

TOWN OF GUILDERLAND
PLANNING BOARD

November 10, 2015

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
Theresa Coburn
Bruce Sherwin
James Cohen
Michael Cleary

Jan Weston, Planning Administrator

ABSENT:

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.

WERLING – 768 Route 146

Chairman Feeney announced that this was a final vote of a proposed 2 lot subdivision of 4.4 acres. Zoned RA-3. David Werling presenting.

Jan Weston, Town Planning read the comments of the Planning Department as follows:
Werling - 768 Route 146

The applicant received concept approval to subdivide his property into two 2.2 acre lots, one of which contains his present home. The subdivision also required variances from the 3 acre minimum which were granted by the Zoning Board. In response to the comments of the Planning Board at the final hearing, the applicant has submitted a revised final plat showing the location of the floodplain, culvert and driveway details, the location of the proposed water service and a note regarding the erosion and sedimentation control. He also submitted a letter from the Altamont Fire Department indicating no concerns.

No objection to final approval.

Chairman announced that we have correspondence from Albany County Planning Board, dated September 17, 2015, and their recommendation read as follows: Modify local approval to include:

The location of the septic system should be evaluated by Albany County Department of Health as part of the subdivision of the land. 2) The land owner of the subdivision should notify purchasers of the lots that they must prepare a SWPPP for erosion and sediment control, if construction will disturb more than one acre of land. (Disturbance includes the driveway for a single family home and a septic field.) This is part of NY SPDES GP-0-15-002. The DEC website has more information. 3) Review by the NYS Department of Transportation for design of highway access, drainage and assessment of road capacity. (On file)

At the last meeting, we received a letter from the Guilderland Conservation Advisory Council, dated August 26, 2011, and they advised that if the applicant does not cut down too many trees and keeps the number removed to a minimum, and that the applicant has an appropriate septic system installed for Lot 2, and does not pollute the pond or the streams, GCAC does not object to this subdivision which will need a zoning variance. (On file)

We have an e-mail from Donald Albright stating that he sees no reason that this project could not move forward and there appears to be ample clearance for fire apparatus to maneuver. (On file)

David Werling presenting: I have an updated map that I believe addresses all the concerns from the last time. It shows the location of the floodplain, the erosion and sedimentation control and the location of the proposed water and septic, and the driveway and culvert pipe and the plans.

Chairman stated: The only minor comment that I have is to note on the plans, the driveway must be constructed to meet NYS Fire Code standards.

Chairman asked if there are any neighbors who would like to comment and there were none.

Chairman was willing to make a SEQR DETERMINATION motion 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, and the review of the Albany County Planing Board and the minor nature of the 2-lot subdivision creating one more building lot.

Seconded by Thomas Robert and carried by a 7-0 vote by the Board.

Chairman made a motion for final approval for Werling, 768 Rt. 146, with the following conditions:

- Village Water Superintendent Approval

- Albany County Health Dept. approval (with building permit application)
- NYS Dept. of Transportation approval (for any new curb cut)
- \$1,500.00 per dwelling unit Park & Recreation Fund (with building permit application)
- Note on the plat that the driveway will comply with NYS Fire Code construction standards.

seconded by Terry Coburn and carried by a 7-0 vote by the Board.

AUTO ZONE – 1771 Western Avenue

Chairman Feeney announced that this is a continued site plan review to demolish the former Pizza Hut building and construct an AutoZone parts center. Zoned Local Business. Nathan Kirschner presenting.

Jan Weston, Town Planner, read the comments of the Planning Department as follows:
AutoZone - 1771 Western Avenue

In response to the previous comments of the Planning Board, the applicant has revised the site plan by revising the curbcut and parking layout. I have the following comments:

- Some variances will still be required; however, most appear to be preexisting conditions.
- The treatment for the 3 ft. section between the buildings the property to the west is not addressed.
- Landscaping and lighting is not shown on this plan but I am assuming that it will be similar to the previously submitted plan.

I believe the applicant has now addressed my concerns. No objection contingent on DOT approval and full plans being submitted to the Zoning Board.

Nathan Kirschner presenting: Gave an overview of the project and gave an update on the recommendation of the Board and town staff. We did conduct meetings with the Chairman and Department of Transportation.

In summary, the middle layout was submitted back in March 2015, and there was some internal coordination with Auto Zone based on Town's staff comments. In summary, they suggested to pushed the building more forward, and ended pushing our curbcut closer to the carwash.

Chairman was concerned with the proximity of our curbcut to the existing carwash curbcut, and there were recommendations made to discuss this layout with DOT.

We did meet to discuss the best way to move forward with this and went back to the drawing board and have shown members of the town staff some of the comments and some of the efforts.

When we met with DOT, the new layout based on town's comments pushes the building all the way up to the existing uses along Western Avenue. It eliminates all the parking in the front and puts it all to the rear of the site, and more of a circular driveway that pushes us as far as we can, and keeps it in line with the existing Pizza Hut curbcut location. As an added bonus, one of the variance being requested was for parking. We were able to increase the parking numbers slightly which gives us more in line with what the Town's requirement is.

DOT has reviewed this layout and gave us a conceptual approval for the curbcut.

The only other thing that was discussed with the Town Staff, was that there were some easements, and cross access items that we have provided documents to the Town's Attorney, and have not heard from them.

In summary, there is an access easement that grants access from our property over at Camp Terrace if ever needed. Then there are six parking spaces that are deeded from this lot over to the car wash. Those six spaces would be for car wash staff if need be. There is no area of restriction and actually a parking space number restriction.

Chairman asked if you are going to file a new easement and identify the six spaces on the plans.

Mr. Kirschner explained that would be up to the Town's Attorney opinion on how he would like to address that.

Mr. Kirschner continued to explain the structure and design of the Auto Zone.

Chairman stated: We will need landscaping plans, lighting plans and will need to see some level of screening in the back for the single family residence and a sidewalk connection from the building to Western Avenue.

Chairman asked if there are any neighbors in the audience who would like to address the Board.

Michael John, 1775 Western Ave., had a question about the visibility of where our business is and where our sign is, and wanted to see where the location of the building was to see if it is in the way visibility for us. Also wondering how far from the property line are they from mine.

Chairman made a motion to recommend approval for site plan approval for Auto Zone, 1771 Western Ave., with the following conditions:

- Provide detailed lighting & landscaping plan. Landscaping plan should include deciduous street trees and screening for residential property to the rear.
- Install direct pedestrian connection/sidewalk from building entrance area along access drive to Western Avenue.

- TDE review of stormwater management plan. Curbed area along property boundary to the east should be designed to provide a stormwater management function.

Suggestions:

- Consider reducing the number of proposed bollards.
- Consider removing proposed metal guardrail or replacing with more decorative timber rail.

seconded by Michael Cleary and carried by a 7-0 vote by the vote.

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LIA – 1229 Western Avenue

Chairman Feeney announced that this is a site plan review to allow a 3500 sq. ft. restaurant. Zoned Local Business. Scott Shearing presenting.

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

Lia - 1229 Western Ave

The applicant has requested a special use permit to construct a restaurant on the now vacant site. As requested, the building is located on the front of the lot, with the parking in the rear. The design meets all zoning requirements with the exception of a side setback on the east side of the property. I have the following comments:

- The site is adjacent to the SUNY entrance and should be appropriately landscaped, especially where the setback is only 15 ft.
- The site plan shows a proposed tree line in the rear but the landscaping plan shows this area to be hydro seeded. Some kind of visual screening should be provided.
- Presently there is a flush curb that runs the length of the property. It appears that some curbing is proposed, but not a fully defined curbcut. This needs to be adequately explained and approved by the DOT.
- The western handicapped space should be protected from the drive aisle.

No objection to site plan approval contingent on the above concerns being addressed.

Chris Bohler presenting: We are looking at a complete reinvestment into this property and the proposed site development will include parking, sidewalks, landscaping, lighting, drainage and lighting improvements. The site was previously developed as a gas station and this proposed redevelopment project should be an upgrade for the area.

The proposed project consists of the construction of a new 3,150 +/- square foot restaurant along with associated site work. Originally, we had the building in the rear and the parking out in front

and currently, the eastern access from Western Avenue will be closed off. The access to the site is proposed to remain with the existing western full movement curbcut from Western Avenue.

We have 35 parking spaces, including 2 accessible spaces and do meet the standard codes. The landscaping will be provided and grass will be installed in the larger areas. The project will increase green space along frontage.

Mr. Bohler further explained the need for the rear setback variance and proposing it to be 4ft. off of the property line. The placing of the trash corral is to eastern part of the site that allows the existing screening for the trash corral. That trash corral is the variance that we need from the Zoning Board.

Chairman received a letter from DOT, Kevin Novak, and in part reads as follows:

With respect to the retained western access drive, the proposed tie-in onsite curbing to the back of the existing raised curb island will result in an access drive geometry that does not comply with our standards. Further elevation is recommended to see if this proposed driveway can be modified to be consistent with our current standards. (On file)

Chairman stated: We are happy to see the redevelopment of the site. I talked with Kevin Nowak about this project and they were not necessarily comfortable with this 60 ft. wide open access, and DOT would certainly be agreeable to something less than their standard radius. I wasn't quite sure why the plans reference, those parking spaces with identified across your property and what are the plans for those spaces that straddle the two properties?

Michael Cleary stated: The 30 ft. width of the access way would be acceptable. I think the Board is in favor of this project in this area and the things suggested.

Mr. Bohler added: We could further reduce and make the access improvements. I think Mr. Lia had agreed to that in putting in that curbcut on your sketch with a 30 ft. width.

Mr. Bohler stated: There is an adjacent business next to us and they currently drive over this property to access those spaces. We have one title search and a current survey and there are no necessary agreements to that. What we are proposing is to try to keep that open and to help accommodate that.

There was further discussion about the curb cuts and the adding of the green space and the entrances.

Chairman stated: DOT had a question about the striping. My suggestion is that you provide some kind of strip in there. That would be a conversation with DOT because of the wide tapered lane in there.

There was also a question about the handicapped access aisles and the location of it and you will need to reference that. I agree that a dead-end parking lot is not the greatest thing.

Ms. Weston added: My concern is that people in that handicapped parking space will not be seen as they are pulling out. The people are just going to cut right through and will cut that corner very short.

Chairman stated: There can be more thought put into the parking. You will need to modify the handicapped parking to provide one shared access aisle in the rear of the building, and consider formalizing adjoining shared parking with neighboring property.

Terry Coburn wanted to know if you have a rendering of the building or not?

Mr. Bohler stated that this is not specific to Guilderland but very close. The shape and scale is going to be as shown on the site plan. This would be the finishes or samples of finishes that we are looking for at this location.

Chairman stated: Usually, we do get some kind of rendering of what the building is going to look like. This is a great idea with the building up to the front, and a nice project for the town and fits with the zoning code.

There was discussion about the parking spaces.

Bruce Sherwin asked if there are architectural requirements put to you by the community.

Mr. Bohler explained that there is some flexibility there. This is the finishes that we would like to apply to this building.

Chairman asked if anyone in the audience would like to comment.

Don Reeb, 5 Norway Street stated: Its very important on what that building looks like. I am looking forward to seeing the building here. One of the things that the proposal might address is that there is a chain link fence presently, and along that fence are two old metal poles that have lights on and are about 18 ft. high. They certainly are not very attractive.

I would encourage the developer to check with the State University as to what might be a substitute for it to make it more attractive, and having an entrance off of Western Avenue for the pedestrians.

Chairman suggested about wrapping the patio out around the front and side and providing landscaping. They are closing one entrance and that is great and the existing entrance being proposed is 60 ft. wide and we do have concerns over this. I would recommend narrowing down the entrance by providing some curbing and landscaping.

Mr. Bohler added that we do not own this property. We are under a purchase contract. We would like to make as much progress as we can. We were hopeful that this building architecture would be embraced here with the finishes we have and know that there is still work to be done.

The only variance that we will need is the dumpster setback.

Chairman stated: The one question I have is the lighting plan. I couldn't find the proposed pole heights and that would need that to be referenced.

Chairman mentioned a letter from DOT, dated November, 2015, from Kevin Novak and they are looking to see something a little different than what you were proposing tonight. (On file)

Michael Cleary stated: I think that the Board is in favor of this project.

Mr. Bohler stated: As far as parking with the neighbor, we had no intentions of striping that area out right now and it will stay as it is. We can certainly stripe it out in the future if need be. There will be no agreement with the adjacent owner.

Michael Cleary wanted to make a comment. The parking with the Tanning Salon, I think that is going to be used and don't think you will need an agreement with that.

Chairman asked about the landscaping and the fence.

Chairman was willing to recommend approval for the 3500 sq. ft. restaurant, at 1229 Western Avenue with the following conditions:

- Narrow proposed access (narrow the Western Entrance on the west) by providing additional curbing and landscaped area.
- Modify handicapped parking to provide one shared access aisle in the rear of the building.
- Provide detailed rendering/elevation drawing of the building (building design should be sensitive to McKownville architecture)
- Landscaping should include deciduous street trees & site disturbance/grading kept outside drip line of large oak tree on the eastern property line.
- Conditioned on NYSDOT review and approval.
- Consideration is given to formalizing adjoining shared parking with neighboring property.

- Consider replacing section of chain link fence on the southeasterly corner of the property with decorative fencing.

seconded by Thomas Robert and carried by a 7-0 vote by the Board.

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STANDISH -2563 Western Avenue

Chairman Feeney announced that this is an amendment to the special use permit to allow the plaza to operate as a designed shopping center.

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

Standish - 2563 Western Avenue

The applicant has requested that the condition of his special use permit be amended to eliminate the need for every change of tenant to go through the special use permit process. Park Plaza has operated as a strip mall for years without any problems in regard to access or parking. There has never been any additional conditions placed on any new tenant and I don't foresee any that would be needed. No objection to this change.

Chairman stated: This is an existing `plaza and the applicant wants to amend the special use permit to eliminate the need for every change of tenant to go through the special use permit process.

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

Michael Cleary made a motion to recommend approval for the amendment to the special use permit, at Park Plaza, 2563 Western Avenue, seconded by Herb Hennings and carried by a 7-0 vote by the Board.

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MEETING ADJOURNED

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LIA – 1229 Western Avenue

STANDISH - 2563 Western Avenue