, and the erosion sedimentation plan that will be implemented for construction phase, and the grading and the area of disturbance.

There was further discussion about the higher densities.

Terry Coburn did not feel that this should be a PUD.

Michael Cleary had no problem of it being a PUD.

Michael Cleary suggested as far as having multiple units and its in an appropriate location, that the Board can consider what they want the density to be and that this is an appropriate place for multiple units.

James Cohen was not in favor of 248 units in that location

Chairman recommended the request of rezoning for 1700 Western Avenue, the rear portion from RO40 to PUD with the following reasons:

- Project site as a multi-family development appears to be consistent with the Town's comprehensive plan.
- Site is located within close proximity to shopping and employment opportunities, county and state highways and mass transit accommodations.

That recommendation was seconded by Thomas Robert and carried by a 5-1 vote by the Board. (James Cohen was not in favor of the motion)

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#### **SACCOCIO - 621 Meadowdale Road**

Chairman Feeney announced that announced that the applicant applied for a special use permit for an existing in-law apartment and an area variance to expand the apartment from 850 to 1200 sq..

Chairman stated that this is pretty straightforward.

Chairman entertained a motion to move staff's opinion, so moved by Terry Coburn, seconded by Thomas Robert, and carried by a 6-0 vote by the Board.

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MEETING ADJORNED: 10:45 p.m.

**TOWN OF GUILDERLAND  
PLANNING BOARD**

**October 12, 2011**

**HYSENLLARI – 49 Fletcher Road**

**TWENTY-MALL – 2080 Western Avenue**

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