

TOWN OF GUILDERLAND

Planning Department

Town Hall, Route 20

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Guilderland, NY 12084-0339

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Peter G. Barber
Supervisor

Kenneth Kovalchik, AICP
Town Planner

AGENDA ITEM #4



MEMORANDUM

TO: Peter G. Barber, Supervisor
& Town Board

FROM: Kenneth Kovalchik, AICP, Town Planner

Date: August 9, 2023

SUBJ: Christopher Laviano – 1854 Western Ave – Consideration of Acceptance of an Amended Change in Zone Application for a Parcel in the Single-Family Residential (R15) District to a Local Business (LB) District.

Introduction

The Town Board had previously accepted a change in zone application at your May 16, 2023 meeting for a 0.45 +/- acre parcel. The applicant has amended the application to include two residential lots as part of the change in zone request, therefore, a new application is required.

An amended application for a change of zone has been submitted requesting a rezone of a parcel in the Single-Family Residential (R15) District to a Local Business (LB) District. The parcel totals 1.14 +/- acres and is located on the south side of Western Avenue. Surrounding zoning consists of properties located in the Local Business (LB) District to the west; Business Non-Retail Professional (BNRP) District to the east; Business Non-Retail Professional (BNRP) District to the north, on the north side of Western Avenue; and Single-family Residential (R15) District to the south. See enclosed map showing the surrounding zoning.

2022 Minor Subdivision

The subject parcel was included as part of a three-lot minor subdivision that was approved by the Planning Board in October 2022. A copy of the approved subdivision plat is included in the application materials. Lot 1 is located on Western Avenue and was the parcel under previous consideration for the change in zone. Lots 2-3, located on Hanes Street, are located in the Single-family Residential (R15) District and are now included as part of the amended change in zone application.

Albany County Planning Board

The previously submitted application was referred to the Albany County Planning Board (ACPB) and was reviewed at their May 18th meeting. The ACPB found that the proposed action will

have no impact upon the jurisdictional determinant referring to this case, nor will it have significant countywide or intermunicipal impact and recommended to defer to local consideration (see enclosed ACPB recommendation letter).

If the Town Board accepts the amended application, it will be referred to the ACPB for consideration.

Town Planner Comments:

Planning has reviewed the application materials and surrounding land uses and zoning and supports acceptance of the change of zone request based on the following comments:

1. The single-family zoning designation on this parcel is an anomaly when reviewing the surrounding zone districts on this segment of the Western Avenue corridor, which primarily consist of commercial zone districts.
2. The parcel is located within the 'Central Segment' of the study area for the Westmere Corridor Study ('Study') that was completed in 2016.
3. The Study characterized this segment of Western Avenue as small-scale retail and offices flanking single-family residential neighborhoods, characterized by small lot sizes, smaller block sizes, and interconnected street network. The zoning for this segment is generally "Local Business", reflecting the small-scale commercial strips and converted single family homes.
4. The Study recommended any infill development, expansion or alteration projects should be required to maintain the existing character by capping the size of individual structures and massing at a compatible scale.
5. The abutting parcel to the west is in the Local Business (LB) District and extends from Western Avenue to Hanes Street.
6. If the change in zone is granted, there should be a condition in the Local Law prohibiting access to the parcel from Hanes Street.
7. The applicant provided a sketch plan, not required with a change in zone application, for a mixed-use building on the parcel if the change in zone request is granted. The sketch plan shows the building and parking lot area will be set back from Hanes Street by approximately 50'. Efforts should be made to retain the existing vegetation within this area if a land use application is submitted, which would buffer the site from surrounding parcels.

Next Steps:

If the Town Board accepts the application, the following next steps will be taken:

- Referral to the Planning Board for review and comment.
- Referral to the Albany County Planning Board for their September 21, 2023 meeting.

TOWN OF GUILDERLAND
APPLICATION FOR CHANGE OF ZONE

APPLICANT INFORMATION

Name: Christopher Laviano Phone: 518-461-4157
Address: 1859 Western Ave Albany State: NY Zip: 12203

PARCEL INFORMATION

Address and exact location of parcel to be rezoned: 52.09-6-2.3
Request zoning change for 1854 Western to _____ Tax Map#: 52.09-6-2.2
Total Acreage: 1.14 Parcel Depth: 386'

PROPERTY INFORMATION

Describe any existing structures on the property: none

Describe the present use of the property: Woods

NEIGHBORHOOD DESCRIPTION

Zoning classification of all adjoin parcels:
North: LB/BNRP South: R15
East: BNRP West: LB

Zoning Classification of all parcels directly on opposite side of street of highway: LB/BNRP

Character and use of all surrounding parcels:
North: Retail Office Building South: Residential Homes
East: Commercial used as Residential West: Commercial - Warehouse - Retail

Approximate distance to nearest parcel of different zoning classification indicating exact location, zoning, character and use of last mentioned parcel:
Directly East & West zoned Commercial. 1860 Western Ave Zoned LB warehouse style building.

SUBMISSION REQUIREMENTS

This application must be accompanied by 16 copies of a plot plan containing all the information as outlined on the instruction sheet, a legal description of the property, and a State Environmental Review short form.

The application shall be submitted to the Town Clerk.

The applicant hereby certifies that he/she is the owner of the above property or has been duly authorized, in writing by the owner or record to make this application.



Signature

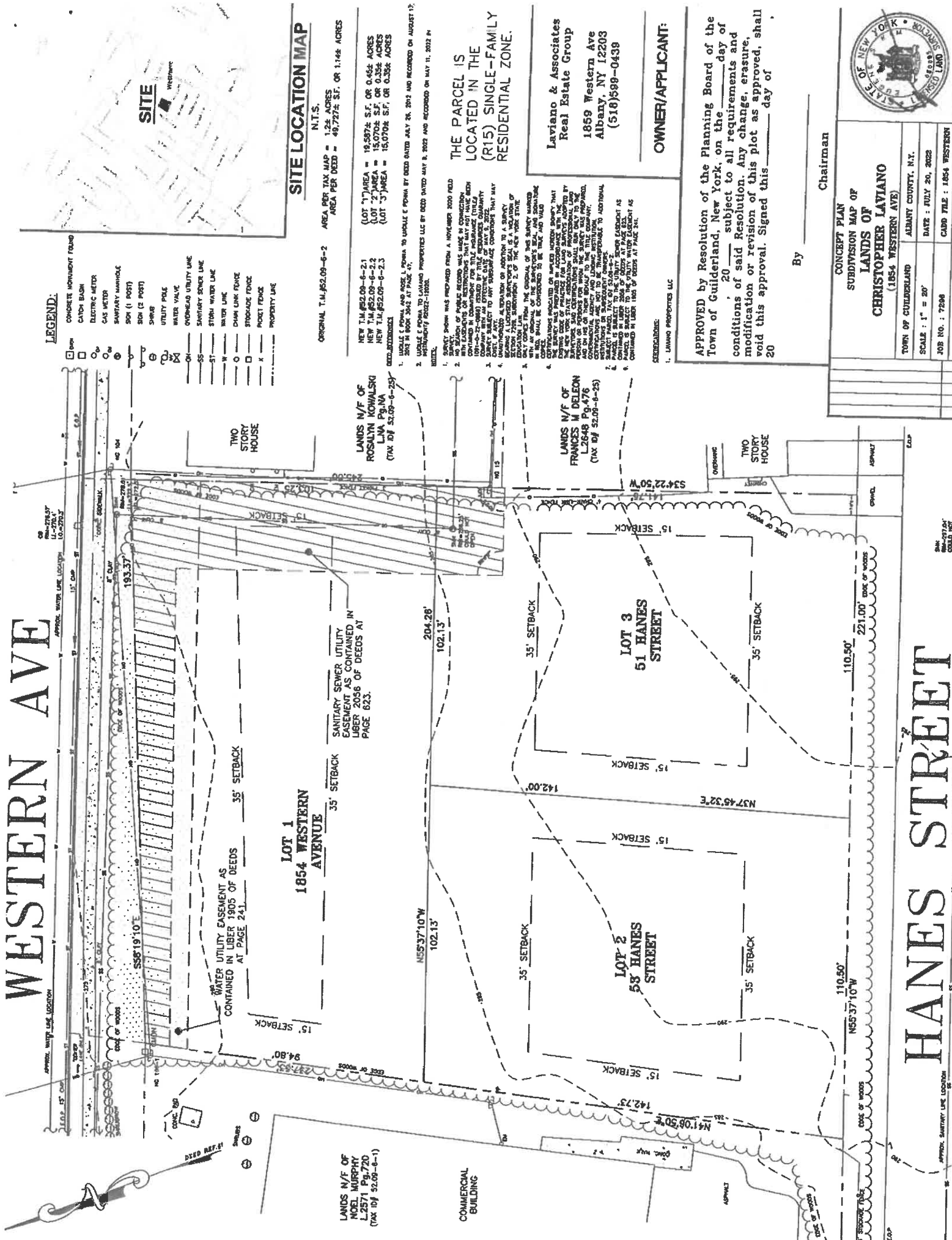
Christopher Louidas *6/16/23*

Print or Type Name Date



WESTERN AVE

HANES STREET



SITE LOCATION MAP

N.T.S.
 ORIGINAL T.M.#52.09-6-2 AREA PER TAX MAP = 1.24 ACRES
 AREA PER DEED = 49,727 S.F. OR 1.146 ACRES

(LOT 1) AREA = 19,597 S.F. OR 0.454 ACRES
 (LOT 2) AREA = 15,070 S.F. OR 0.354 ACRES
 (LOT 3) AREA = 15,070 S.F. OR 0.354 ACRES

THE PARCEL IS
 LOCATED IN THE
 (R15) SINGLE-FAMILY
 RESIDENTIAL ZONE.

Laviano & Associates
 Real Estate Group
 1859 Western Ave
 Albany, NY 12203
 (518)599-0438

OWNER/APPLICANT:

APPROVED by Resolution of the Planning Board of the
 Town of Guilderland, New York, on the _____ day of
 _____, 20____ subject to all requirements and
 conditions of said Resolution. Any change, erasure,
 modification or revision of this plot as approved, shall
 void this approval. Signed this _____ day of
 20____

By _____
 Chairman

CONCEPT PLAN
 SUBDIVISION MAP OF
**LANDS OF
 CHRISTOPHER LAVIANO**
 (1854 WESTERN AVE)

TOWN OF GUILDERLAND ALBANY COUNTY, N.Y.
 SCALE: 1" = 20'
 JOB NO.: 7268 DATE: JULY 20, 2023
 CADD FILE: 1854 WESTERN



S.Y. KIM/LAND REVIEW/D...
 SIGNED AND SEALED FOR THE TOWN OF GUILDERLAND



Guilderland Town Board:
5209 Western Turnpike
Guilderland, NY 12084

June 21st, 2023

Re: Proposed Rezone of 1.14 Acres of R-15 (residential) Lot
1854 Western Ave.
Albany, NY 12203

Project Narrative:

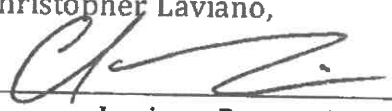
The proposed zoning change seeks to convert a residential lot into a Local Business zone, driven by its strategic location along a major roadway. The primary objective is to leverage the area's visibility and accessibility in order to stimulate economic growth and attract businesses while also ensuring the well-being of the surrounding residential community. By rezoning the 1.14-acre lot, a significantly larger amount of green space and trees will be preserved compared to the previous subdivision plan. Additionally, it will establish a wider buffer zone between the lot and neighboring residential properties, with a minimum setback of 40 feet per town code. Furthermore, there is a consideration for extending the buffer requirement from 40' to add an additional 10'-20' feet on top of the 40' requirement.

This rezoning to a local business (LB) designation opens up opportunities for local/small business owners and potential new residents to contribute to our community, providing a wider range of opportunities compared to converting it to Business Non-Retail Professional (BNRP). Currently, the town has a surplus of vacant office space and a very limited amount of retail space available. It's important to note that this residential zoned lot on Western Ave is one of the only few remaining.

The priority of the rezoning effort is to promote the establishment of businesses that align with the community's needs and aspirations, ultimately enhancing the overall quality of life for residents. This initiative aims to provide convenient access to a diverse range of goods, services, and employment opportunities. The site is suitable for the Local Business zone as it matches the depth of the adjacent property.

If the rezoning is approved, there are potential plans to construct a mixed-use building on the site. This building would incorporate a combination of retail and office spaces, as well as the possibility of including four residential apartments. The intent is to blend commercial and residential elements, creating a vibrant and dynamic environment.

Christopher Laviano,



Owner - Laviano Properties LLC

**Short Environmental Assessment Form
Part 1 – Project Information**

Instructions for Completing

Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 – Project and Sponsor Information			
Name of Action or Project: <u>1854 Western Ave Re-Zone</u>			
Project Location (describe, and attach a location map): <u>1854 Western Ave</u>			
Brief Description of Proposed Action: <u>Convert R-15 lot located at 1854 Western Ave to LB Zoning, to conform with other surrounding properties.</u>			
Name of Applicant or Sponsor:		Telephone:	
<u>Christopher Laviano</u>		<u>518-461-4157</u>	
Address:		Email:	
<u>1859 Western Ave</u>		<u>Laviano330@gmail.com</u>	
City/PO:		State:	Zip Code:
<u>Albany</u>		<u>NY</u>	<u>12203</u>
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation?			NO YES
If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If NO, continue to question 2.			<input type="checkbox"/> <input checked="" type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If YES, list agency(s) name and permit or approval:			NO YES
			<input checked="" type="checkbox"/> <input type="checkbox"/>
3. a. Total acreage of the site of the proposed action?			<u>1.19</u> acres
b. Total acreage to be physically disturbed?			_____ acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?			_____ acres
4. Check all land uses that occur on, adjoining and near the proposed action.			
<input type="checkbox"/> Urban	<input type="checkbox"/> Rural (non-agriculture)	<input type="checkbox"/> Industrial	<input checked="" type="checkbox"/> Commercial
<input type="checkbox"/> Forest	<input type="checkbox"/> Agriculture	<input type="checkbox"/> Aquatic	<input checked="" type="checkbox"/> Residential (suburban)
<input type="checkbox"/> Parkland	<input type="checkbox"/> Other (specify): _____		

5. Is the proposed action, a. A permitted use under the zoning regulations? b. Consistent with the adopted comprehensive plan?	NO	YES	N/A
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If YES, identify: _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels? b. Are public transportation services available at or near the site of the proposed action? c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____ _____	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If NO, describe method for providing potable water: _____ _____	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If NO, describe method for providing wastewater treatment: _____ _____	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the Sate Register of Historic Places? b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency? b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If YES, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:

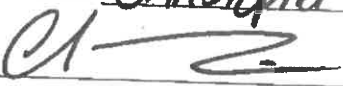
Shoreline Forest Agricultural/grassland Early mid-successional

Wetland Urban Suburban

15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
16. Is the project site located in the 100-year flood plain?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If YES,	NO	YES
a. Will storm water discharges flow to adjacent properties?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
If YES, briefly describe: _____		
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If YES, explain the purpose and size of the impoundment: _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If YES, describe: _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If YES, describe: _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>

I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE

Applicant/sponsor/ name: Christopher Lariano Date: 6-15-23

Signature:  Title: Owner



**ALBANY COUNTY PLANNING BOARD
NOTIFICATION**

RECOMMENDATION DATE: May 18th, 2023

Case #: 10-230504226
Project Name: **1854 Western Avenue Change in Zone**
Project Location: 1854 Western Avenue
Tax Map Number: 52.09-6-2
Referring Agency: Town of Guilderland Planning Board
Considerations: Change in zoning from a Single-family Residential (R15) District to a Local Business (LB) District.

ACPB Defer to local consideration

Recommendation:

1. This board has found that the proposed action will have no impact upon the jurisdictional determinant referring to this case, nor will it have significant countywide or intermunicipal impact.

Advisory:

Gopika Muddappa, Senior Planner
Albany County Planning Board

NOTE:

- This recommendation is rendered in compliance with applicable requirements of Section 239 of New York State General Municipal Law. Final determination on this matter rests with the appropriate municipal body.
- A recommendation of "APPROVE" or "MODIFY LOCAL APPROVAL" should not be interpreted as a recommendation by this body that the referring agency approve the matter referred. Such recommendation does not indicate that this body has reviewed all local concerns; rather the referral has met certain countywide considerations. Evaluation of local criteria is the responsibility of the referring agency.
- General Municipal Law Section 239 requires that the local agency notify the county within thirty days of its final action. Please use the OFFICIAL NOTICE OF LOCAL ACTION form that is attached for this purpose.
- General Municipal Law Section 239 sets forth the procedural requirements for taking local action contrary to the County Planning Board's recommendation of objection or conditional approval.
- Albany County is required to submit a Municipal Separate Storm Sewer System Permit (MS4) (No. GP-0-10-002) Notice of Intent (NOI) to comply with the NYS DEC permit for the control of wastewater and stormwater discharges in accordance with the Clean Water Act. Construction Activity Permit No. GP-0-1-001 issued by NYSDEC is also required for activity with soil disturbances of one acre or more. The law is required by the Clean Water Act to control point source discharges to ground water as well as surface waters.

449 New Salem Road, Voorheesville, NY 12186
TELEPHONE: (518) 655-7932 FAX: (518) 765-3459

In compliance with Article 12-B, Section 239 of New York State General Municipal Law, this serves as official notification to the Albany County Planning Board of the action taken on the application described above.

LOCAL ACTION ON ACPB RECOMMENDATION:

- AGREED WITH COUNTY PLANNING BOARD RECOMMENDATIONS TO MODIFY OR DISAPPROVE
- OVER-RULED COUNTY PLANNING BOARD RECOMMENDATIONS TO MODIFY OR DISAPPROVE

LOCAL DECISION ON PROJECT:

- PROJECT APPROVED
- PROJECT DISAPPROVED

VOTE RECORDED: _____ DATE OF LOCAL ACTION: _____

Set forth the reasons for any action contrary to the ACPB recommendations (use additional sheets if needed):

SIGNED: _____ TITLE: _____