SITE PLAN REVIEW REPORT – Town of Guilderland Planning Board

March 8, 2023

Laviano Mixed Use Commercial Building

1859-1871 Western Avenue

The Planning Board recommends that the site plan be modified to conform more closely to the Town Zoning Code's Site Plan Design Guidelines (Section 280-39) and Town Comprehensive Plan (Westmere Corridor Study, 2016) and avoid the need for variances. Alternatives should be considered to develop the site with the required area variances eliminated or reduced in scale. (While many compliant alternatives exist, the Planning Board provided some sketches as examples attached). The Planning Board does not see that the desire of the applicant to maximize the size of the building and push the limits of what the site can physically accommodate outweighs the adopted plans and codes of the Town. Different building sizes, configurations and use mix should be considered. It seems that compliance with the design guidelines and zoning code were only given consideration after the Planning Board identified them and not prior to the applicant establishing the size, location, and design of the proposed building on the site and generating the self-created hardship.

The Planning Board is also concerned that the situation is not unique to the applicant's property and development of the property in this manner, at variance to the Code requirements and inconsistent with the design guidelines and Comprehensive Plan, would set a significant precedent for future development in the corridor and neighborhood.

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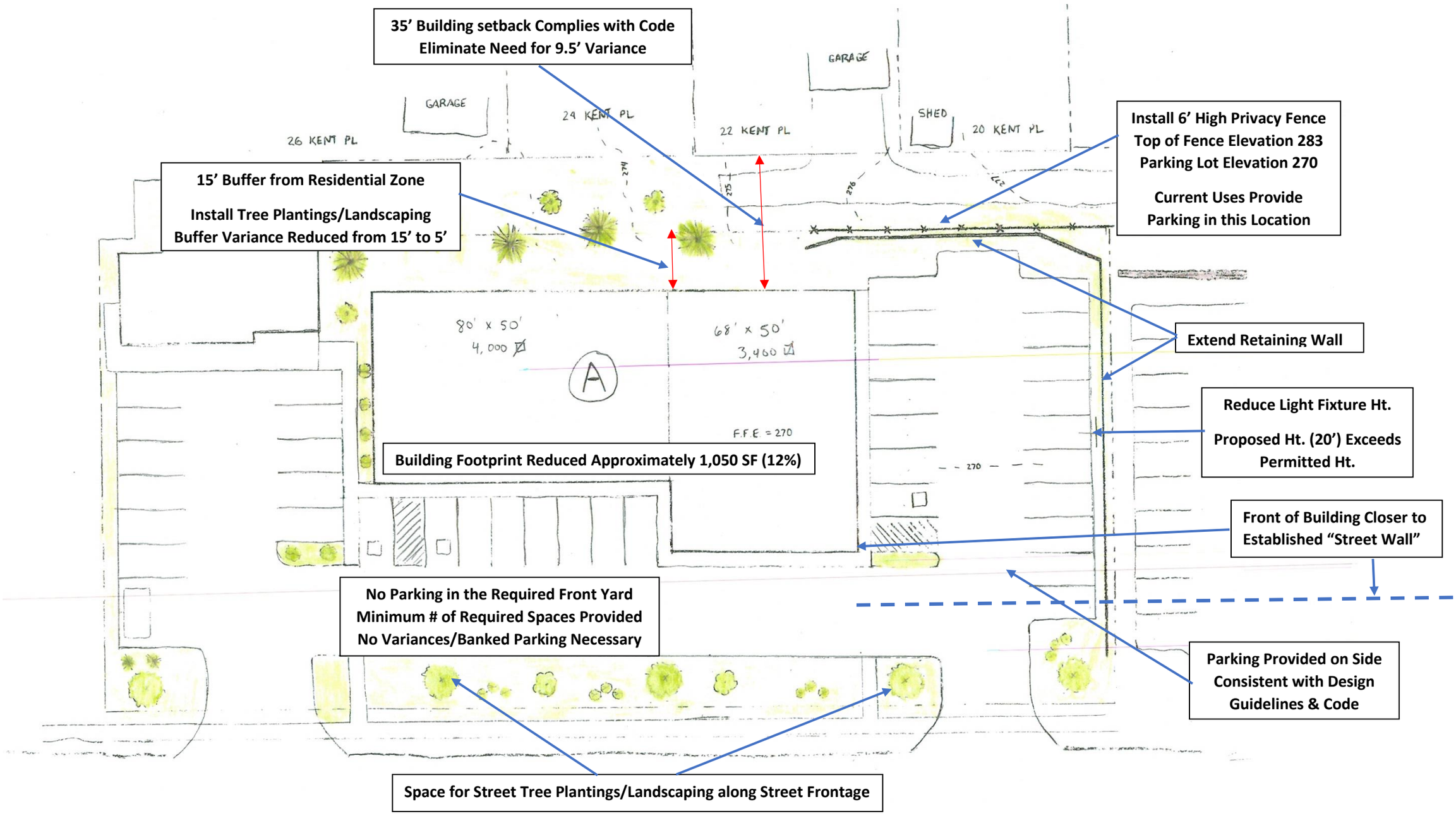
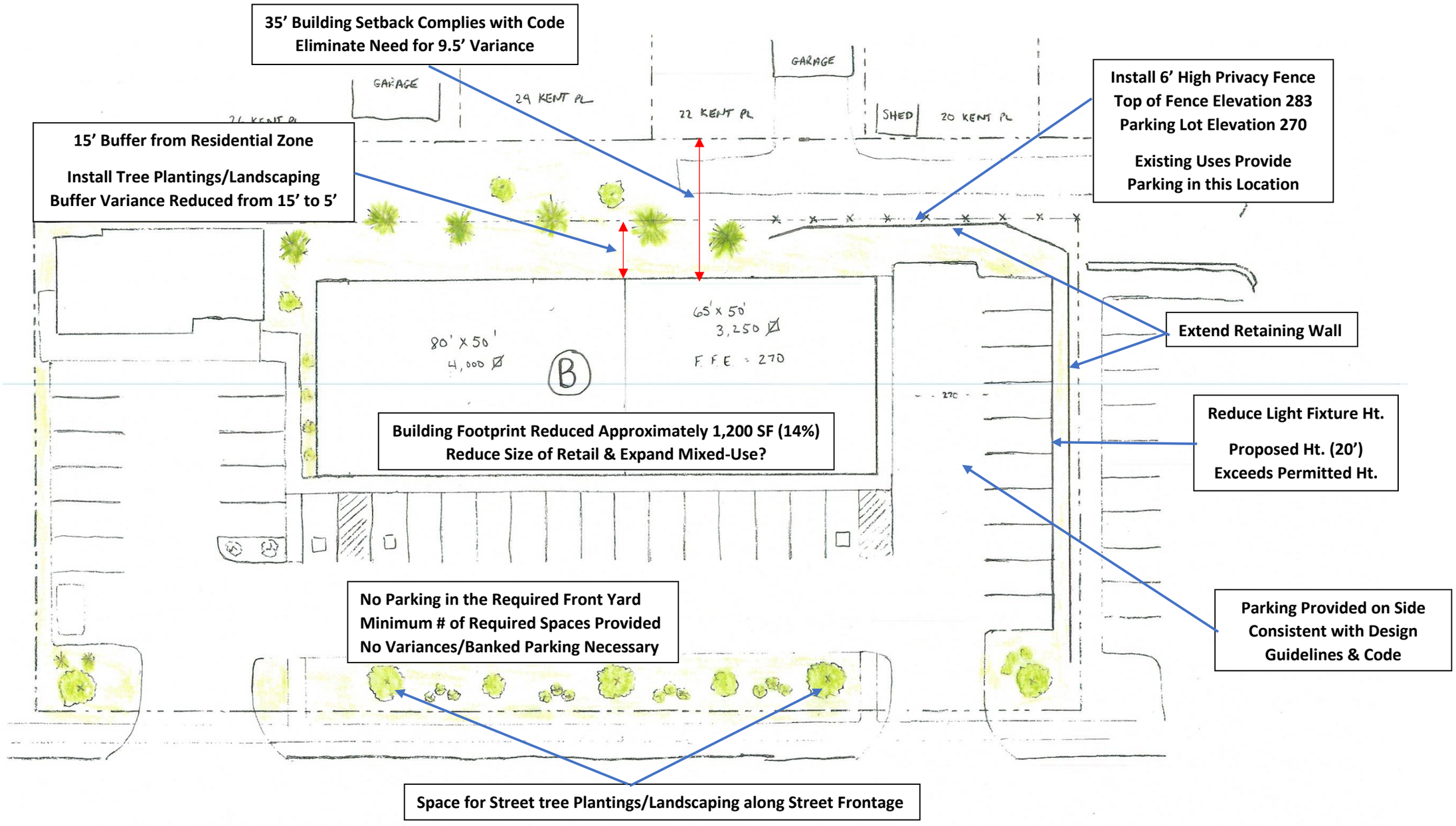
The building as currently proposed does not appear to take the design guidelines (Exhibit A) nor the recommendations in the Westmere Corridor Study (Exhibit B) into consideration. The footprint of the building appears to be too large for the site, thus triggering the need for setback and parking variances and making compliance with the design guidelines and the Westmere Corridor Study difficult. As stated in the zoning code, the Zoning Board of Appeals and Planning Board shall consider the design guidelines in review of development projects. The stated Purpose of the site plan design guidelines is to "…ensure that new buildings, additions, and alterations are consistent with the Comprehensive Plan and neighborhood studies…"

Specifically, the proposed structure is located to the rear of the lot with the front of the building set back approximately 45' further than the buildings torn down to allow redevelopment of the site and the remaining buildings located to the east in the BNRP zone (Exhibit C). While inconsistent with the design guidelines calling for consistent setbacks and building alignments, this location requires a rear setback variance of 9' 3" (26%) that could be avoided and reduce encroachment on adjoining residences. This proposed building location also disregards the buffer requirements between the LB and BNRP zones and the neighboring Residential zone where a 40' and 20' buffer "…consisting of trees, hedges, shrubs and/or other landscaping…" is required, respectively. The 5' buffer setback proposed requires 35' and 15' variances and provides little opportunity to plant a buffer and no such plantings are proposed on the site plan. Also inconsistent with the design guidelines, the plan provides 100 percent of the parking

within the front yard and 25 percent of the required parking located entirely within the front yard setback necessitating another area variance. This is also inconsistent with the Design Guidelines and Supplementary Regulations for Mixed-Use Buildings which both state that parking should be located behind, or along the side of buildings and visually screened from the road…" While some of the noncompliant parking is proposed to be "banked" this appears to run contrary to the purpose of banked parking and to the purpose of the off-street parking requirements which state in part to "…ensure that the property on which the use is located is not overdeveloped."


35’ Building setback Complies with Code
Eliminate Need for 9.5’ Variance
GARAGE
GARAGE
SHED
26 KENT PL
24 KENT PL
22 KENT PL
20 KENT PL
Install 6’ High Privacy Fence
Top of Fence Elevation 283
Parking Lot Elevation 270
Current Uses Provide
Parking in this Location
15’ Buffer from Residential Zone
Install Tree Plantings/Landscaping
Buffer Variance Reduced from 15’ to 5’
80’ x 50’
4,000
68’ x 50’
3,460
A
F.F.E = 270
270
Extend Retaining Wall
Reduce Light Fixture Ht.
Proposed Ht. (20’) Exceeds
Permitted Ht.
Building Footprint Reduced Approximately 1,050 SF (12%)
Front of Building Closer to
Established “Street Wall”
No Parking in the Required Front Yard
Minimum # of Required Spaces Provided
No Variances/Banked Parking Necessary
Parking Provided on Side
Consistent with Design
Guidelines & Code
Space for Street Tree Plantings/Landscaping along Street Frontage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Buffer Variance Reduced from 15' to 5'
Install 6' High Privacy Fence
Top of Fence Elevation 283
Parking Lot Elevation 270
Existing Uses Provide
Parking in this Location
Extend Retaining Wall
Reduce Light Fixture Ht.
Proposed Ht. (20')
Exceeds Permitted Ht.
Building Footprint Reduced Approximately 1,200 SF (14%)
Reduce Size of Retail & Expand Mixed-Use?
No Parking in the Required Front Yard
Minimum # of Required Spaces Provided
No Variances/Banked Parking Necessary
Parking Provided on Side
Consistent with Design
Guidelines & Code
Space for Street tree Plantings/Landscaping along Street Frontage
GARAGE
29 KENT PL
22 KENT PL
SHED
20 KENT PL
80' X 50'
4,000 ☒
B
65' x 50'
3,250 ☒
F.F.E. = 270
270

EXHIBIT A

Section 280-39 Site Plan Design Guidelines

Town of Guilderland, NY
Friday, February 24, 2023

Chapter 280. Zoning

Article IV. District Regulations

§ 280-39. Site plan design guidelines.

A. Purpose. The site plan design guidelines ensure that new buildings, additions, and alterations are consistent with the Comprehensive Plan and neighborhood studies and promote a pedestrian-friendly environment. The guidelines discuss site planning principles related to overall layout; access; parking; pedestrian circulation; landscaping; natural site design; building architecture; and signage. These guidelines shall not be construed to amend or waive applicable site plan requirements.

B. Applicability. The Zoning Board, Planning Board and Zoning Inspector shall consider these design guidelines in review of a development project and may use discretion in applying the guidelines to projects involving a change in tenancy and conversion or rehabilitation of existing structures.

C. Building design standards. New or in-fill construction should be designed to be compatible with the general character of buildings on the street frontage. The setback, height, bulk, gable and pitch of roofs, use of porches, shutters and other exterior design elements should result in an overall design that complements the existing character of the streetscape. Building design standards should also consider the following:

(1) The development of public parks, commons, or pedestrian plazas with amenities such as benches and landscaping should be encouraged.

(2) The adaptive reuse of existing structures should be encouraged to complement the character of the existing development.

(3) Additions to existing buildings should use materials and details complementary to those incorporated in the parent structure.

(4) New buildings adjacent to existing structures should be designed consistent with the architectural features of existing structures in terms of form, materials, fenestration, and roof shape.

(5) New buildings, or additions to existing buildings, should reflect the discernible pattern of window and door openings that is established among adjacent structures or is present in the existing building.

(6) The construction of blank or windowless facades should be avoided.

(7) The utilization of ribbon or continuous strip glazing in a building facade should be avoided.

(8) New buildings should have a roof shape similar in proportion, form and character to the majority of the existing structures having frontage on the same corridor. Dead-flat roofs are generally inconsistent with the existing character of the Town and should be avoided, except where the size or type of the building requires a flat roof and facade variations and architectural features can disguise the flatness of the roof. The use of green and landscaped roofs is encouraged.

(9) A large building facade and the sides visible from the street corridor should incorporate changes in plane and architectural features that give the appearance of several common-wall buildings.

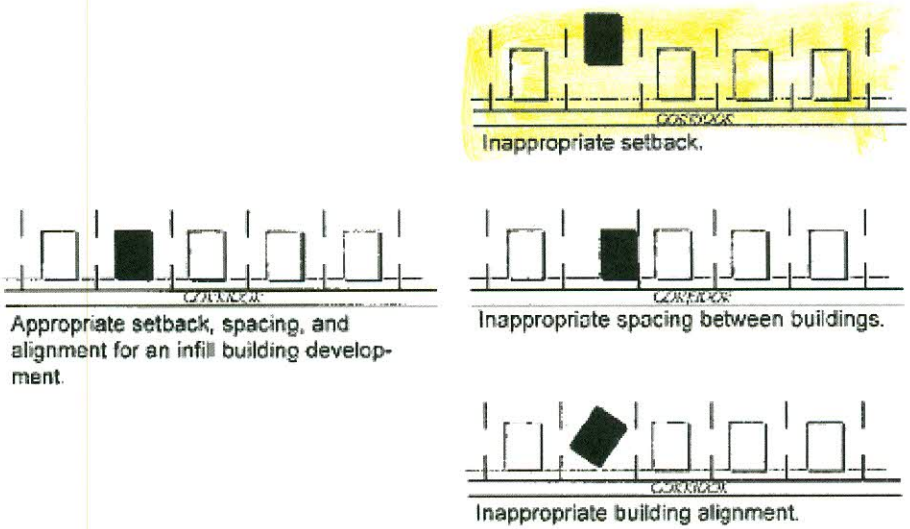
(10) Major modifications to existing landscape, such as extensive grading, clear-cutting of trees, or other similar activities, should be avoided. Rain gardens and other natural methods for handling stormwater

should be considered.

(11) The number of off-street parking spaces provided should be the minimum necessary to adequately serve the intended use.

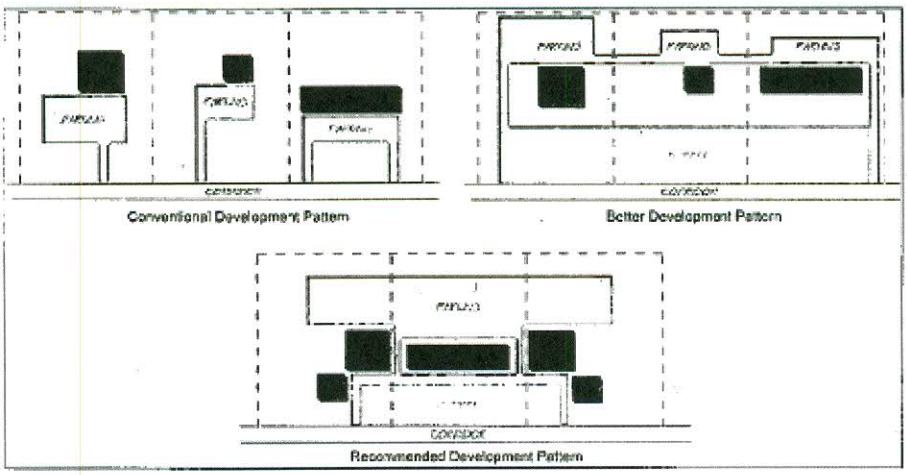
(12) Service alleys for deliveries and utility access should be established along rear property lines.

(13) New development should be sensitive to existing conditions and patterns of development, particularly where historic structures are present. When new development occurs it should maintain consistent architectural character along with setbacks, spacing, and alignment between the new and existing buildings.



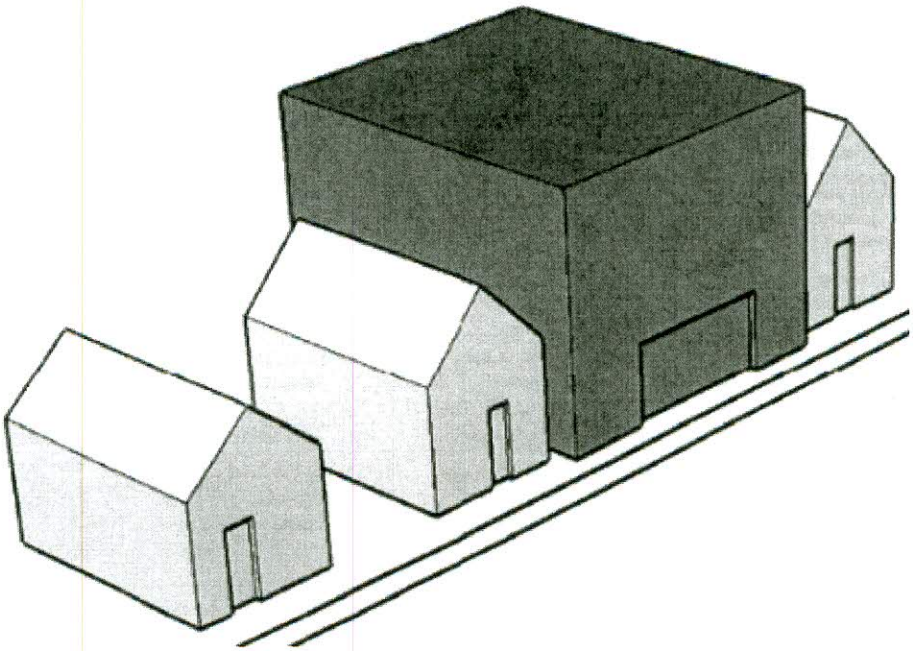
Maintain consistent setbacks, spacing, and alignment for infill development.

(14) The layout for new or infill development should correspond with existing buildings, roads, and road intersections. Existing intersections should be used as access points to new development where possible, and new buildings should relate to existing buildings to create a safe and pleasant pedestrian environment.



Buildings, parking lots and open space should relate to one another and create a unified development.

(15) Building design should creatively reflect traditional elements of the area's character. Diversity that is in tune with the massing, proportion, decorative design elements, and street relationships of nearby buildings is encouraged. Clusters of buildings with internal open spaces are desired, rather than single buildings separated by vast expanses of parking lots. Old and new structures should appear as a comprehensive sequence in size and shape.



New development should not conflict with the scale and character of adjacent structures.

(16) A variety of roof types, heights and gable orientations in proportion to the volume of the building should be incorporated. Extensive use of very steep, or flat or very low-pitched roofs should generally be avoided. Sloping roofs can be broken up by the use of dormers and gables to give the facade more visual prominence.

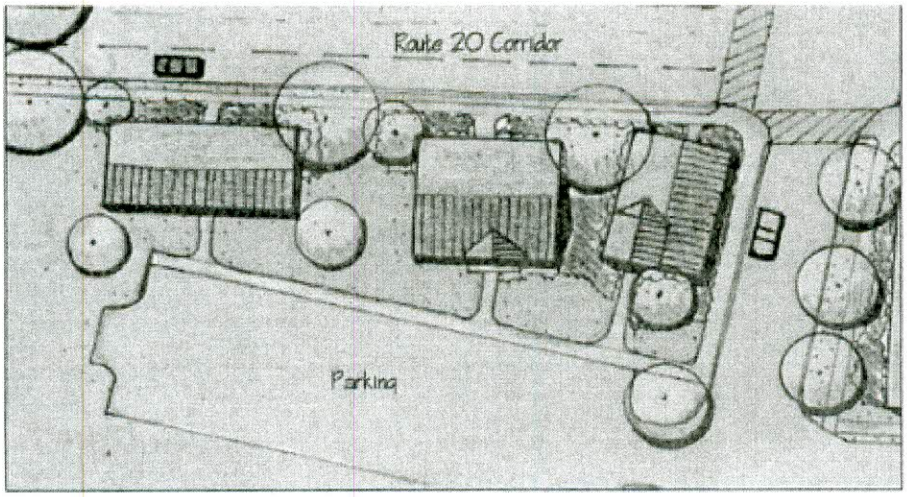
D. Parking guidelines. The design of parking should consider the following guidelines:

(1) Parking should be secondary to the buildings and pedestrian system.

(2) Parking should be located behind or along the side of commercial structures, and be visually screened from the road to create a more interesting streetscape.

(3) Smaller, well-connected parking areas are generally preferred.

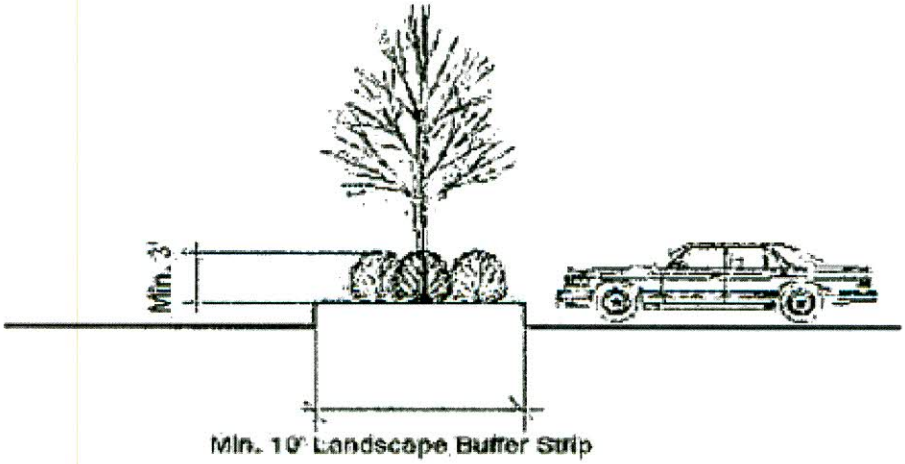
(4) Create additional (side/back) entrances to buildings to render side and back parking lots more attractive to customers.



(5) Utilities, dumpsters, and service areas should respect adjacent residential uses.

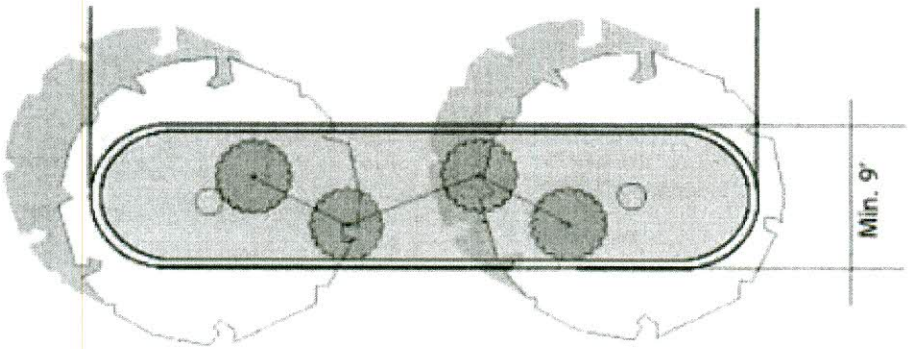
(6) Reciprocal parking agreements and easements should be used to provide shared access to driveways and parking whenever possible.

(7) Provide and preserve trees to shade parking areas and walkways to structures.



Provide visual buffers around and through parking lots.

(8) Provide landscaped medians and islands to break up and define parking areas, and to perform stormwater management functions.



(9) Parking lots should include a snow storage and disposal area that provides for snow melt over a vegetated or green infrastructure area.

E. Access management and pedestrian circulation. To create safe and comfortable circulation for pedestrians, interaction between motor vehicles and pedestrians should be minimized by considering the following design guidelines:

(1) Provide clear crossing areas for pedestrians.

(2) Limit the number of entry points and curb cuts to a development.

(3) Providing motor vehicle connections to adjacent lots and developments through shared access roads and linked parking.

(4) Pedestrian walkways, marked crosswalks and multi-use paths should be used to connect buildings to one another, to parking areas, and to public streets and sidewalks.

(5) Facilities for pedestrian and bicycle circulation within the site, and connection of such facilities to adjoining properties and facilities, are encouraged.

(6) Establish a pleasant, walkable environment for pedestrians through landscaped sidewalks.

(7) Utilize a consistent theme of street trees, other landscaping elements, and pedestrian amenities to provide a unified streetscape.

F. Landscaping. Landscaping should be designed to serve several functions, including softening and framing building structures, highlighting building and vehicle entrances, defining pedestrian movement, screening undesirable views, and perform stormwater management functions by considering the following:

(1) Install appropriate landscaping to provide visual cues about location by using consistent plantings and hardscape throughout an area, but which is unique to each area.

(2) In existing commercial strips, expand green space and planting areas to improve the aesthetics.

(3) In new projects, use open space as an integral component of the design scheme, rather than as a remnant of the development process.

(4) Plant street trees for shade and to enclose the street and define the edge of public and private space. Existing specimen trees should be used to the extent feasible.

(5) Landscape parking areas to provide visual relief, shade and buffers to adjoining uses. Trees, shrubs, flowers, and ground cover should be used as appropriate.

(6) Large impervious surfaces should be divided into smaller units through the use of landscaped medians and islands.

(7) Courtyards, parks, and similar green spaces should be considered to provide transitions between commercial and other uses.

(8) Provide landscaping that complements the building and highlights access points.

(9) Landscaped areas in or adjacent to parking or other impervious surfaces should be designed to function as stormwater management facilities.

(10) Provide landscaped buffers to visually screen parking lots.

(11) Minimize use of invasive species of trees, shrubs, and flowers for landscaping and renovation. Instead, utilize plant species native to the area to the greatest extent practicable.

G. Signs. The use of signs as design elements is important for maintaining a desirable community character and should consider the following:

(1) Signs should be at a scale appropriate to the use and volume of the facility.

(2) Signs should be maintained to avoid visual blight and provide a fair and competitive economic environment.

(3) Buildings or their architectural treatments should not be so garish in line, color, or effect so as to constitute a sign in themselves.

EXHIBIT B

Westmere Corridor Study Excerpts

FINAL REPORT

Westmere Corridor Study

Prepared for the Town of Guilderland and the Capital District Transportation Committee
by IBI Group
With River Street Planning and Development | T. R. Johnson Engineering, PLLC
December 2nd, 2016

Map 1-2: Corridor Segments Key Map

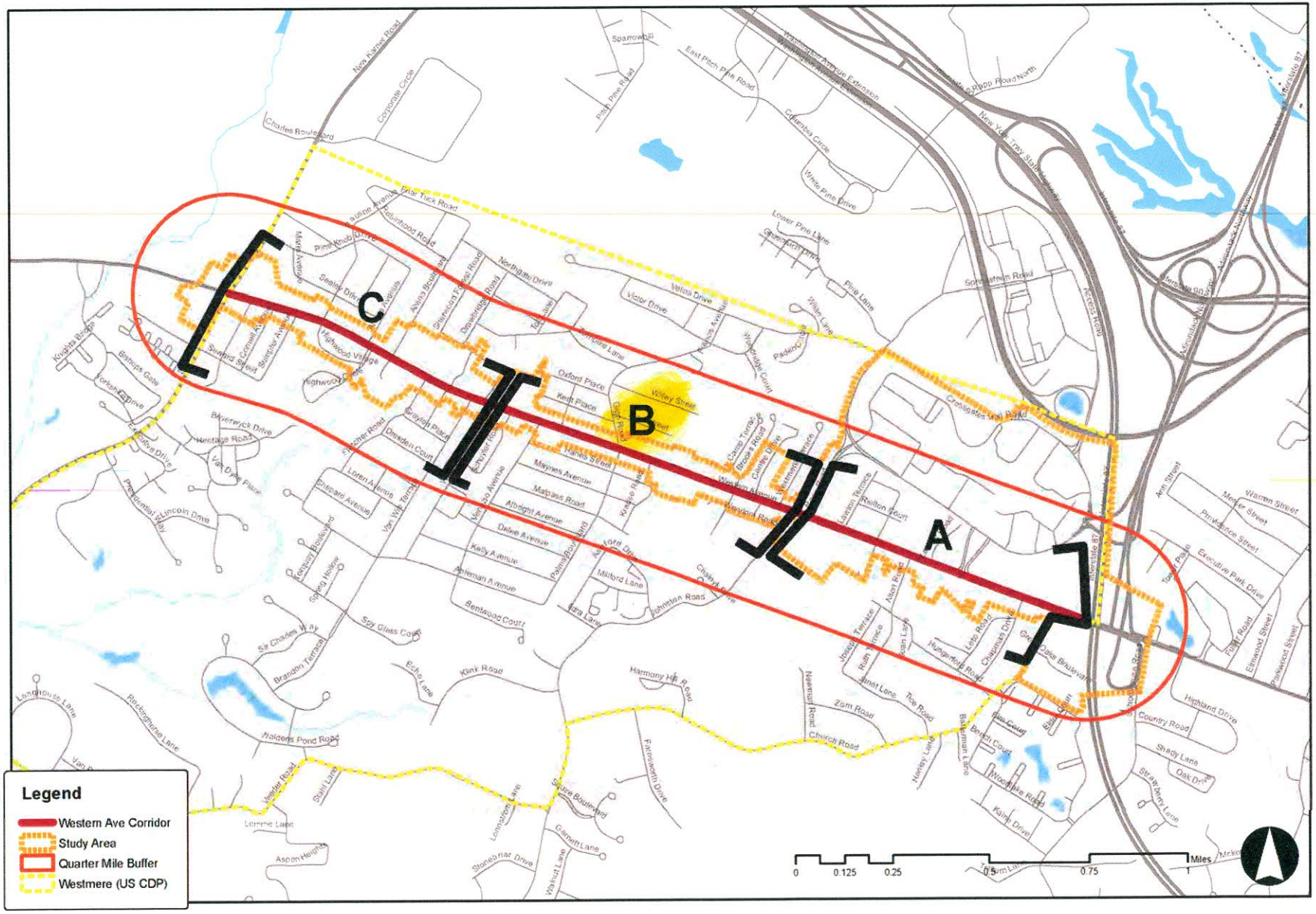


Figure 4-6: Streetscape Segment B – Small Scale Mixed Use and Residential

5.1.1.1 Create a Transit Oriented Development Neighborhood

Transit Oriented Development (TOD) focuses on creating neighborhoods or areas that are pedestrian friendly, supportive of transit and emphasize alternate modes of transportation. The TOD model provides a mix of housing, shopping, entertainment and employment within walking distance (½ mile) of transit which, in Guilderland's case, is bus and bus rapid transit service (BRT) with a BRT stop planned for this area within the next three years. A TOD neighborhood is expected to be fairly dense to keep walking distances shorter and maximize the number of people living in, working and visiting the area.

While several elements of TOD are recommended throughout the Westmere Corridor with regard to access management, traffic calming, pedestrian, bicycle and transit improvements, this particular part of the corridor has critical features that would be necessary for a successful TOD neighborhood. These features include the availability of underutilized or vacant land adjacent to major destinations that attract high volumes of people (such as shopping, entertainment and employment centers) and could support high ridership transit stops. The missing elements, mixed-use structures and compact, walkable more "urban" form can be created when land exists to integrate and transition uses into a more connected area with short street blocks, mixed use buildings, public spaces and a strong pedestrian, bicycle and transit presence.

This recommendation is discussed in detail in Section 5.2.

5.1.2 Central Segment

The central segment of this corridor is unique. It has small-scale retail and offices flanking single family residential neighborhoods, characterized by small lot sizes, smaller block sizes, and an interconnected street network. Many of the commercial establishments are in converted single family homes, the physical character of which has been maintained. The zoning for this segment is generally "Local Business," reflecting the small scale commercial strips and converted single family homes.

Figure 5-2: Small scale retail frontages in the central segment

5.1.2.1 Maintain existing scale and character

The character of this part of the corridor is more traditional, resulting from the conversion of many single family homes to office and service related businesses. The traditional street grid with a more walkable compact form from the days of being a residential neighborhood is maintained. The local retail and services in more traditional commercial spaces reflect the same scale. As a result, this section of the corridor represents the most cohesive scale and architecture. As such 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. The Town's Zoning Ordinance, as modified in 2016, includes general design standards that require maintenance of existing character. This will be an important tool for protecting the character of this neighborhood, as well as supporting strong local businesses and an overall resilient town economy that relies on the appeal of the area. Additional more specific standards that could be employed for this area through the use of an overlay include:

- Capping the size of structures at 15,000 SF
- Capping the length of an individual building facades at 30-50 linear feet
- Requiring architectural elements that are compatible with the residential architecture and neighborhoods. For example, pitched roofs, siding and large window coverage on the first floor should be required while flat roofed, plain concrete-walled structures with few windows should be prohibited.

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Figure 5-3: Example of compatible infill architecture and scale: pitched roofs, residential architecture and scale, landscaping, low profile signage.

Figure 5-4: Example of incompatible infill architecture: flat roofed, unattractive windows, large setback, parking in front, and minimal landscaping. (Google Street View, Western Ave., Albany)

5.1.2.2 Access Management Opportunities

The compact form and more traditional neighborhood street grid with parking lots located in the rear of lots creates opportunities for improved access management for development projects. The Town requires that access management improvements be a part of a development project when practicable – this includes projects related to expansions and site alterations to existing developed sites. There are potential locations for diverting cars and non-motorized traffic to side streets or creating shared access alleyways or driveways that would avoid accessing properties from Western Avenue. Consideration of these side connections and shared driveways should be integrated as part of a new development site planning. See Section 5.3.1, Cross Access and Driveway Consolidation for more recommendations.

5.1.2.3 Enhance Pedestrian Connectivity and Amenities

The compact form of development and traditional neighborhood uses and scale, with buildings closer to the road and parking in the rear, naturally created a more walkable environment than the rest of the study area. The arterial, in essence feels narrower and more walkable. As with access management considerations, Town Planners should work with developers and property owners to enhance the walkability of the area through rear lot connections and connections to the new sidewalks, bus stops, street trees and other landscaping and pedestrian amenities.

5.1.2.4 Increase use of green infrastructure and landscaping

All infill development, redevelopment, and expansion projects should include the use of green infrastructure, which will improve storm water management and increase aesthetic appeal, wherever possible. Green infrastructure elements can include sustainable (such as pervious) paving, green roofs, rain gardens, and increased landscaping and green space. Parking lots should be broken up with landscaped areas wide enough for proper plant, shrub and tree growth and water absorption. Existing trees should be preserved to the extent possible.

Landscaping in front yards would improve the aesthetic feel and walkability of the corridor. Landscaping options could include trees, shrubs, plants and green space on the perimeter of parking lots, within parking lots, along road frontage, adjacent to transit stops, corners or other gathering locations. The 2016 updates to the Guilderland zoning code include provisions for encouraging green infrastructure and landscaping around and on surface parking lots.

Figure 5-5: Example of a green roof on a hotel in Lake Placid, NY

- Extension of Lawton Terrace south;
- Extension of Rielton Court east;
- New street connections on underutilized "outparcels" associated with Crossgates Mall;
- New streets running east and west of Rapp Road; and
- New street connections or improved access to key destination sites within, and adjacent to the TOD area including all transit stops, Town Center Plaza, Great Oaks Office Park, and the Wolanin apartment complex.

5.2.2.2 Compact Development Form

The design of new streets in the proposed TOD area should consider shorter blocks, sidewalks and bicycle travel lanes. The following standards could be incorporated:

- Small blocks, generally 300 feet long or less, with 400 feet as the maximum length of any block or single building.
- Sidewalks of sufficient width on both sides of all streets for bus stops, for pedestrians to comfortably walk, for outdoor commercial signage, and for activity to take place with separation between the pedestrian realm and vehicular traffic.
- Accommodations for shelters/transit amenities where appropriate.
- Bike lanes and bicycle facilities, including convenient bicycle parking facilities both in new developments, along public street frontages and at transit stops.
- Avoiding high vehicular volume streets in favor of complete streets designed to accommodate all roadway users at low travel speeds.
- Pedestrian and bicycle connections made to adjacent neighborhoods to provide connectivity to and within the TOD.

5.2.2.3 Maintain Emphasis on Access Management

Access management is already recognized as a critically important element of any site design in the Town of Guilderland. The existing zoning encourages shared driveways, rear access, pedestrian connection integration and more.

5.2.2.4 Improve Gateways

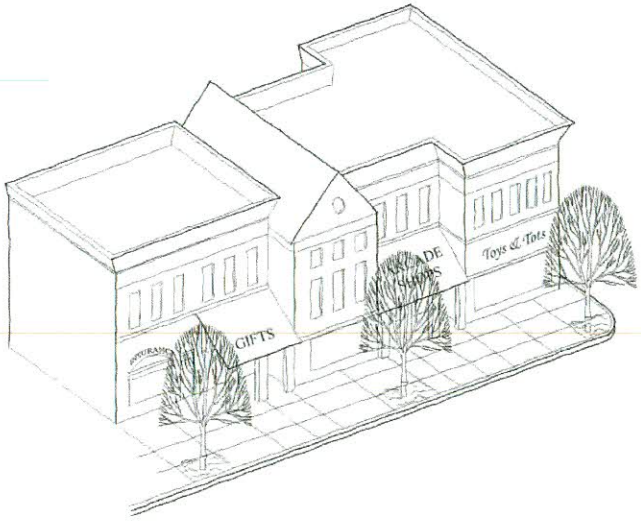
Enhancing gateways can be achieved by accentuating elements in the public right-of-way, adjacent buildings or structures, or a combination of both. Other components, such as signs, lighting systems, marquees, public art, or landscaping could be used to further emphasize gateway locations. This approach is consistent with other recommendations in the Westmere Corridor to include gateway treatments and the character and design of the elements elsewhere on the corridor should be reasonably consistent.

5.2.3 Building Design

All new buildings within a TOD should consider scale and massing, use ground level building elements and building architectural treatments to enhance the pedestrian experience.

5.2.3.1 Scale and Massing

Buildings should be similar in height and size or articulated and subdivided into massing that is more or less proportional to adjacent structures and maintains the existing architectural rhythm. Non-residential and mixed use buildings should have at least a 3- to 5-foot break in depth in all street façades for every 50 feet of continuous façade, although 30 feet or less is preferred. Use of bay windows, porches, porticos, building extensions, towers, recessed doorways, and other architectural treatments will help establish and reinforce the character of the area.



5.2.3.2 Buildings and Pedestrian Connections

The design of buildings should be heavily focused on the ground floor or public realm in terms of architecture, scale, entrances and amenities. Buildings and the adjacent public realm should include the following elements:

- Orienting buildings to the street with a consistent build-to line with maximum setbacks of no more than 15 feet.
- Incorporating large ground floor windows facing the sidewalk.
- Expanding the "sidewalk level" of the building and providing pedestrian access and commercial activity at points closest to transit routes.
- Emphasizing the visual connection of the pedestrian to the building and enhancing the quality of the pedestrian experience at the ground/street level.

5.2.3.3 Orientation and Entrances

Buildings should be parallel to the street frontage property line with primary building entrances, architectural elements and detailing oriented toward the primary public street or right-of-way with respect to architecture and detailing. A building's relationship within the block should be considered and entrances to buildings should be incorporated midblock when possible. All entrances should be illuminated for safety and accentuated using architectural elements such as a recessed or protruding doorways, and/or inclusion of a canopy, portico or overhang should be used whenever possible to provide continuity and weather sheltering.

Where rear parking is provided, a secondary rear entrance is encouraged. The design of the rear entrance and façade should not compete with the main entrance but should complement the main entrance and be appropriately signed and marked to indicate a rear entrance.

5.2.3.4 Windows

Street level primary facades should have a minimum of 60% window coverage and a transparent door area, with views into the businesses. Street level windows should be a maximum of 24 inches above the sidewalk. All floors other than the street level of the primary façade facing a street, right-of-way, parking lot or walkway should have a minimum of 30% window coverage

5.2.3.5 Integrate Encroachments

Encroachments are elements of a development that are either inserted within the public right-of-way or project beyond the property line into the right-of-way. Examples include art installations, balconies, bay windows, marquees and canopies, among others. Many of these contribute to the development of a successful pedestrian environment, and need to be integrated with the building's design and the affected right(s)-of way. Generally, encroachments should be incorporated where they do not detract from the pedestrian environment or important public views. Integrating works of art can be an example of an encroachment. Encroachments in the Westmere corridor would be strictly limited to Town or private rights-of-way, and would not conflict with state road ROW.

5.2.5.2 Parking lot location

It is almost always preferable to locate parking behind or to the side of a structure. Where it is unavoidable that parking be located near a sidewalk, it should be screened with a combination of landscape plantings and built structures to create a build-to line and frame the pedestrian realm. The 2016 zoning code update highly encourages placement of surface parking in the rear of structures, away from the street and pedestrians.

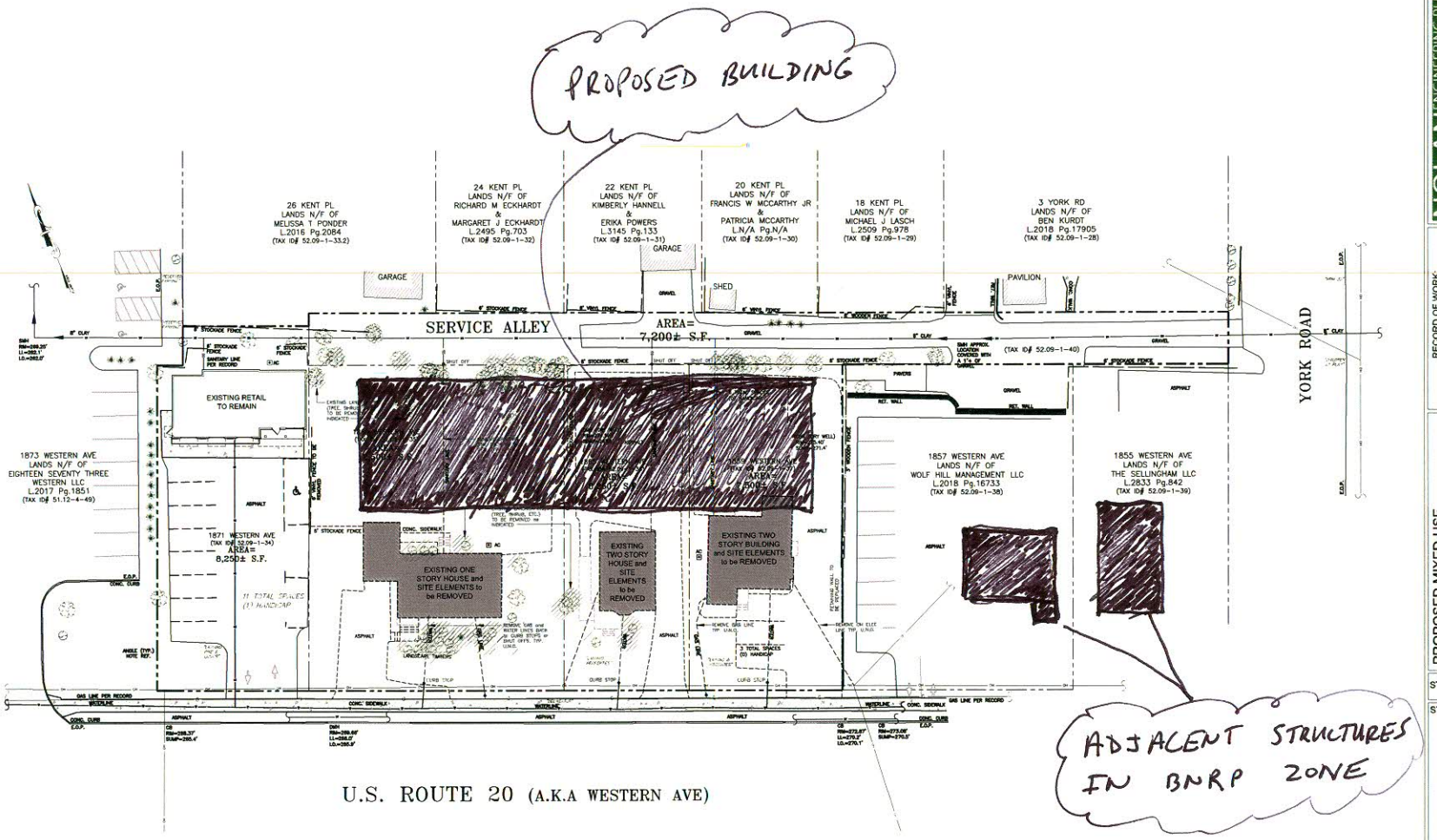
5.2.5.3 Structured parking

The design of the parking should complement the area by responding to the uses, orientations, street functions, and materials of the surrounding context. Views of parked cars should be screened from the pedestrian environment with elements such as artwork or landscape plantings. Wherever possible, parking areas should be wrapped with spaces habitable by people, ideally, retail, commercial or institutional uses. Below-grade structured parking is preferable to above-grade structured parking. However, planning for underground structured parking in the area around Crossgates Mall will have to take into consideration the presence of wetlands and a high water table, which may complicate construction.

EXHIBIT C

Neighborhood Aerial Photo


PROPOSED STRUCTURE
INAPPROPRIATE SETBACK - OUT OF CHARACTER WITH BUILDINGS ON THE STREET FRONTAGE
MASS OF BUILDING NOT AT COMPATIBLE SCALE
ESTABLISHED BUILDING WALL



1 S100 **REMOVALS PLAN**
SCALE: 1" = 20'-0"

NOLAN ENGINEERING PLLC
RICHARD E. NOLAN, PE - LICENSE # 083929
NEW YORK STATE LICENSED PROFESSIONAL ENGINEER
333 KINGSLEY ROAD - BURNT HILLS, NY 12027 - (518) 280-3190
WEBSITE: WWW.NOLANENGINEERING.COM - EMAIL: RICHARD@NOLANENGINEERING.COM

RECORD OF WORK:

DATE:	DESCRIPTION:	BY:

PROPOSED MIXED-USE
COMMERCIAL BUILDING
GUILDERLAND, NY

1859-1871 WESTERN AVE
GUILDERLAND, NY 12203

OWNER: CHRISTOPHER LAVIANO

START DATE:

STAMP:

DATE: 12.29.2022

FILE:

PAGE CONTENT:
REMOVALS PLAN

DESIGNER:	ENGINEER:
J. CANDIDA	NOLAN

PAPER SIZE:	SCALE:
D (24"x36")	AS NOTED

SHEET:
S100