

# TOWN OF GUILDERLAND

## Planning Department

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Town Planner



## MEMORANDUM

TO: Elizabeth Lott, Chair  
& Town Zoning Board

FROM: Kenneth Kovalchik, AICP, Town Planner

DATE: May 23, 2024

SUBJ: **4 Crossgates Mall Road – NYOH Cancer Treatment Center – Columbia Development Planning Board Site Plan Report to Zoning Board**

### Background

The Applicant (Columbia Development Companies) is proposing an approximate 120,000 square foot, three (3) story facility, which will be occupied by New York Oncology Hematology, on 8.36 acres of land located in the Transit Oriented Development District. The parcel fronts Crossgates Mall Road and access to the site will be provided from Gabriel Terrace and New Lehner Road. The proposed use requires a minimum of 760 parking spaces and the applicant is proposing to install 600 parking spaces, which includes 25 accessible parking spaces. The applicant filed an area variance requesting a reduction in parking.

### Environmental Impact Statement (EIS)

In November 2019 Crossgates Releasco, LLC filed an application with the Guilderland Zoning Board of Appeals ("ZBA") for a Special Use Permit to construct a Costco project at the northeast corner of Western Avenue and Crossgates Mall Road (the "Site"). The Application proposes to develop the Costco retail facility on the Site, and includes a fueling facility, parking spaces, and related site development improvements (the "Project").

At the time of the Costco Application, the Applicant also had an application for the development of an apartment project on the west side of Rapp Road pending before the Town of Guilderland Planning Board (the "Planning Board") and owned a third potential future development site (proposed NYOH site) immediately east of the Costco Project site. In July 2019 the Planning Board declared itself lead agency pursuant to the State Environmental Quality Review Act ("SEQRA") for the apartment project, and determined that the scope of its environmental review would include the cumulative impacts from the apartment project, the Costco Project, and the potential future development site (NYOH site).

In its role as SEQRA Lead Agency, the Planning Board required the preparation of a Draft Environmental and Final Environmental Impact Statement analyzing the environmental impacts of all three sites, including the NYOH site. The Planning Board's SEQRA review included two lengthy public hearings, over 600 written comments from the public and interested parties and agencies, multiple expert reports, and a record extending to 3,000+ pages. The Final Environmental Impact Statement identified, examined, and evaluated relevant areas of environmental concern on the following topics:

- Biological, Terrestrial, and Ecology
- Historic, Cultural, and Archeological Resources
- Traffic and Transportation
- Land Use and Zoning
- Character of the Community and Neighborhood
- Schools, Community Facilities, and Municipal Services
- Air Quality and Noise
- Municipal Revenues and Finances
- Alternatives
- Water Resources

On August 28, 2020 the Planning Board issued its 58-page SEQRA Findings Statement, concluding that the three-site development analyzed in the EIS, including the Costco Project, "minimizes potential environmental impacts to the maximum extent practicable and will provide the necessary balance between the protection of the environment and the need to accommodate social and economic considerations".

These SEQRA proceedings, and the Planning Board's role as SEQRA lead agency, were the subject of litigation in federal court and two cases in state court. The Planning Board prevailed in all cases and the integrity of the substantive and procedural aspects of the environmental review of the two projects, in addition to the NYOH site, was upheld by the courts. The Zoning Board of Appeals approval of the Costco Special Use Permit in May 2023 was challenged via a CPLR Article 78 proceeding in NYS Supreme Court. On December 29, 2023 the court dismissed the case in its entirety finding the petition lacked merit.

### **Planning Board Site Plan Recommendation**

The Planning Board reviewed the NYOH site plan at their January 10, 2024 and May 22, 2024 meetings. The Planning Board used the services of a Town Designated Engineer (TDE) to assist in reviewing traffic related items, such as:

- Review of the trip generation assessment report.
- Review of the truck turning radius plan to ensure delivery vehicles and Westmere Fire Department apparatus can effectively maneuver throughout the site.
- Review of the intersection and Signage Plan.
- Review of the site plan and pedestrian access plan, focusing on driveway entrance radius, crosswalk locations and design, pedestrian connections from the parking lot area to the

building, pedestrian connections from Gabriel Terrace and New Lehner Road, and recommendations for any offsite improvements to Crossgates Mall Road and CDTA Purple Line Stop.

There were multiple rounds of review comments between the TDE and applicant related to the items listed above, in addition to the site plan being revised incorporating the comments and recommendations from the TDE. In a letter dated May 17, 2024 the TDE stated the applicant has sufficiently addressed all prior comments.

In a meeting on May 22, 2024 the Town Planner and Planning Board Chairman had a meeting with the TDE related to a few additional minor revisions to the site plan that should be incorporated on the plans. A summary of the comments and revisions are summarized in the attached email from the TDE dated May 22, 2024.

The Planning Board recommends the comments listed in the May 22, 2024 email from the TDE be incorporated on the site plans prior to the Zoning Board's consideration of the special use permit.

The Site Plan recommendations in this site plan report have been fully analyzed by the Planning Board and are within the scope of the previous SEQRA review conducted by the Planning Board as SEQRA Lead Agency. These recommendations do not raise any new issues or significant adverse impacts requiring additional SEQRA proceedings

#### **SEQRA Concurrence**

The Planning Board recommends that the Zoning Board of Appeals ratify and affirm the Planning Board's August 28, 2020 SEQRA Findings Statement and conclusion that all potential significant adverse environmental impacts from the NYOH Cancer Center Treatment Facility have been mitigated to the maximum extent practicable and the elements of and conditions associated with the Project will provide the necessary balance between protection of the environment and the need to accommodate social and economic considerations.



Kenneth Kovalchik &lt;kovalchikk@togny.org&gt;

## NYOH Traffic Review - Additional Comments

1 message

**Michael Wieszchowski** <mwieszchowski@gpinet.com>

Wed, May 22, 2024 at 10:57 AM

To: Kenneth Kovalchik &lt;kovalchikk@togny.org&gt;

Cc: Steve Feeney &lt;Steve.Feeney@schenectadycountyny.gov&gt;, Ryan Trunko &lt;rtrunko@gpinet.com&gt;

Hi gentlemen, as discussed in our phone call today, there are a few minor comments concerning pedestrian connection at the NYOH site than should be addressed before the site plan is finalized. They include:

- The crosswalk across the site's northern driveway at Gabriel Terrace should be removed. It does not serve any purpose as it is not a natural pedestrian route to the building, and it is problematic for vehicles exiting the site.
- The crosswalk immediately east of the drop off area should be moved to the next island to the west, to put the crossing at a more natural location. Sidewalks should be added along more of the northern islands to ensure each parking aisle has access to one of the crosswalks across the driveway to the building.
- Sidewalk running from Western Ave to the Site along Gabriel Terrace should ideally be placed to allow for a 5 foot snow storage area between the sidewalk and roadway.
- Pedestrian crossing signs should be placed as detailed in the NYS Pedestrian Safety Action Plan (see details on pages 55-56 of the attached document)

If you have any questions, just let me know.

-Mike

Michael Wieszchowski, P.E., PTOE  
*Vice President / Director of Traffic Engineering*

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