

**TOWN OF GUILDERLAND  
PLANNING BOARD**

**June 25, 2014**

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

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

Jan Weston, Town Planner

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.

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**TRI-WAY -2444 Western Avenue**

Chairman Feeney announced that this was a recommendation to the Town Board on a request to rezoned 2444 Western Avenue from Local Business to General Business.

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

**APPLICANT REQUEST**

The applicant has requested a rezone for two tax parcels at the southwest corner of Routes 20 and 146 from Local Business to General Business. The request is being made to allow one of the properties to be used as a Cumberland convenience store. There are no plans for the second parcel at this time.

**SITE DESCRIPTION**

The fist tax parcel is vacant land and the second contains a vacant bank. Together the lots form a 2.35 acre parcel and the applicant has recently re-subdivided the lots in anticipation of this application.

**NEIGHBORHOOD DESCRIPTION**

The surrounding neighborhood consists of Stewart's and Valvoline to the west, the Gade Farm, a single family home and vacant land to the north, and the Western Turnpike Golf Course to the east and south.

## COMMENTS

While I am not necessarily opposed to a convenience store/gas station on this site, there are a number of comments and concerns that should be addressed before the Town moves forward on this request:

- Although the applicant has requested the rezone for 2444 Western Avenue only, the owner also controls the adjacent property at 2430 Western. The vacant bank has been an eyesore for a long time and the applicant has not addressed this issue. Before rezoning this lot the applicant should explain the immediate plan for remedying this situation.
- The applicant has submitted a detailed plan for a convenience store/gasoline station at this site, however, as with any rezone, once rezoned, this parcel could be used for any of the permitted uses of the GB district, including drive-thru restaurants auto repair shops and car washed.
- The Guilderland Hamlet Master Plan did not recommend any zoning changes to these parcels.
- During the Guilderland Hamlet Master Plan discussions, the NYS Dept. Of Transportation indicated an interest in a traffic circle at this location. Before any consideration of a rezone, the State DOT should be consulted
- not only to review the ingress and egress to this site which is challenging, but also for any impacts of development on their long term plans. The application contains no traffic analysis at all.

Overall, I am hesitant to recommend a rezone to our most intensive zoning without having a more comprehensive approach and study of these parcels. The two parcels should be reviewed in tandem, both in terms of use, clean up of the site, and most especially for traffic flow. This is a critical intersection and requires more study before allowing a carte blanche rezone to General Business.

Stephanie Bitter, Bartlett, Pontiff, Steward & Rhodes, Local Counsel for Cumberland Farms, stated: This evening I have with me, Ross Galaway, First Hartford, Kevin Thacher from CHA. We are here for our continue discussion from the last meeting to request a rezone from LB to GB.

At the last meeting, there were two items left outstanding for discussion relative to traffic, and access. We did receive our response from DOT on June 23, 2014. Our traffic expert Dave Kahlbaugh, CHA, has responded to. The letter stated that the Town Board has to comment on the SEQR process which should be at the July 1<sup>st</sup> Town Board Meeting. We also appreciate the comments that were raised about the two access points on Rt. 146. We do have a new site plan study that denotes that the first driveway has been eliminated from the site plan. We are also prepared to work with DOT as to the entrance on Western Avenue. The only access on Rt. 146 will be across from the Stewarts access. We did put together a sketch plan as to what is going to happen at the adjacent property due to the shared access points. We will try to address all the comments. .

Kevin Thacher, CHA, gave a presentation on the proposed Cumberland Farms site plan review. Their site plan identifies the modifications as well as the sketch. (Report is on file)

Chairman stated: I do appreciate NYSDOT's response and the applicant trying to put some sort of site plan together. The big issue that DOT raises is the location of that access and the potential restriction of the turning movements.

I believe that they disagree with the operational and safety impacts of those intersections. I believe they would like a better site distance analysis on left hand turn movements into the site and how these stack and the impact of the site distance with the turning lane onto Rt. 146. You will need to show both sites developed as one and how they would work

My question would be with the site distance and the operational characteristics of that left turn in.

Dave Kahlbaugh further discussed the site distance and the left hand turn in.

Stephanie Bitter explained that we are ready and willing to work with DOT. We did discuss this with Kevin Novak to try and achieve exactly what his comments and recommendations were. Cumberland Farms is willing to work with DOT as to that location and they are very excited and anxious about this site.

We do understand that DOT is going to have the ultimate say and are the ones to issue the permit; therefore we have to be ready and willing to work with them. They are ready for that access point to be shifted with the hope that we are trying to get full movement at the safest location.

Chairman stated that this is a very critical issue as to how this site develops and as to where that driveway goes and how this whole site will work together.

Bruce Sherwin stated: Aside from the traffic and how it is going to look, and trying to see how the different parts fit, it seems to me that you would want to talk with the town planner to find out how will this work best for the town and with DOT.

Ms. Bittner explains that Tom Burke is really looking at compatible uses for this parcel which would include the bank on the other site.

Chairman asked about the shared parking and how the facility would work together. I am still very concerned with the left hand turn and that is very critical for Cumberland farms.

James Cohen had questions on the intersections and on the left hand turning in and out and wanted to know if you can create more parking to the east for the bank.

Chairman stated that we would like to explore more with DOT until they get to a level where they are comfortable. Then at that point will Cumberland Farms be comfortable with what DOT is comfortable with. We would like to see a sketch plan as to how it will all work.

Chairman explained that first there should be a meeting with DOT prior to meeting again and I would recommend that you set something up as soon as possible.

Chairman made a motion to continue the zone change application review until the applicant responds to NYSDOT comment letter and request to better analyze the operational and safety impacts of the proposed access drives, and the needs to restrict turning movements and modify location of the proposed Rt. 20 driveway. and the appropriate radius for the accessing point.

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

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MEETING ADJOUNED: 8:00 P.M.

**TOWN OF GUILDERLAND  
PLANNING BOARD**

**JUNE 25, 2014**

**TRI-WAY – 2444 Western Avenue**