

**TOWN OF GUILDERLAND
PLANNING BOARD**

May 23, 2012

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
Herb Hennings
Michael Cleary
Theresa Coburn

Jan Weston, Planning Administrator

ABSENT: 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 asked for a motion to approve the minutes of May 9, 2012 minutes with few minor corrections and so moved by Terry Coburn, seconded by Michael Cleary and carried by a 6-0 vote by the Board.

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LUIZZI – 12 Henry Street

Chairman Feeney announced that this was a concept presentation of a proposed 2 lot subdivision of .43 acres. Michael Luizzi presenting.

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

This is a concept presentation to cut a new building lot off of a ½ acre parcel home site. I have the following comments:

- Part of the land being considered is a portion of the paper Caroline Street which was deeded to the adjacent land owners by the town in 1998. However, because there are town utilities running through it, there can be no building on this portion.
- Although there are a number of non-conforming, undersized lots to the west of this property, the surrounding lots to the north and east are all large, conforming lots.

- The proposed subdivision would make both the existing home site non-conforming as well as the new lots, which would require variances for size and width.
- In 1990 the former owner of this parcel also applied for a 2 lot subdivision and was denied because he had recently bought the parcel and was aware of the zoning and
- because it was not in character with the surrounding neighborhood.

For all these reasons I would not recommend concept approval.

Michael Luizzi presenting: (Presentation is inaudible.)

Chairman Feeney asked if you have a site plan to put up.

Michael Luizzi said that there was not.

Terry Coburn asked: Are we allowed to approve a non-conforming lot. He will need 100ft. at the building line and he only shows 75 ft. along the building line.

Chairman said no we are not, and they would need to go before the Zoning Board to get variances for the size and width.

Ms. Weston mentioned that the existing house site now is conforming, and with the new lot this would then make it non conforming because of the lot size. Then both lots will become non-conforming.

Thomas Roberts did not want to start cutting lots in half. From a planning aspect, I don't think that this is a good idea to create another lot that does not meet the zoning.

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

Chairman added that we have a letter from Rick and Lisa Parker, 27 Fliegel Avenue, dated May 21, 2012, expressing their concerns with this new subdivision. (On File)

Terry Coburn thought that this was an overuse of the site and did not want to approve this concept.

Chairman wanted to make a motion to move staff's opinion and recommend denial to the concept, so moved Michael Cleary, seconded by Thomas Robert and carried by a 6-0 vote by the Board.

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FIGLIOMENI – 7070 Chandler Road

Chairman Feeney announced that this was concept presentation of a proposed 2 lot subdivision of 31 acres. Zoned RA-3. Domenico Albanese presenting.

Jan Weston, Town Planner, read the comments of the Planning Department as follows: This is a concept presentation to cut a 3 acre building lot off of an existing 31 acre parcel. The parcel is mostly mowed lawn and field with a gentle slope southeastward toward the reservoir. The application meets all zoning requirements and I have no objection to the concept approval with the following comments:

- The plan should show a 100 ft. buffer to the stream.
- The stream appears to be primary tributary to the reservoir and therefore, a 250 ft. setback for the septic system should try to be achieved.

Domenico Albanese presenting: This is a 31 acre parcel and would like to subdivide it into 2 lots.

Chairman stated that this is pretty straight forward. There is public water and no public sewer. The biggest concern is the septic location and that the building envelope needs to show that 100 ft. setback from the stream and to relocate the septic system 250 ft. from the stream.

Chairman asked if you have done any perc test. Mr. Albanese said that has not been done.

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

Chairman asked if there were anyone from the audience that would like to address this application and there were none.

Chairman was willing to entertain a motion to move the concept approval for Figliomeni, at 7070 Chandler Road, so moved by Thomas Robert, seconded by Michael Cleary and carried by a 6-0 vote by the Board.

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WOLANIN PUD – 1700 Western Avenue

Chairman Feeney announced that this was an advisory opinion on a proposed zone change from R15 and R40 to Planned Unit Development to allow for a 210 unit apartment complex. Dave Ingalls presenting.

Jan Weston, Town Planner, read the comments of the Planning Department as follows: The applicant has recently revised his concept by eliminating one 32 unit building and eliminating a proposed access adjacent to the elementary school. The request would change the allowable density from 1 unit per acre to 10.5 units per acre and the Town should consider some on- or off-site improvements to balance the density bonus the developer will receive.

As this project progresses, there will be many issues regarding traffic, traffic flow, drainage, 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 210 apartment units at this site.

Having higher densities, close to a collector road and mass transit opportunities is desirable.

I have no objection to recommending the rezone that will be contingent on a thorough site plan review.

Chairman stated: This was once before the Board and has already passed recommendation on the PUD. Our recommendation was that the Board takes a look at the density.

Ms. Weston mentioned that they have revised the site and lower the density.

Dave Ingalls explained that the original application called for 248 total units and was reduced to 210 units. We did listen to the input of the public and the Westmere Elementary School. One of the tasks we were charged with is trying to push the proposed development away from this common boundary line with the neighbors on Joseph Terrace. We went to some larger 32 unit buildings and eliminate some of the smaller 10 unit buildings and clustered everything to the west away from the neighboring homes.

Again we did have previously some buildings within a 100 ft. and now we are averaging in excess about 250 ft. from the property line. With the reduction of buildings we have increased the green space to 65% green. We have walking trails and will have stormwater management area within the green space as well. We have a club house rental office and these will be gated entry points. We did have an ingress, egress driveway along the common property line with the school and now that has been eliminated and will be primarily following traffic out to Rt. 20 on the existing 1700 driveway as well as coming up through and connecting to the existing town center. We will make sure that all the pedestrians' accommodations, stop signs, cross walks will be put in at the existing Price Chopper Plaza to the west.

The traffic study has been accepted by the NYSDOT, at February, 2012 of this year. Last year, at the last meeting, we have just received Albany County DPW approval in planning recommendation. We also have prepared a fiscal impact plan.

Terry Coburn wanted to know if the parking will be ground level or below ground level.

Mr. Ingalls explained that we have some exterior parking but we have a lot of below grade or at grade within underneath the buildings.

There was further discussion about the grading, parking and the handicap accessibility.

Mr. Ingalls stated that whatever the required accessibility numbers are we will make sure that we meet those.

Mr. Ingalls explained the summary of the traffic impact study that NYS DOT has approved.

Mr. Ingalls also read the approval letter from NYSDOT, dated October 6, 2011 to Francis Bossolini, PE. , Ingalls & Associates and is on file. We also have a letter submitted from Albany County Planning Department, dated April 21, 2011 and a similar conclusion from the County of Albany Department of Public Works, dated October 11, 2011, and letters are on file.

Terry Coburn wanted to know if just the retail space, would be PUD and not all of this.

Mr. Ingalls said yes that is true. The other properties will remain zoned as it is.

Herb Hennings wanted to know where the parking is for the larger unit.

Mr. Ingalls explained that there will be entrances at each end of the building and will be underneath the building. We will also have vegetation screening between the project and the common properties.

Chairman stated that the County had concerns with the storm water requirements that all water should be stored on site.

Chairman asked about the proposed wetland disturbance.

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

Chairman asked if there are any comments from the audience.

There was a resident in the audience who strongly opposed this development. The main concern was the traffic impact, stormwater and the increase density and the impact of the traffic through the Price Chopper lot and the site distance issues.

Alice Bagley was concerned about the making of the left hand turns and the impact it will to the neighborhood.

John Driessen, 10 Joseph Terrace, was concerned about the stormwater and the left hand turns, and the impact of traffic and the zoning change.

Aaron Carbone, 4 Joseph Terrace , requesting to withdraw this application and to keep in mind that this community is already overgrowing with this high density, high volume apartment complexes and the number of children.

Martha Haraus, 1445 Western Avenue was concerned about not having any CTDA bus stop facility for the people who work in the plaza and at Price Chopper, who takes a bus. I am hoping that there will be some real effort to act on the public transportation facilities in that area.

Chairman stated: I can assure you that the site plan process would include sidewalk improvements, and CDTA's input as to where the bus stop will go.

Alice Bagley, Patricia Lane, would rather see this land turn into a park for all the residents.

There were other residents who had the same concern and did not want to see this project go forward.

James Cohen was still against this and I don't see much to change my mind. I think the ingress and access roads are real issues.

Note: This came before the Board of last year at October 12, 2011 and the Board's recommendations will remain the same.

Chairman was willing to recommend approval for the site for the potential rezone to PUD for the following reasons:

- Project site as a multi-family development appears to be consistent with the Town's Comprehensive Plan.
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- Site is located within close proximity to shopping and employment opportunities, County and State highways and Mass transit facilities.

The recommendation was so moved by Thomas Robert and seconded by Michael Cleary and carried by a 5-1 vote by the Board. (James Cohen – opposed)

HANSEN – 1434 Western Avenue

Chairman Feeney announced that this was a site plan review to allow approximately 900 sq. ft. of the building for an embroidery business. Zoned BNRP. Kent Hansen presenting.

Jan Weston, Town Planner, read the comments of the Planning Department as follows: The applicant has requested a special use permit to allow 900 sq. ft. of space within the building to be used for an embroidery business. The building also houses Hansen Wood Flooring.

The new business would have 3 employees and very little walk-in customers. No site changes are planned and parking is adequate. No planning objections.

Kent Hansen presenting: A portion of the premises is presently occupied by Hansen Wood Flooring and the proposed project would involve use of 905 square feet, lower level, by “Embroid Me”. This is also a business-non retail operation and will have a showroom. There are no direct sales to the general public.

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

Michael Cleary made a motion to approve this site plan review, seconded by Thomas Robert and carried by a 6-0 vote by the Board.

MACEROLA – 2514 Western Avenue

Chairman Feeney announced that this was a site plan review to allow the enclosing of the existing deck to be used as restaurant area. Zoned General Business. Frank Macerola presenting.

Jan Weston, Town Planner, read the comments of the Planning Department as follows: The applicant has requested a special use permit to enclose the existing front deck. The internal seating will then be rearranged so that the deck area becomes the bar. Only one new seat is being created and the required parking does not change.

I have no objection to the planned new layout. However, I would encourage the applicant to explore new parking options as they may have enough spaces to meet zoning but not always enough to meet restaurant demand.

Frank Macerola presenting: On June 1st we were approved for a partial covered deck at our establishment. The deck is used seasonal. Since then we decided to close the deck and utilize the space for improvements. We have plans to move the bar in that space. This should help the flow through the restaurant and also have easier access in and out of the establishment.

Chairman stated that my biggest concern is with the parking. When this application first came before the Board some years ago, I believe we conditioned the approval on the actual curbing in the front, and that you provide some sort of safe “throat” that you are showing on your site plan, but doesn’t really exist out there. The site plan is not detailed enough to show me what is going on there.

Michael Cleary mentioned that the entrances are a concern of mine.

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Chairman asked if you have any kind of arrangement for overflow parking with your neighbors or not.

Mr. Macerola said no.

Chairman would make a recommendation for the site plan to show adequate curbing details to provide egress and ingress to show that the cars cannot park on the grass area.

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Chairman asked if there are any neighbors who like to address this site plan and there were none.

Chairman made a motion to recommend the site plan review for Macerola, 2514 Western Avenue, with the following conditions:
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- Modify site plan to show curbing details for the easterly entrance. Curbing shall be installed to provide adequate storage or “throat” for vehicles entering from Western Avenue.

seconded by Michael Cleary and carried by a 6-0 vote by the Board.

GUILDERLAND PARTNERS – 2327 Western Avenue

Chairman Feeney announced that this was a continued site plan review to allow a farm implement/garden supply store on the site. Mark Jacobson presenting.

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

Tractor Supply - 2327 Western Avenue

As requested, the applicant has submitted a lighting and landscaping plan. There are no apparent changes to the original site plan with the exception that the proposed outdoor display area has been moved back about 40 additional feet from the Route 20 and a sidewalk is now being shown.

The plan does conform to some of the recommendations of the Guilderland Hamlet Master Plan including maintaining and promoting the agricultural operations in this area of the hamlet and establishing pedestrian connections to the rest of the hamlet.

However, the master plan also states that:

In the design of new structures, parking should be secondary to the buildings and pedestrian system. It should be located behind, or occasionally along the side of commercial structures, and visually screened from the road to create a more interesting streetscape.

Although the submitted landscaping plan goes a long way to help soften and screen the proposed use, I still have the following concerns:

- Very few sites along this entire stretch of the Hamlet have parking in the front yard, and when it exists, it is well set back from Route 20. Bringing parking up to the roadway is a trend I would not like to see.
- I continue to have reservations about the amount of outdoor storage, which if uncontrolled leads to a visual mess. I would be much more comfortable if the outdoor storage is restricted to that shown in the renderings – none directly in front of the building (which would obliterate the foundation

plantings), trailer parking restricted to the outdoor display area, and the fenced area more heavily screened.

This parcel is a prime site along the entrance to the Guilderland Hamlet. While I do think that the use is appropriate for the site, it should be designed and landscaped in such a way as to conform with the Master Plan, minimize the negative visual impacts of outdoor displays, and enhance the general area.

Addendum: Because of the lack of agreements by all parties, the applicant has further revised the site plan by eliminating the shared roadway. The site plan is not altered except that instead of the roadway there is now a driveway to the east of the roadway.

Because of the proposed roadway, this site was considered a corner lot and therefore the parking along Route 20 was allowed being considered a side yard. A variance may now be needed to place the parking in the front yard setback.

Peter Lynch, Attorney for the applicant, gave a presentation of the revised site plan review for the Tractor Supply Company. At the last meeting we were requested to go back and try to do some visual changes to the lighting, and to the landscaping and the access drive. The agreement for the common drive has changed and no longer available to us. We went back to the drawing board and moved the prime access point to the westerly corner of the site. This site now is vacant and there are presently three curb cuts on this site that exist now. What we are proposing on the easterly corner of the site is a right turn only and then a full access drive on the westerly part of the site. The landscaping was an issue at the last meeting, and the outdoor display area on the easterly part of the site where the tenants have their items for sale, and the outdoor display area was not pleasing to the Board. What we did is moved back the outdoor display area to be parallel to the building and we also added landscaping around the perimeter of that display area, as well as along the easterly boundary line of the site. We have extensive landscaping set for at the front of the site to create a pleasing appearance to the building and a nice break between the parking area and the street. A sidewalk will be constructed running along the frontage of the site.

Mr. Lynch discussed the design of the new structure and how we are enhancing the visual appearance of the building and the general area.

Mr. Lynch also stated that we cannot eliminate the front row parking along Western Avenue. Our client requires that the parking be as close to the front door as possible. We banked the parking along the easterly side of the site. We came up with an enhanced area of landscaping along the streetscape and we think that it is a balance between the comments that this Board has made at the last meeting and the needs of the tenants. With that said, we know that we are in a position now where we are receiving a SUP from the Zoning Board, because we now have a variance issue with the front yard setbacks with parking and the density coverage.

Mr. Lynch said that it would be all day long.

Terry Coburn asked about the front yard setbacks.

Michael Cleary wanted to know how much buffer zone between the road and parking.

Mr. Lynch explained that we will be looking for a variance for that setback.

Chairman asked about the permanent sidewalk display area.

Mr. Lynch explained that it will be the entire frontage of the building.

There was further discussion about tying in the driveway and the easement and the entrance road.

Chairman asked for any comments from the audience.

Hiran Eberlein, Guilderland Neighborhood Association, was very satisfied with what was done. We just have a question in front of the building. None of the rendering shows any equipment in front of the building and in front of the outdoor fenced display area. I can see some equipment being out there but sort of in front of the building. I am not so sure how that would look. Other than that, we think that you did such a nice job with that.

Chairman made a motion for the Tractor Supply Store, 2327 Western Avenue, site plan review to recommend approval, and seconded by Thomas Robert and carried by a 6-0 vote by the Board.

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MEETING ADJOURNED: 10:15 P.M.

**TOWN OF GUILDERLAND
PLANNING BOARD**

May 23, 2012

LUIZZI – 12 Henry Street

FIGLIOMENI – 7070 Chandler Road

WOLANIN PUD – 1700 Western Avenue – rear

HANSEN – 1434 Western Avenue

MACEROLA – 2514 Western Avenue

GUILDERLAND PARTNERS – 2327 Western Avenue