

TOWN OF GUILDERLAND

Peter G. Barber
Supervisor

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MEMORANDUM

TO: Peter G. Barber, Supervisor
& Town Board

FROM: Kenneth Kovalchik, AICP, Town Planner

Date: May 11, 2023

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

Introduction

An 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 0.45 +/- 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 is the parcel under consideration for the change in zone. Lots 2-3, located on Hanes Street, are located in the Single-family Residential (R15) District and the zoning will remain the same.

Albany County Planning Board

Considering the parcel is located on a State roadway, the application was referred to the Albany County Planning Board (ACPB) for review at their May 18th meeting.

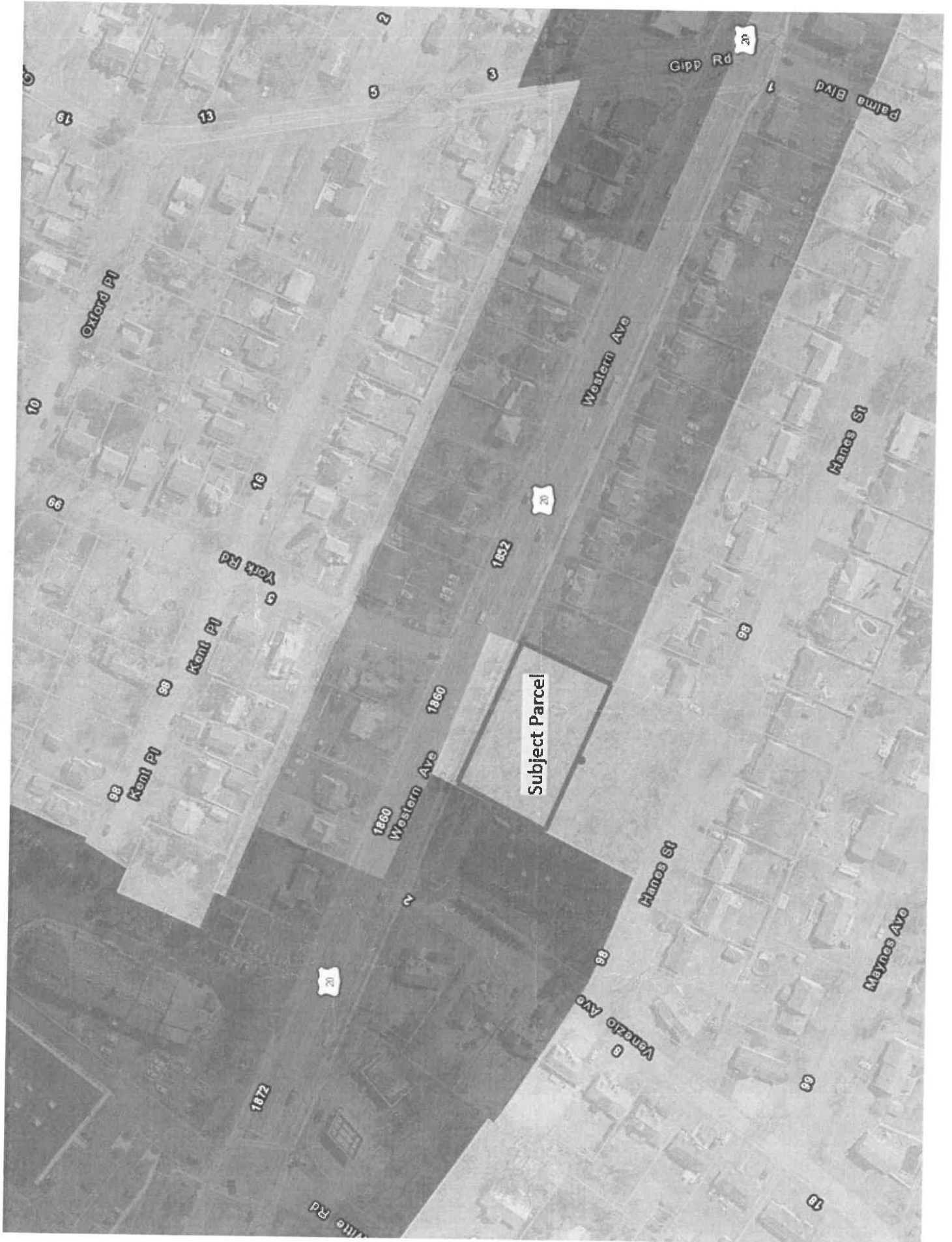
Town Planner Comments:

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

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.

Next Steps:

If the Town Board accepts the application, it should be referred to the Planning Board for review, comment and recommendations for Town Board consideration.



Subject Parcel

Oxford Pl

Kent Pl

Kent Pl

York Rd

1860 Western Ave

1852

Western Ave

Manos St

Venozio Ave

Manos St

Maynes Ave

Palma Blvd

Gipp Rd

Little Rd

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:

Request zoning change for R-15 to LB Tax Map#: 52.09-6-2.1
Total Acreage: .45 Parcel Depth: 103.25

PROPERTY INFORMATION

Describe any existing structures on the property: Vacant land

Describe the present use of the property: Vacant land

NEIGHBORHOOD DESCRIPTION

Zoning classification of all adjoin parcels:

North: Commerical buildings South: Vacant land
East: BNRP Zoned Homes West: Commerical buildings

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

Character and use of all surrounding parcels:

North: Large buildings South: Vacant land / Backing to R-15 lots
East: BNRP Zoned Homes West: Large Commerical building zoned LB

Approximate distance to nearest parcel of different zoning classification indicating exact location, zoning, character and use of last mentioned parcel:

Directly East of 1854 Western Ave. BNRP Zoned Single Family home.

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 Laviano
Print or Type Name

2/27/23
Date

**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</u>			
Project Location (describe, and attach a location map): <u>1854 Western Ave</u>			
Brief Description of Proposed Action: <u>Convert R-15 Lot on Western Ave to LB zoning</u>			
Name of Applicant or Sponsor: <u>Christopher Laviano</u>		Telephone: <u>518-461-4157</u>	
		Email: <u>Laviano370@gmail.com</u>	
Address: <u>1854 Western Ave</u>			
City/PO: <u>Albany</u>		State: <u>NY</u>	Zip Code: <u>12203</u>
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? 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.		NO	YES
		<input checked="" type="checkbox"/>	<input 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>.45</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 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 type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input checked="" 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 State 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"/>	
	<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: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grassland <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input checked="" type="checkbox"/> 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, a. Will storm water discharges flow to adjacent properties? b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If YES, briefly describe: _____ _____	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>
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: <u>Christopher Louiano</u> Date: <u>2/27/23</u> Signature: <u>[Signature]</u> Title: <u>owner</u>		

Short Environmental Assessment Form
Part 2 – Impact Assessment

Part 2 is to be completed by the Lead Agency.

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions, the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action results in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walking?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
a. public / private water supplies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>