



GUILDERLAND PLANNING BOARD
PLANNING BOARD
P A C K E T
JANUARY 25, 2023
07:00 PM

A G E N D A
GUILDERLAND PLANNING BOARD
PLANNING BOARD
JANUARY 25, 2023
07:00 PM

1. Call to Order

2. Approval of Minutes

- December 14, 2022 and January 11, 2023

3. Concept Plan Review for a 2 Lot Minor Subdivision - 5601 Grant Hill Road - John Noppa and Carolyn Jonientz

The applicant is proposing a 2 lot minor subdivision on 8.09 acres of land located in the Rural Agricultural (RA3) District. Lot 1 would consist of 3.6 acres and Lot 2 would consist of 4.5 acres.

Attachment: [Town Planner Memo](#)

Attachment: [Noppa and Jonientz Minor Sub Application.pdf](#)

Attachment: [Noppa and Jonientz Minor Subdivision Concept Plan.pdf](#)

Attachment: [Noppa and Jonientz Minor Sub Project Narrative.pdf](#)

Attachment: [Noppa and Jonientz Minor Sub SEQR EAF.pdf](#)

Attachment: [Noppa and Jonientz Location map.pdf](#)

Attachment: [Noppa and Jonientz Tax Map.pdf](#)

4. Site Plan Review Associated with a Special Use Permit - Eggcellent Restaurant - 2 Alton Road - Eason Cheung

The applicant is proposing a change in tenancy for a restaurant use (Bubble Tea) within an existing building located on 0.41 acres in the Local Business (LB) District.

Attachment: [Eggcellent Application.pdf](#)

Attachment: [Eggcellent Project Narrative.pdf](#)

Attachment: [Eggcellent SEQR EAF.pdf](#)

Attachment: [Eggcellent Site Plan.pdf](#)

5. Site Plan Review Associated with a Special Use Permit - Mixed-Use Building at 1859-1871 Western Ave - Chris Laviano

The applicant is proposing a mixed-use building on 0.957 acres located in the Local Business (LB) District, Business Non-Retail Professional (BNRP) District and Single-family Residential (R20) District. The applicant is proposing to construct an 8,512 SF addition to the 1,134 SF liquor store which will house a new retail tenant and (5) office tenants on the ground floor. A 4,587 SF second story is proposed over the BNRP portion of the site which will house (4)

residential dwelling units.

Attachment: [Town Planner Memo](#)

Attachment: [SUP Application Laviano Mixed Use Building.pdf](#)

Attachment: [Laviano Mixed Use Building Project Narrative](#)

Attachment: [Laviano Mixed Use Building Site Plan](#)

Attachment: [Laviano Mixed Use Building SEQR EAF](#)

6. Other Business

7. Adjournment

TOWN OF GUILDERLAND

Peter G. Barber
Supervisor

Kenneth Kovalchik, AICP
Town Planner

Planning Department
Town Hall, Route 20
P.O. Box 339
Guilderland, NY 12084-0339
Phone: (518) 356-1980 x 1061
Fax: (518) 356-5514
Email: kovalchikk@togny.org



MEMORANDUM

TO: Stephen J. Feeney, Chairman
& Town Planning Board

FROM: Kenneth Kovalchik, AICP, Town Planner

DATE: January 19, 2023

SUBJ: 2 Lot Minor Subdivision – 5601 Grant Hill Road – John Noppa and Carolyn Jonientz
Concept Plan Review

Background

The applicant is proposing a 2 lot minor subdivision on 8.09 acres of land located in the Rural Agricultural (RA3) District. Lot 1 would consist of 3.6 acres and Lot 2 would consist of 4.5 acres. A single-family dwelling, with accessory structures is located on proposed Lot 1. Public water is available along Grant Hill Road. A private sewer system will need to be installed on Lot 2 and will need approval from the Albany County Department of Health.

Regarding access to Lot 2. In discussions with the applicant, they indicated they had a driveway permit previously approved by Albany County and a culvert has previously been installed.

The minor subdivision concept plan application did not include plans that were prepared by a licensed engineer or licensed land surveyor. Pursuant to Chapter 247 of the Town Subdivision Regulations a minor subdivision concept plan is not required to be prepared by a licensed engineer or surveyor. At the final plat phase of the minor subdivision the applicant will be required to submit plans prepared and stamped by a licensed engineer or surveyor.

Albany County Planning Board (ACPB)

Considering the parcel is located on a County Road (County Route 201) the application will be referred to the Albany County Planning Board for their February 16, 2023 meeting.

Conservation Advisory Council

The application will be referred to the Conservation Advisory Council for their February 13, 2023 meeting.

Visit the Town of Guilderland Website at <http://www.townofguilderland.org>

TOWN OF GUILDERLAND
APPLICATION FOR SUBDIVISION

RETURN TO:

Planning Department, Attn: Town Planner
Guilderland Town Hall, Rte 20
Guilderland, NY 12084
(518)356-1980 ext 1061
(518)356-1990 (fax)

FEES:

Subdivision Application Fee: Minor Concept Plan \$150 Subdivision Hearing Fee:
 Major Concept Plan \$500 Minor Final Plat - \$50 per lot
 Lot Line Amendment \$100 Major Preliminary Plat - \$75 per lot
 Fee in lieu of parkland reservation* - See §280-36 of Town Code
*Payable with building permit application

APPLICANT INFORMATION

Name: John Noppa, Carolyn Jonientz
Address: 5501 Grant Hill Rd
Yonkersville NY 12186
Zip: 12186
Phone #: 518-894-7315
Email: john.noppa@gmail.com

SUBDIVISION INFORMATION

Name of Subdivision: Noppa - Jonientz
General Location: Grant Hill Rd
Zoning: RA-3 Total Acreage: 8.1
Tax Map number(s): 6100-2-11.2
Number of Proposed Lots: 2

Relationship to property:

owner
contract vendee
other, explain

ENGINEER, ARCHITECT OR SURVEYOR: (if other than applicant)

Name: _____
Address: _____ Zip: _____
Phone: _____
Email: _____

PROPERTY DESCRIPTION

Current land use of the property: Residential
Briefly describe proposed project Separate parcel into two parcels

Generally describe any restrictions on the property (easements, deed restrictions, etc.): NONE

Does the property contain any of the following: Stream Pond Wetlands Other body of water
 Floodplain Steep Slopes Pine Bush Historic/Archeological Resources

If yes, please elaborate: _____

Water will be provided by:

Well Connect to existing Town water Extension of Water district

Sanitary sewer will be provided by:

Septic system Connect to existing Town sewer Extension of Sewer District

Will there be any land dedicated to the Town for a park or open space commonly owned by a Homeowner's Association?
 If yes, what is the percentage and proposed ownership of the open space? _____

AGREEMENT

The applicant hereby certifies that he/she is the owner of record of the above property, or that he/she has been duly authorized by the owner of record to make this application. Further, by signing this application, the owner/designee gives permission for a representative(s) of the Town of Guilderland to walk the property for the purposes of conducting a site review.

Signature of Owner: [Signature] Date: 12/16/22
Carolyn M. Jonientz 12/16/22

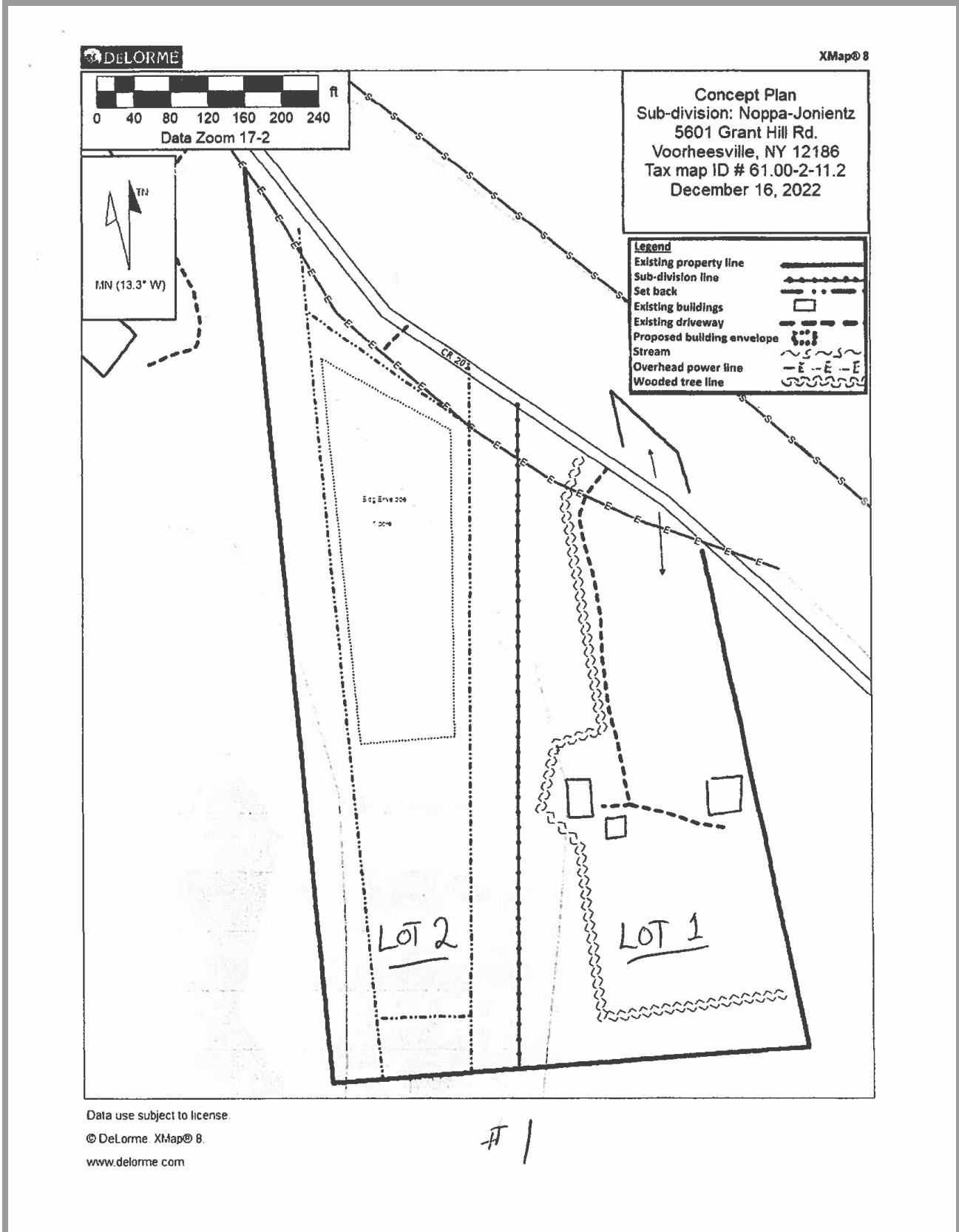
Noppa-Jonientz

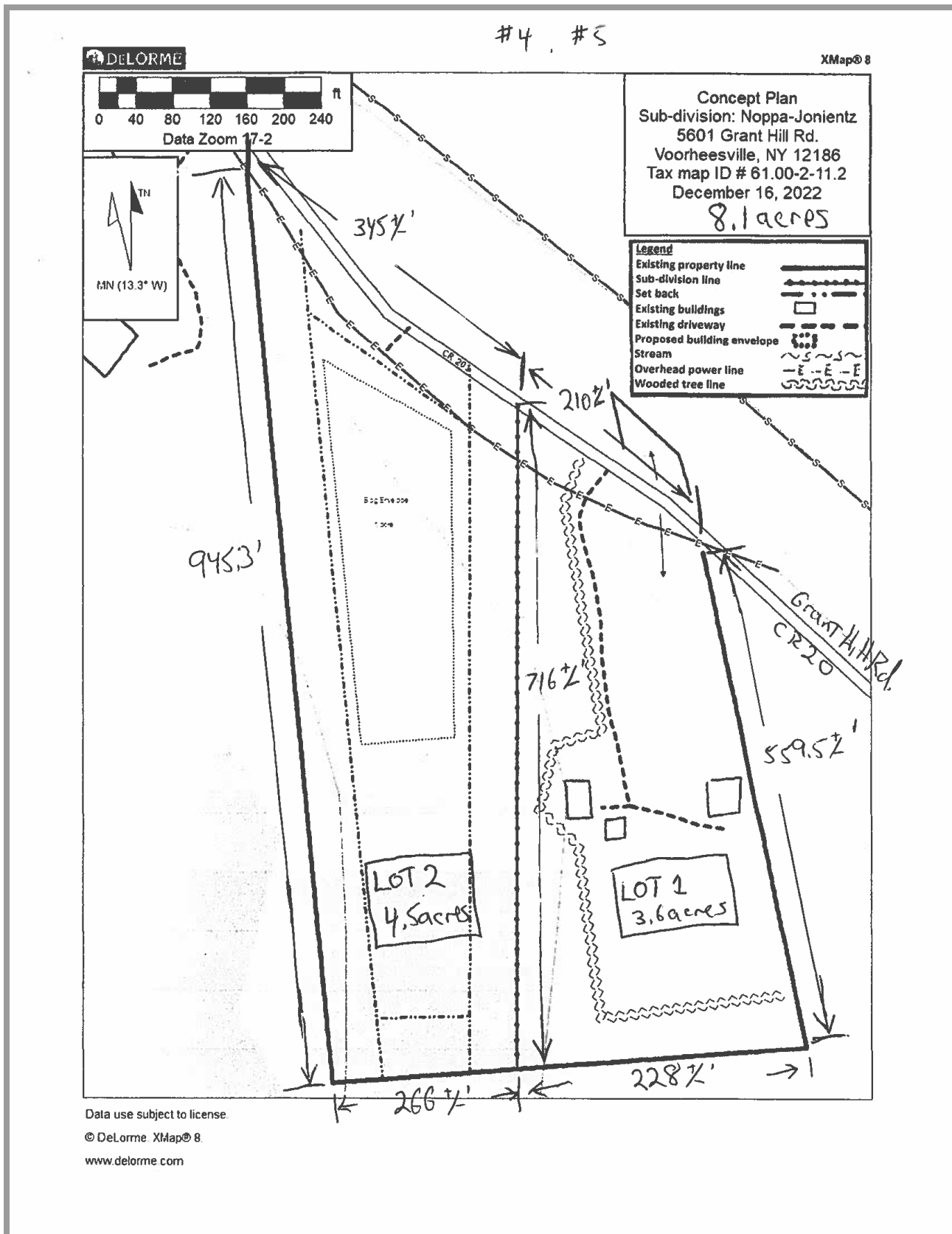
**Minor Subdivision Plat Data – Concept Plan
Checklist**

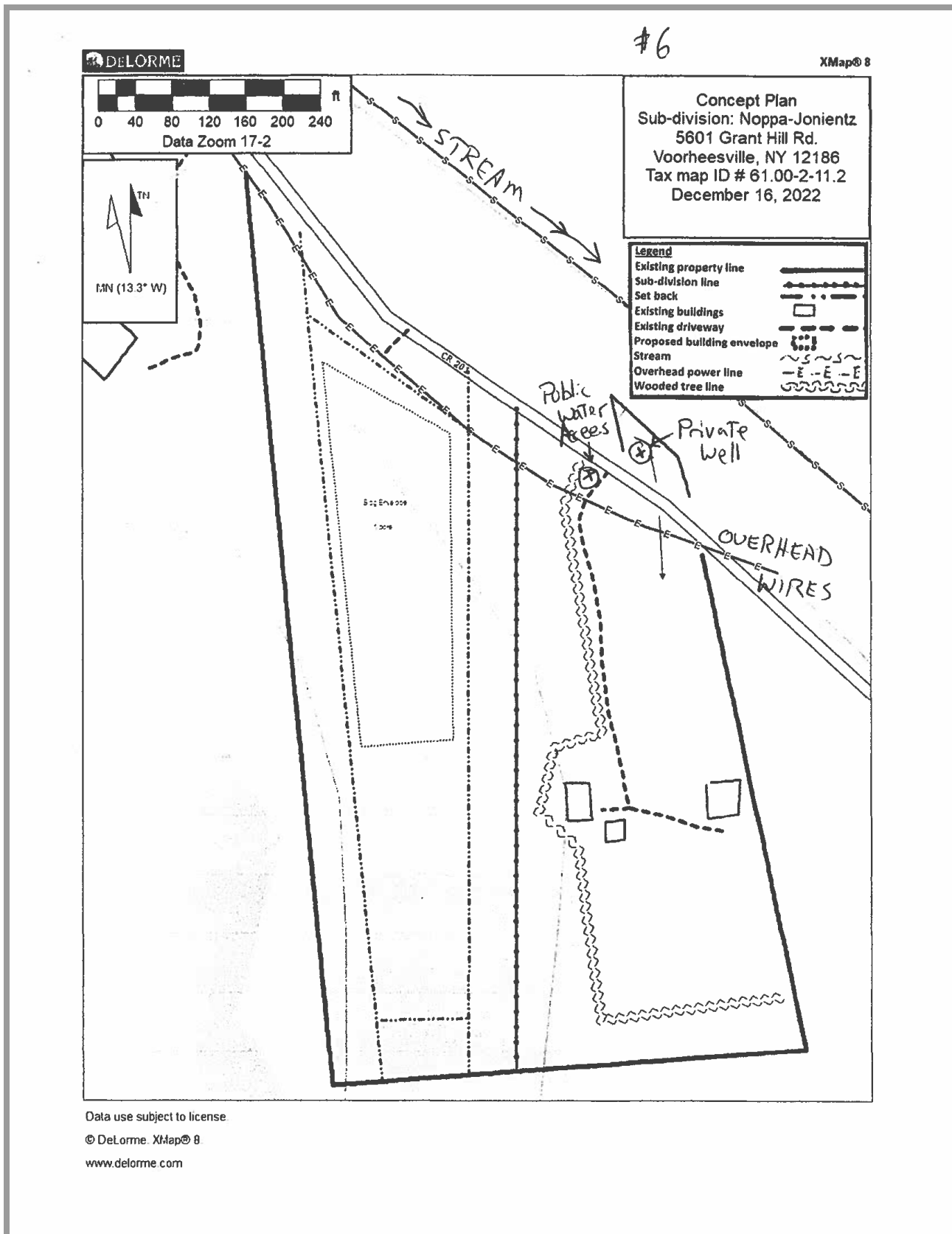
This application must be accompanied by 12 copies of a concept plan containing all information required by the Town of Guilderland’s Subdivision Regulations, and a check, payable to the Town of Guilderland, in the amount required by the above listed application fees. Pursuant to §247-8.B of Town Subdivision Regulations, the following data shall be included on the concept plan:

THIS COMPLETED CHECKLIST MUST BE SUBMITTED WITH YOUR APPLICATION

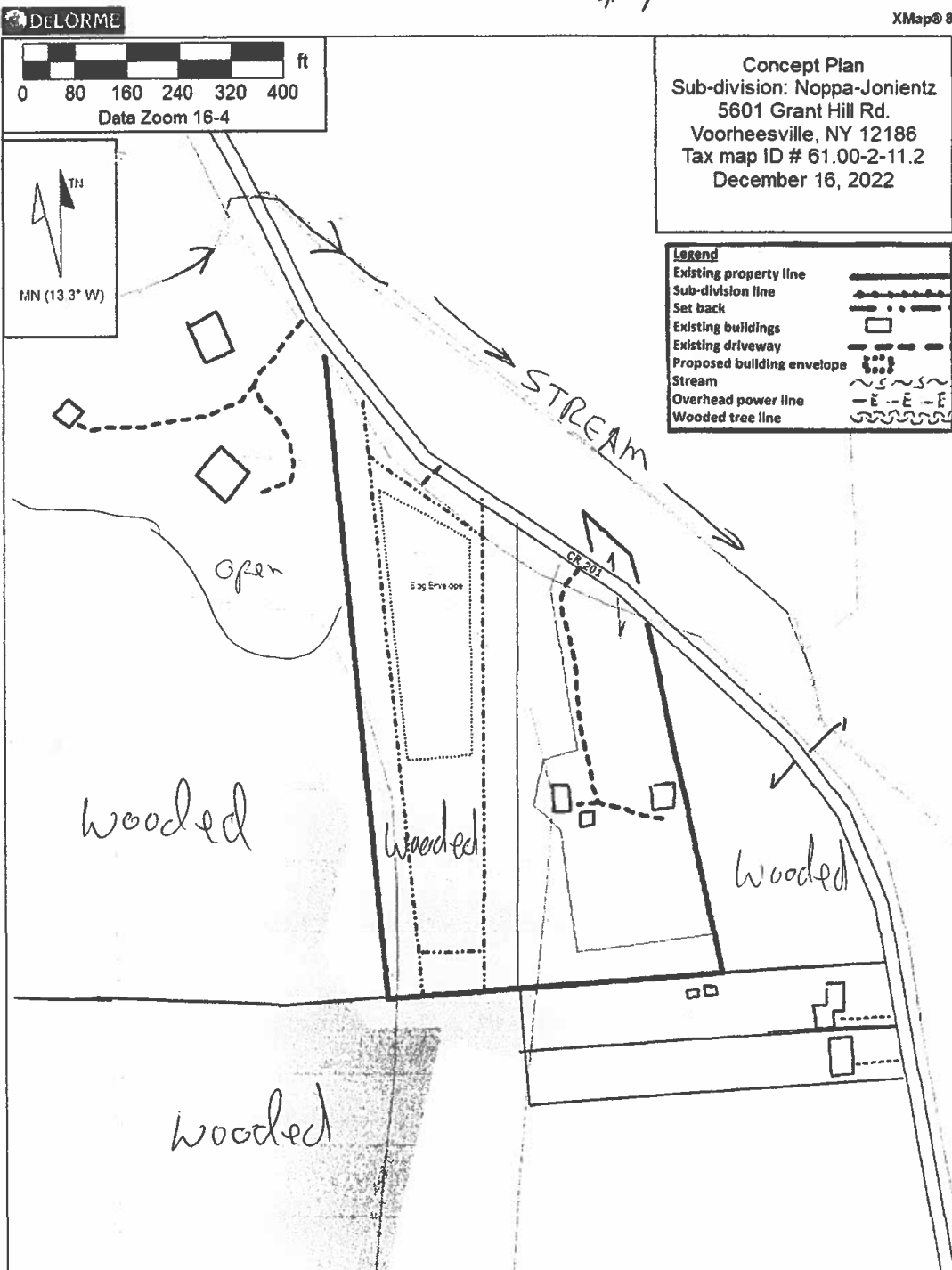
- 1) The subdivision name or title, if any; the scale, which shall be no less than one inch equals 100 feet; North direction, which shall be oriented toward the top of the plan; the plan date; and the label "Concept Plan."
- 2) The subdivision boundaries and the owners of all contiguous properties.
- 3) The zoning classification and tax map number(s) of the property to be subdivided.
- 4) The total acreage of the subdivision, the number and dimensions of lots, including lot width, depth, and acreage or square footage of every proposed lot.
- 5) All streets, either mapped or built, adjacent to the parcel.
- 6) All existing restrictions on the use of land, including easements and covenants.
- 7) All existing structures, wooded areas, watercourses, slopes of 12% or greater and other significant physical features within the part to be subdivided and within 200 feet of the proposed subdivision's boundaries.
- 8) The building envelope, which is determined by showing all the yard and other applicable setbacks in which proposed structures may be built.
- 9) *N/A* If applicable, the location and required setbacks from watercourses, wetlands, angle of repose reserves, protected slope reserves and the one-hundred-year floodplain.
- 10) Contours with intervals of not more than 20 feet. A copy of the New York State Department of Transportation quadrangle map depicting the area of the proposed subdivision is adequate for the concept submission.
- 11) A location map showing the scale, which shall not be less than one inch equals 2,000 feet.
- 12) A location map showing all streets and lands within at least 5,000 feet of the proposed subdivision.





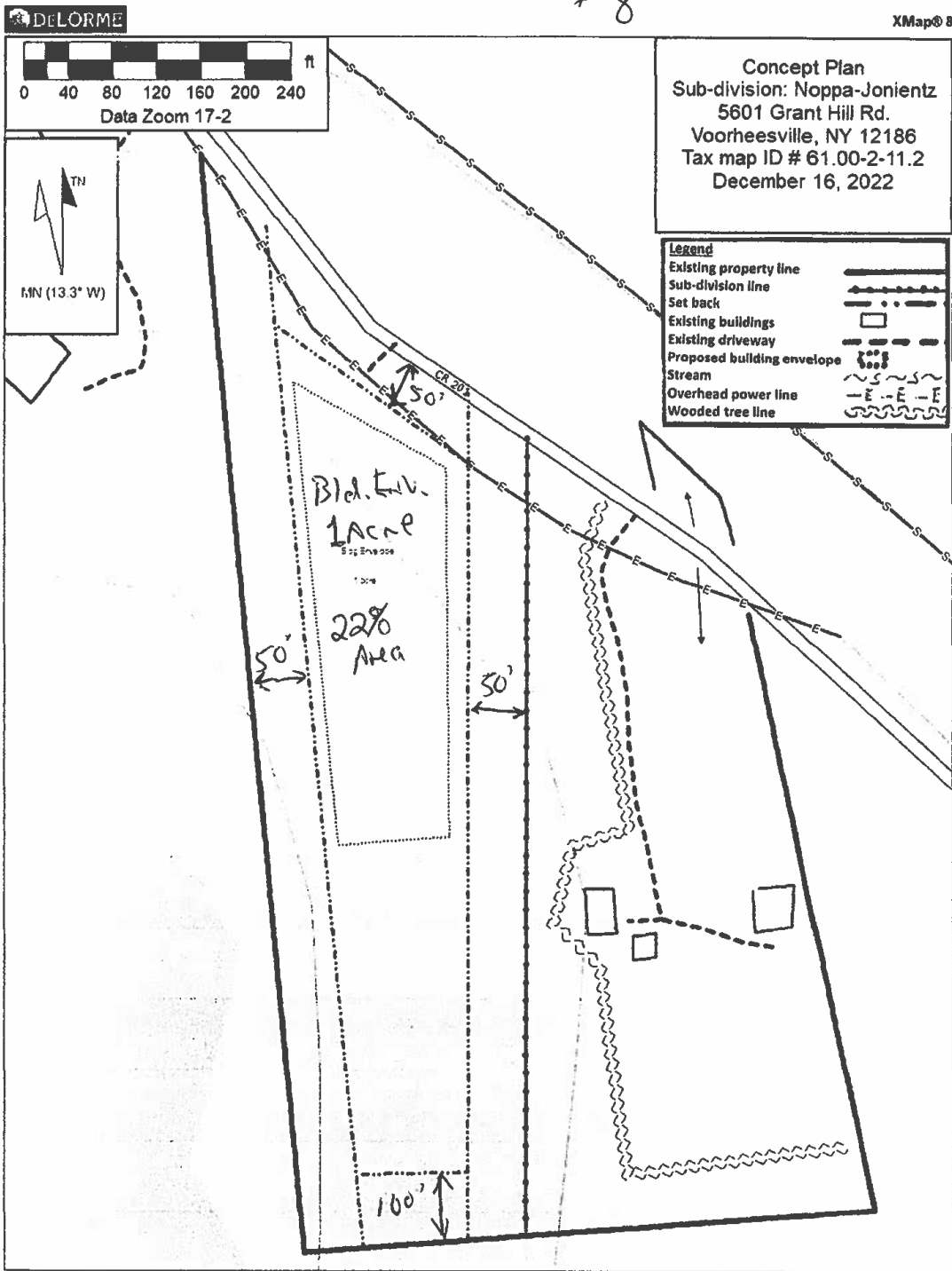


7

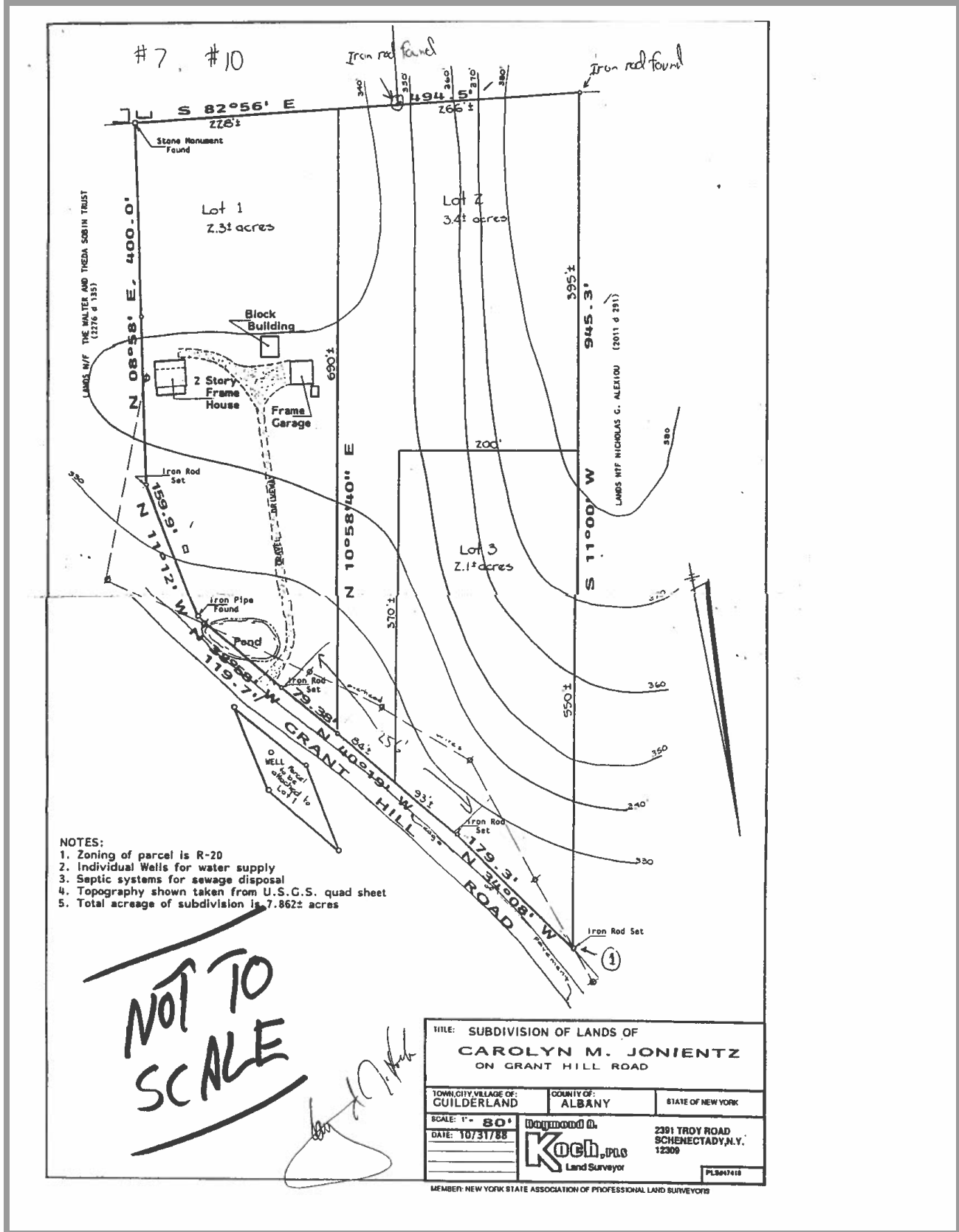


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 www.delorme.com

8



Data use subject to license
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 www.delorme.com



- NOTES:
1. Zoning of parcel is R-20
 2. Individual Wells for water supply
 3. Septic systems for sewage disposal
 4. Topography shown taken from U.S.G.S. quad sheet
 5. Total acreage of subdivision is 7.862± acres

NOT TO SCALE

[Handwritten signature]

TITLE: SUBDIVISION OF LANDS OF CAROLYN M. JONIENTZ ON GRANT HILL ROAD		
TOWN/CITY/VILLAGE OF: GUILDERLAND	COUNTY OF: ALBANY	STATE OF NEW YORK
SCALE: 1" = 80'	DAVID M. KOCH, P.E. Land Surveyor	2391 TROY ROAD SCHENECTADY, N.Y. 12309
DATE: 10/31/88		PL5807418

MEMBER: NEW YORK STATE ASSOCIATION OF PROFESSIONAL LAND SURVEYORS

**John Noppa, Carolyn Jonientz
5601 Grant Hill Rd.
Voorheesville, NY 12186
518-894-7315**

1/5/23

**Guilderland Planning Board
Stephen Feeney: Chair**

Dear Mr. Feeney,

We would like to be placed on the agenda of a planning board meeting for consideration of a proposed sub-division of our property.

The project is to divide an 8.1-acre parcel into 2 separate parcels. Enclosed are the required materials for the concept plan. (12 copies).

Please note: the attached survey map was part of a sub-division plan that was never followed though. The map is for reference only.

In addition; there is a discrepancy between the survey map and the tax map. The discrepancy is on the most easterly line and does not affect the sub-division plans.

Respectfully,



John Noppa, Carolyn Joneintz

Short Environmental Assessment Form Part 1 - Project Information

Instructions for Completing

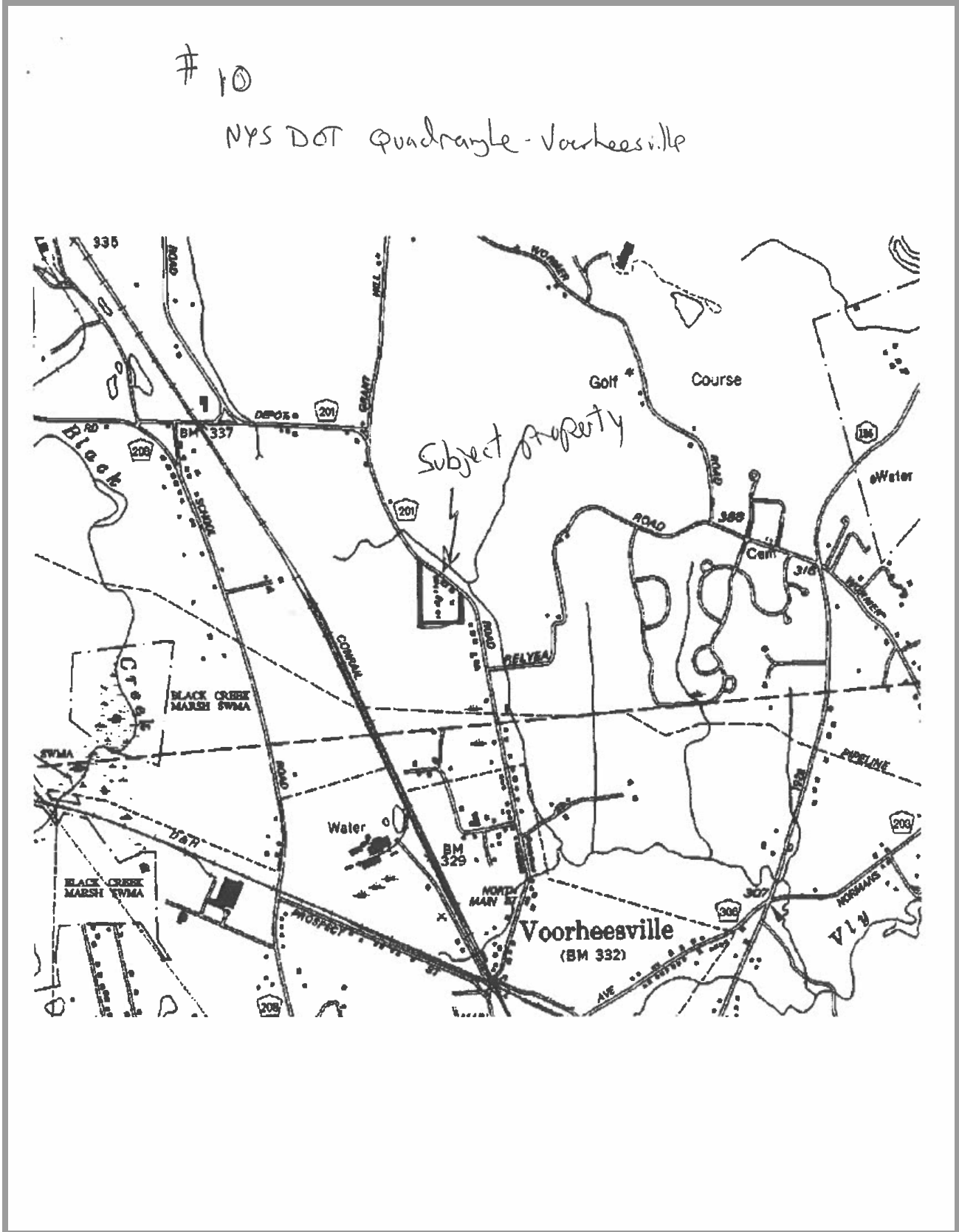
Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available.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

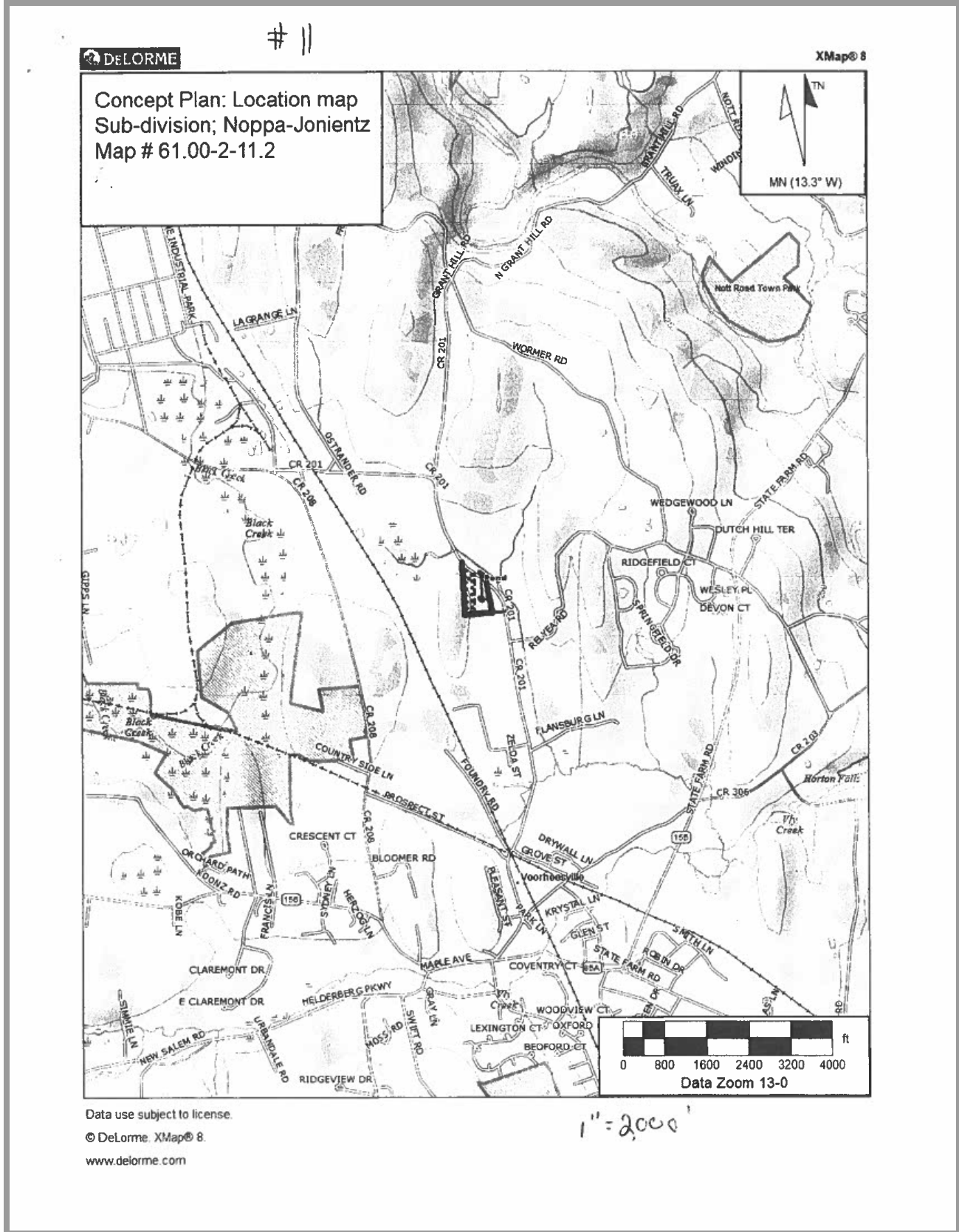
Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

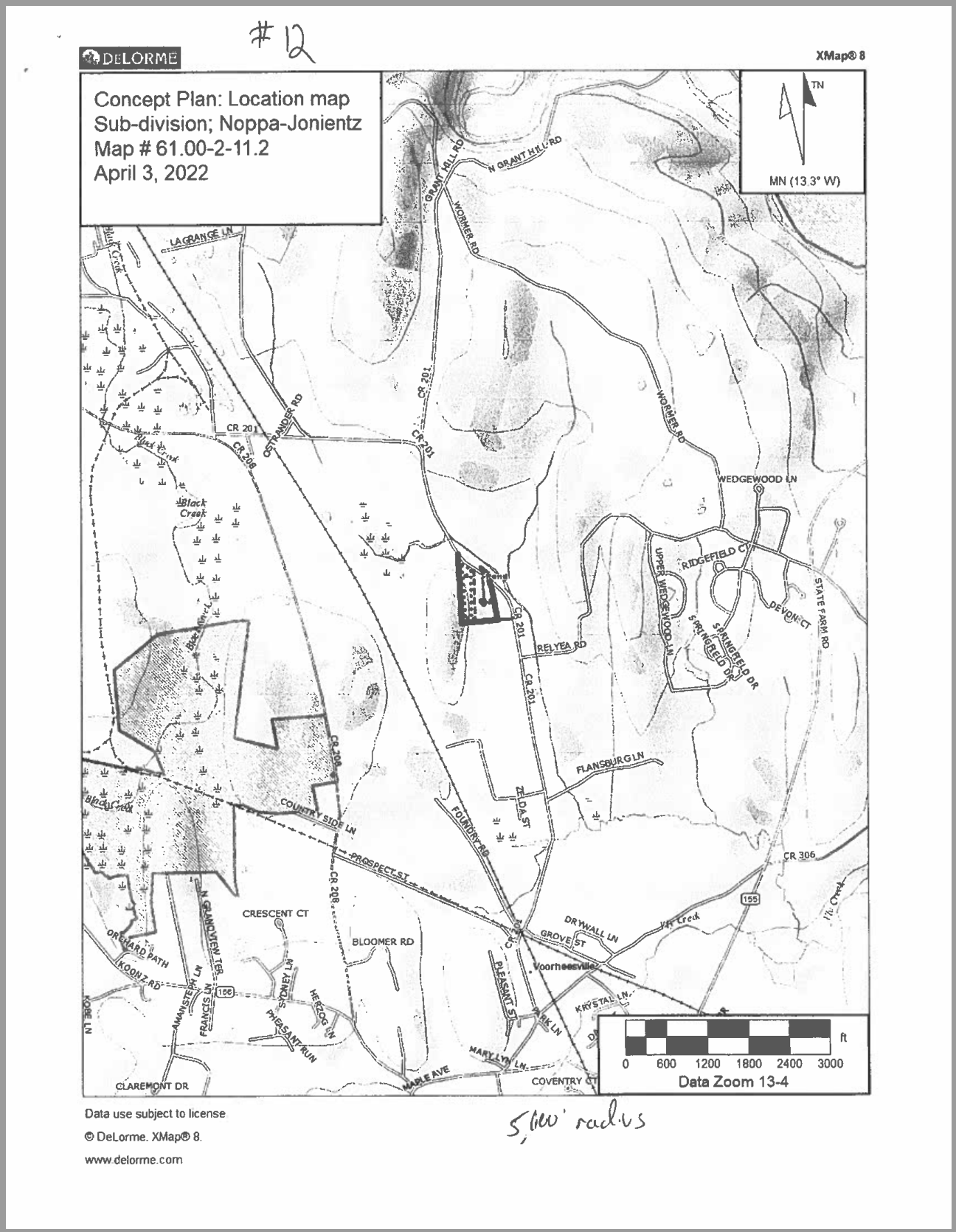
Part 1 – Project and Sponsor Information			
Name of Action or Project: Noppa-Jonientz sub-division			
Project Location (describe, and attach a location map): 5601 grant hill rd, voorheesville, ny 12186			
Brief Description of Proposed Action: sub-divide 1 lot into 2			
Name of Applicant or Sponsor: john noppa		Telephone: 518 894 7315	
		E-Mail: jnop.jnoppa@gmail.com	
Address: 5601 grant hill rd			
City/PO: voorheesville		State: ny	Zip Code: 12186
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 <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval: Guilderland planning board; minor sub-division			YES <input checked="" type="checkbox"/>
3. a. Total acreage of the site of the proposed action? _____ 8.1 acres b. Total acreage to be physically disturbed? _____ 1 acres c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ 8.1 acres			
4. Check all land uses that occur on, are adjoining or near the proposed action: <input type="checkbox"/> Urban <input checked="" type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban) <input checked="" type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify): <input type="checkbox"/> Parkland			

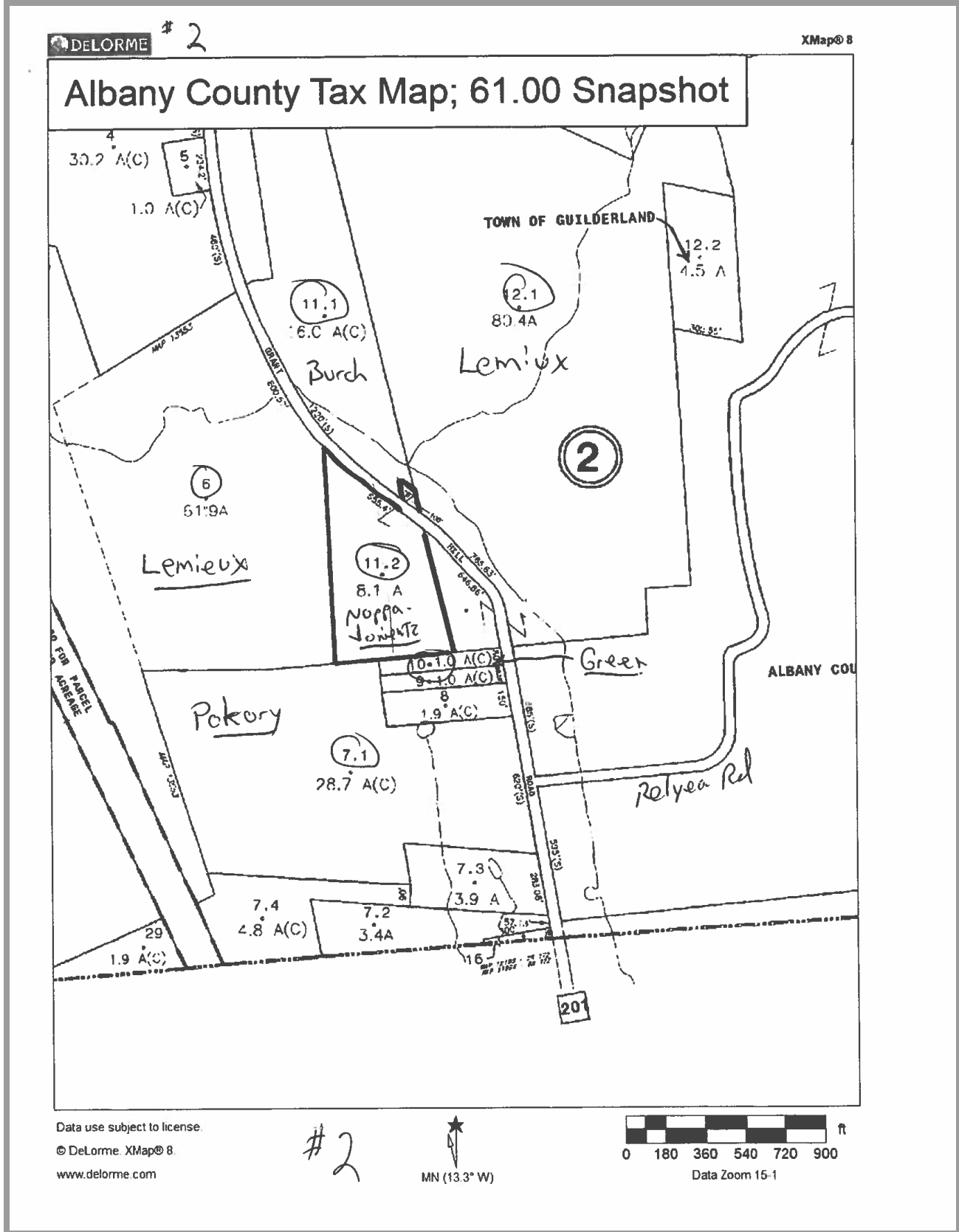
Jr

5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	<input type="checkbox"/>	NO	YES
	<input checked="" type="checkbox"/>		
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?	<input type="checkbox"/>	NO	YES
If Yes, identify: _____	<input checked="" type="checkbox"/>		<input type="checkbox"/>
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	<input checked="" type="checkbox"/>	NO	YES
b. Are public transportation services available at or near the site of the proposed action?	<input checked="" type="checkbox"/>		<input type="checkbox"/>
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	<input checked="" type="checkbox"/>		<input type="checkbox"/>
9. Does the proposed action meet or exceed the state energy code requirements?	<input type="checkbox"/>	NO	YES
If the proposed action will exceed requirements, describe design features and technologies: _____ _____			<input type="checkbox"/>
10. Will the proposed action connect to an existing public/private water supply?	<input type="checkbox"/>	NO	YES
If No, describe method for providing potable water: _____ _____			<input checked="" type="checkbox"/>
11. Will the proposed action connect to existing wastewater utilities?	<input checked="" type="checkbox"/>	NO	YES
If No, describe method for providing wastewater treatment: _____ _____			<input 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?	<input checked="" type="checkbox"/>	NO	YES
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?	<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?	<input type="checkbox"/>	NO	YES
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	<input checked="" type="checkbox"/>		<input type="checkbox"/>
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____			









#2,3

Sub-division Noppa-Jonientz; Zone district: RA-3

Tax map # 61.00-2-11.2
John Noppa, Carolyn Jonientz
5601 Grant Hill Rd.
Voorheesville, NY 12186

Adjacent parcels

61.00-2-6, 61.00-2-12.1
Emery, Patricia Lemieux
5615 Grant Hill Rd.
Voorheesville, NY 12186

61.00-2-11.1
David, Jodie Burch
5610 Grant Hill Rd.
Voorheesville, NY 12186

61.00-2-10
John Green
5585 Grant Hill Rd.
Voorheesville, NY 12186

61.00-2-7.1
Danielle Pokorny
5565 Grant Hill Rd.
Voorheesville, NY 12186

#2, #3

TOWN OF GUILDERLAND CHECKLIST FOR SPECIAL USE PERMIT

RETURN TO:
ZONING ADMINISTRATOR
PO BOX 339
GUILDERLAND, NY 12084
(518) 356-1980

FEES:
COMMERCIAL - \$300
RESIDENTIAL - \$75
(payable at time of submittal
to Town of Guilderland)

APPLICANT INFORMATION:

Name: Enson Cheung
Address: 48 Beving St
Albany, NY 12202 Zip: 12205
Daytime Phone #: 646 887 415
Date: 12/15/2022

PROPERTY INFORMATION:

Owner: William Belleville
Location: 1660 Western Ave, Albany NY 12203
Tax Map #: 52.14-2-22 52.14-2-21
Zoning: Commercial
Acreage: 0.66

TO BE SUBMITTED:

1. 12 copies of application form
2. 12 copies of SEQRA form
3. Copy of conditional purchase contract or rental agreement if applicable
4. 12 copies of the project narrative containing the following: detailed description of the use, hours of operation, # of employees, type of deliveries, etc.
5. 12 copies of plat plan FOLDED which should include: side, front and rear setbacks, all existing buildings, location of proposed construction, total size of parcel, elevations, parking layout, lighting layout, sidewalks and monuments, street and curb cuts, sanitary system and water course, drainage system, delineated wetlands, planting and green area plans including fencing/buffer area boundaries.

OTHER AGENCY APPROVALS AS REQUIRED:

1. Town Water and Wastewater Management – 456-6474
2. Town Highway Department – 861-5108
3. NYS Department of Transportation – 765-2841
4. Albany County Health Department – 447-4631
5. Albany County Planning Board – 447-5660
6. NYS DEC Region IV – 357-2044
7. Pine Bush Commission – 464-6496

APPLICATION AND APPEAL TO THE ZONING BOARD OF APPEALS
FOR A VARIANCE, SPECIAL USE PERMIT OR AN INTERPRETATION
OF THE ZONING ORDINANCE OR ZONING MAP

To Zoning Administrative Officer
Of the Town of Guilderland

Date: 12/15/2022

To the Zoning Board of Appeals
Of the Town of Guilderland

I, Eason Cheung of SEC Bakery LLC dba Eggcellent
hereby appeal from the decision of the Zoning Administration Officer on my application for
zoning permit and hereby apply to the Zoning Board of Appeals for:

- An interpretation of the Zoning Ordinance or Zoning Map
- A Special Use Permit under the Zoning Ordinance or Zoning Map
- A Variance to the Zoning Ordinance or Zoning Map

1. Location of property
Address: 1660 Western Ave. Albany NY 12203 Zoning: Commercial

2. Interpretation of the Zoning Ordinance is requested because:

3. Special Use Permit required for the following type of use:

Change a salon to Bubble Tea store

* 4. Variance to the Zoning Ordinance is requested for:

*** Applicant shall complete form outlining conditions from Section 267-b of New York State Town Law pertaining to area variances.**

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

Eason Cheung
Signature of applicant

PROJECT NARRATIVE

Please provide a detailed description of the use, hours of operation, # of employees, type of deliveries, etc.:

To operate a Bubble Tea store to serve local area for some bubble tea drinks, pastries.

Mon - Thu ~~9~~ 11:00 am - 9:00 pm

Fri - Sat 11:00 am - 9:30 pm

Sun 11:00 am - 9:00 pm

2-3 employees

Type of deliveries : Uber eat
DoorDash.



Signature

12/15/2022
Date

Short Environmental Assessment Form Part 1 - Project Information

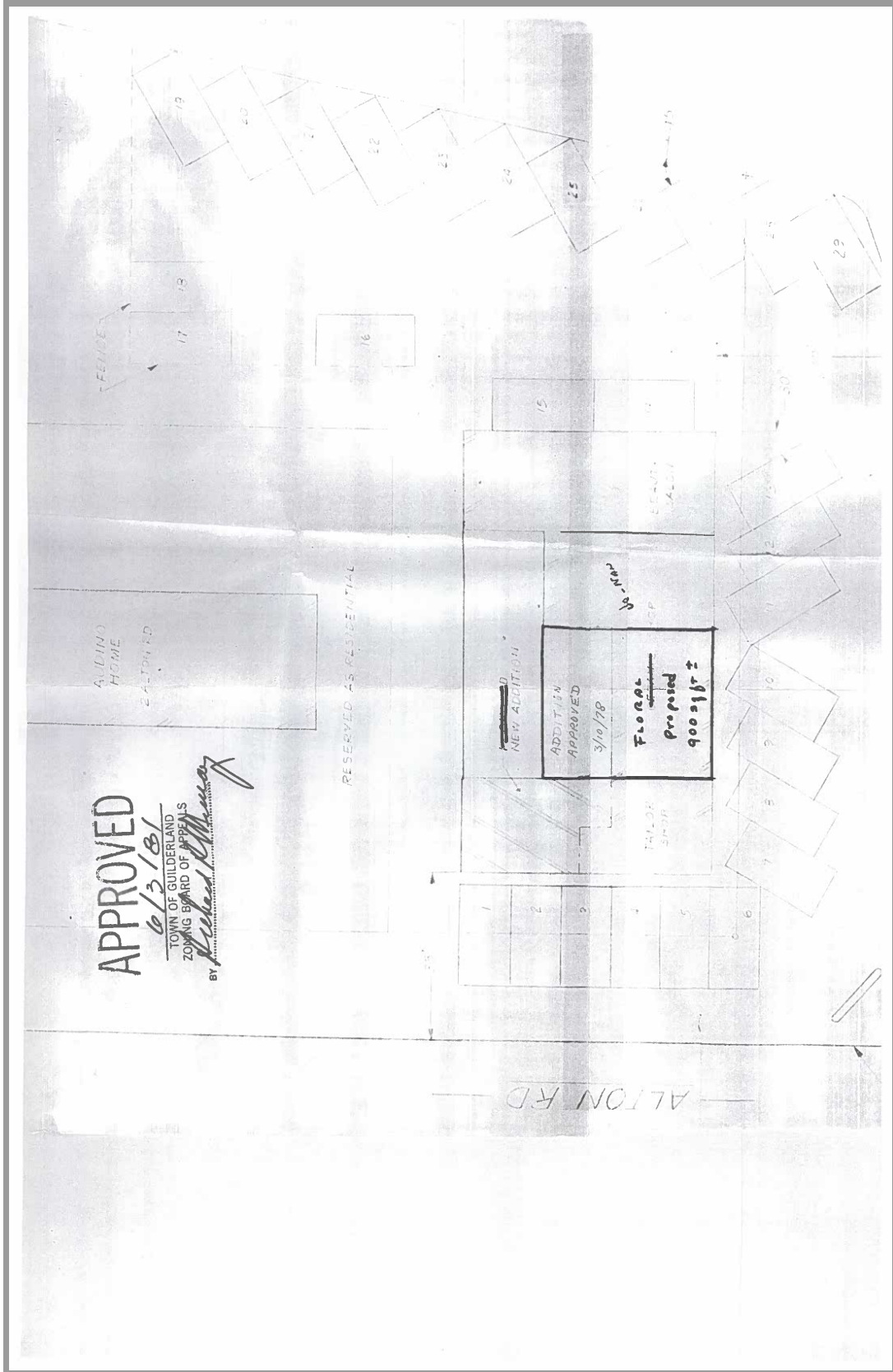
Instructions for Completing

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: SEC Bakery LLC dba Eggcellent			
Project Location (describe, and attach a location map): 2 Alton Road, Albany NY 12203			
Brief Description of Proposed Action: I am currently running a bubble tea business at Crossgates Mall as a Kiosk, as the business grows, I am looking for an actual store for the business to provide a better experience and service for my customers.			
Name of Applicant or Sponsor: Eason Cheung		Telephone: 6468812115 E-Mail: yz110492@hotmail.com	
Address: 48 Quincy St			
City/PO: Albany		State: NY	Zip Code: 12205
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 <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval:			YES <input type="checkbox"/>
3. a. Total acreage of the site of the proposed action? _____ 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, are adjoining or near the proposed action:			
5. <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify): <input checked="" type="checkbox"/> Parkland			

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 checked="" 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 the site of the proposed action?	NO	YES	
	<input checked="" 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"/>	
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"/>	



TOWN OF GUILDERLAND

Planning Department

Town Hall, Route 20
P.O. Box 339
Guilderland, NY 12084-0339
Phone: (518) 356-1980 x 1061
Fax: (518) 356-5514
Email: kovalchikk@togny.org



Peter G. Barber
Supervisor

Kenneth Kovalchik, AICP
Town Planner

MEMORANDUM

TO: Stephen J. Feeney, Chairman
& Town Planning Board

FROM: Kenneth Kovalchik, AICP, Town Planner

DATE: January 23, 2023

SUBJ: Site Plan Review Associated with a Special Use Permit - Mixed-Use Building at 1859-1871 Western Ave - Chris Laviano

Background

The applicant is proposing a mixed-use building on 0.957 acres located in the Local Business (LB) District, Business Non-Retail Professional (BNRP) District and Single-family Residential (R20) District. The applicant is proposing to construct an 8,512 SF addition to the 1,134 SF liquor store which will house a new retail tenant and (5) office tenants on the ground floor. A 4,587 SF second story is proposed over the BNRP portion of the site which will house (4) residential dwelling units.

The applicant is proposing to construct 4 apartments above the commercial space proposed within the BNRP District portion of the lot (eastern portion of site). Considering there is one building and there are 4 parcels proposed for development located in two zone districts, LB and BNRP, the applicant is proposing to use fire walls to separate the uses proposed in each zone district. Fire walls are a means to structurally separate buildings.

The proposed apartment units are a permitted right subject to special use permit approval in the BNRP District. The applicant is proposing all 4 apartment units in the BNRP portion of the development and using a fire wall to separate the units from the LB portion of the development.

Variances

The applicant is requesting two area variances, as follows:

1. Allow parking spaces within the 25' front yard setback where parking spaces in required setbacks is not permitted.
2. Allow a rear yard setback reduction from a residential district where 40' is required when a BNRP District and LB District abut a residential district.
3. Reduce the required 40' minimum buffer area width consisting of trees, hedges, shrubs and/or other landscaping to provide a visual and sound buffer between the BNRP District and LB District from a residential district.

Visit the Town of Guilderland Website at <http://www.townofguilderland.org>

The applicant should revise the plans to show what the setback is from the rear of the building to the southern property line of the service alley parcel that is in the Single-family Residential (R20) District. This information is needed to determine the percentage reduction requested for the area variance.

Site Lighting

The applicant provided a Lighting Plan which included wall mounted lighting and parking lot lighting. Per the lighting standards in town code a maximum of 0.2 footcandles is allowed to be illuminated across the property lines. Based on the footcandle lines for each type of lighting proposed it is difficult to determine the 0.2 footcandle line for the parking lot lighting and if illumination is exceeding the maximum footcandles. The applicant should revise the plans and show the 0.2 footcandle line.

Landscaping

The applicant provided a landscape plan which incorporates a mix of large and small trees and shrubs and flowers. The Planting Schedule should be updated to show the caliper size of the trees. Additional shrubs and flowers could be installed around the foundation of the building, front and rear, to provide additional screening from the residential uses on the north side of the building and from Western Avenue. The symbols for the proposed species is not included on the plans so it is difficult to determine which landscape species will be planted.

Elevations

The south elevation plans show the buildings will incorporate parapet walls, a combination of stucco walls with vertical siding, stone veneer, and various roof heights. The north elevation plans mainly incorporate the use of vertical siding.

TOWN OF GUILDERLAND CHECKLIST FOR SPECIAL USE PERMIT

RETURN TO:
ZONING ADMINISTRATOR
PO BOX 339
GUILDERLAND, NY 12084
(518) 356-1980

FEES:
COMMERCIAL - \$300
RESIDENTIAL - \$75
(payable at time of submittal
to Town of Guilderland)

APPLICANT INFORMATION:

Name: Christopher Laviano
Address: 1859 Western Ave
Albany Zip: 12203
Daytime Phone #: 518-461-4157
Date: 1/5/23

PROPERTY INFORMATION:

Owner: Christopher Laviano
Location: 1859-1871 Western Ave
Tax Map #: 52-09-1-36, 52-09-1-34, 52-09-1-35
Zoning: 52-09-1-36, 52-09-1-37
Acreage: LB, BNRP, R-15
0.9573 acres

TO BE SUBMITTED:

1. 2 copies of application form
2. 12 copies of SEQRA form
3. Copy of conditional purchase contract or rental agreement if applicable
4. 12 copies of the project narrative containing the following: detailed description of the use, hours of operation, # of employees, type of deliveries, etc.
5. 12 copies of plat plan FOLDED which should include: side, front and rear setbacks, all existing buildings, location of proposed construction, total size of parcel, elevations, parking layout, lighting layout, sidewalks and monuments, street and curb cuts, sanitary system and water course, drainage system, delineated wetlands, planting and green area plans including fencing/buffer area boundaries.

OTHER AGENCY APPROVALS AS REQUIRED:

1. Town Water and Wastewater Management – 456-6474
2. Town Highway Department – 861-5108
3. NYS Department of Transportation – 765-2841
4. Albany County Health Department – 447-4631
5. Albany County Planning Board – 447-5660
6. NYS DEC Region IV – 357-2044
7. Pine Bush Commission – 464-6496

APPLICATION AND APPEAL TO THE ZONING BOARD OF APPEALS
FOR A VARIANCE, SPECIAL USE PERMIT OR AN INTERPRETATION
OF THE ZONING ORDINANCE OR ZONING MAP

To Zoning Administrative Officer
Of the Town of Guilderland

Date: 11/5/23

To the Zoning Board of Appeals
Of the Town of Guilderland

I, Christopher Laviano of Laviano Properties LLC
hereby appeal from the decision of the Zoning Administration Officer on my application for
zoning permit and hereby apply to the Zoning Board of Appeals for:

- An interpretation of the Zoning Ordinance or Zoning Map
- A Special Use Permit under the Zoning Ordinance or Zoning Map
- A Variance to the Zoning Ordinance or Zoning Map

1. Location of property
Address: 1859-1871 Western Ave Zoning: BNRP-LB

2. Interpretation of the Zoning Ordinance is requested because:

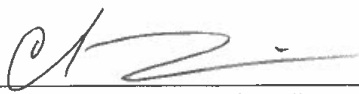
3. Special Use Permit required for the following type of use:
BNRP zone - mixed use building, neighborhood & general office

exceeding 2,500 sf
LB zone - Retail, local

* 4. Variance to the Zoning Ordinance is requested for:

* Applicant shall complete form outlining conditions from Section 267-b of New York
State Town Law pertaining to area variances.

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



Signature of applicant



333 Kingsley Rd, Burnt Hills, NY 12027 • Office (518) 280-3190 • Fax (518) 280-5379

Jacqueline Coons
Chief Building & Zoning Inspector
Guilderland Town Hall- 2nd Floor
5209 Western Turnpike
Guilderland, NY 12084
coonsj@togny.org

December 29, 2022

Re: Laviano Proposed Mixed-Use Commercial Building
1859-1871 Western Ave.
Guilderland, NY 12203

Project Narrative

Currently, Laviano Wine & Liquor is located at 1871 Western Ave. The owner of the property, Christopher Laviano, owns the adjacent 3 lots to the east, 1869, 1865, & 1859 Western Ave, as well as the service alley to the north. The small wood-framed residences/business located at 1869, 1865, & 1859 will be/have been removed. Lots 1871 & 1869 are located in the Local Business (LB) district while Lots 1865 & 1859 are located in the Business Non-Residential Professional (BNRP) district. The service alley lot to the north is located in the Single-Family Residential (R-15) district.

The owner has been in contact with the Town about removing the lot lines in order to create one lot totaling 41,700 SF or 0.9573 acres. The lot will be a mixed zoning district lot, maintaining the LB, BNRP, and R-15 districts where they are currently located.

A mixed-use building, neighborhood is an allowed use authorized by special use permit in the BNRP district. This is defined as a mixed-use building with a maximum GFA of 15,000 SF and the residential use shall not exceed two dwelling units per building.

Retail, local is an allowed use authorized by special use permit in the LB district. This is defined as a retail use in a structure with a maximum GFA of 20,000 SF.

The proposal is to construct an 8,512 SF addition to the 1,134 SF liquor store which will house a new retail tenant and (5) office tenants on the ground floor. A 4,587 SF second story is proposed over the BNRP portion of the site which will house (4) residential dwelling units.

The proposal is to implement fire walls in order to essentially build "separate" buildings. Since the interior lot lines will be removed, there are no side setbacks required internally. The fire wall that is

located along the LB/BNRP line separates the building into LB uses on the west side and BNRP uses on the east side. Per the definition of mixed-use building, neighborhood, only two dwelling units are allowed per building. The fire wall within the BNRP zone breaks the building into "separate" buildings to allow (2) dwelling units per building.

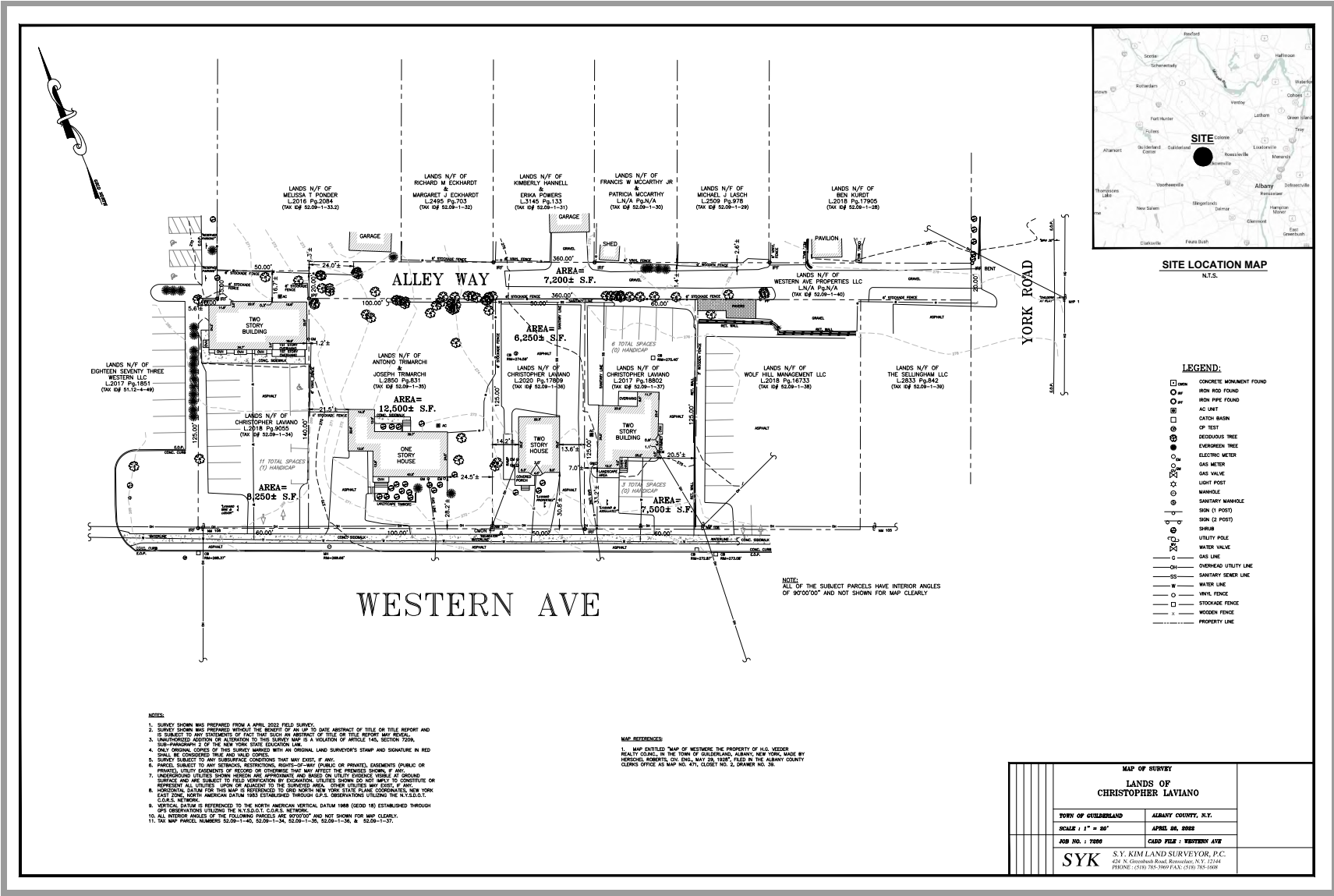
Parking is located in front of the building on Western Ave. in order to keep it away from the adjacent residential zone. The required parking totals 36 spaces and 36 spaces are provided. (5) handicapped accessible parking spaces are included. A new curb cut is proposed on Western Ave. to create a safer flow of vehicular movement within the site, and will be taken through the NYDOT approval process. Snow storage is provided in a grassy area on the east end of the site. A dumpster is provided on a concrete pad within a vinyl enclosure, buffered by landscape.

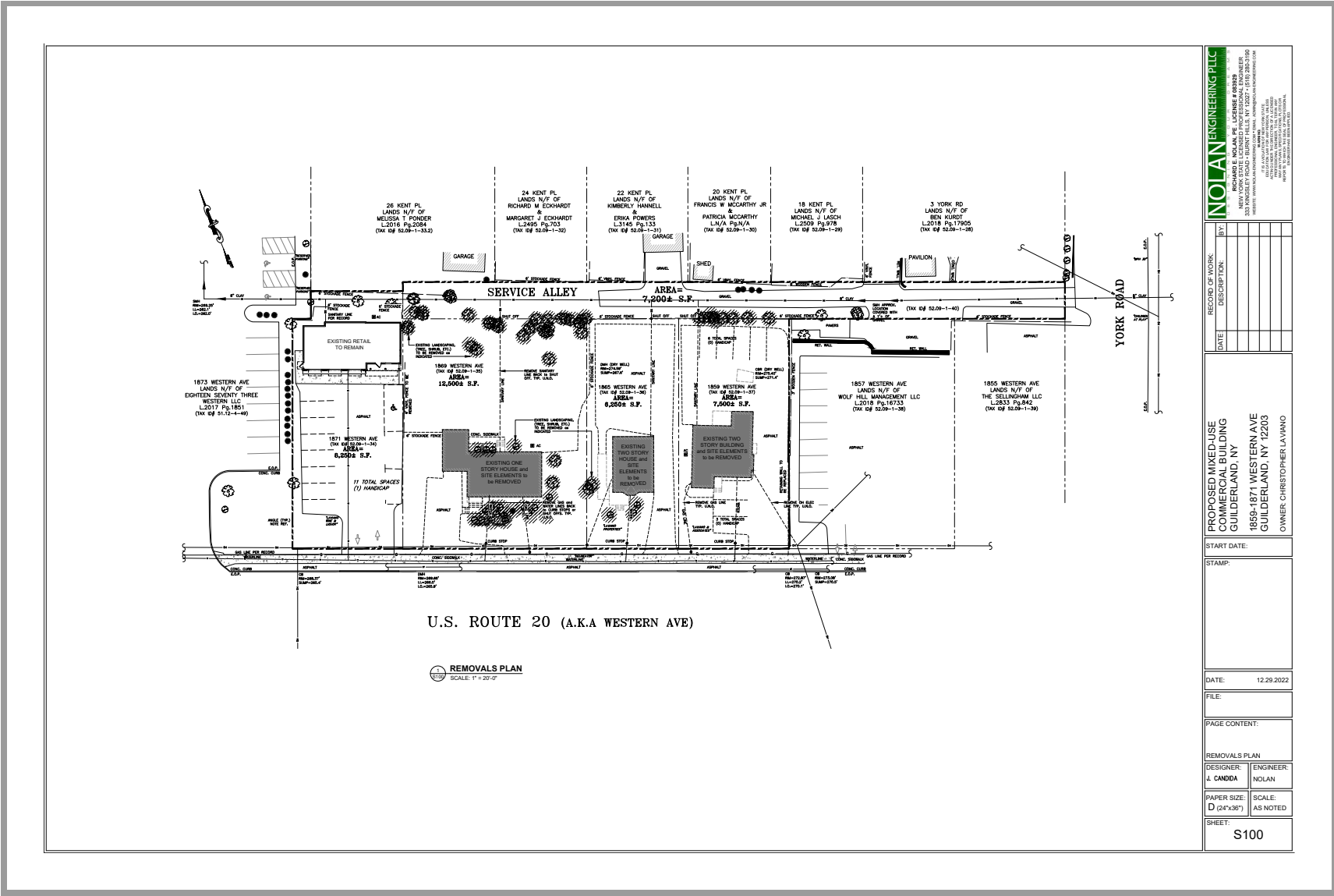
Storm water is directed from the asphalt parking area into catch basins and then distributed through infiltrator chambers under the parking area into the sandy soils. Rainwater collected from the flat roof in roof drains will be directly through rain leaders underground to the same distribution system.

The utilities are all public utilities. Lighting via light poles, building-mounted lighting and sconces are provided for security throughout the site at parking spaces and concrete walks. Decorative plants and small trees have been added throughout the site. This will soften up the parking area and add some natural features to the site.

Jason R. Singer

Jason R. Singer
Project Architect / Project Manager
Nolan Engineering, PLLC





NOLAN ENGINEERING PLLC
 RICHARD E. NOLAN, P.E. LICENSE # 00000000000000000000
 NEW YORK STATE ENGINEER
 333 KIMBLE ST ROAD - BURNT HILLS, NY 10517 - (516) 780-1000
 OFFICE: (516) 780-1000
 FAX: (516) 780-1001
 WWW.NOLANENGINEERING.COM
 ALL AS AN ENGINEER, I AM A MEMBER OF THE PROFESSIONAL ENGINEERS AND SURVEYORS SOCIETY OF THE STATE OF NEW YORK.
 I AM A LICENSED PROFESSIONAL ENGINEER IN THE STATE OF NEW YORK.
 I AM A LICENSED PROFESSIONAL SURVEYOR IN THE STATE OF NEW YORK.

DATE	DESCRIPTION

RECORD OF WORK:
 PROPOSED MIXED-USE COMMERCIAL BUILDING GUILDERLAND, NY
 1859-1871 WESTERN AVE GUILDERLAND, NY 12203
 OWNER: CHRISTOPHER LAVIANO

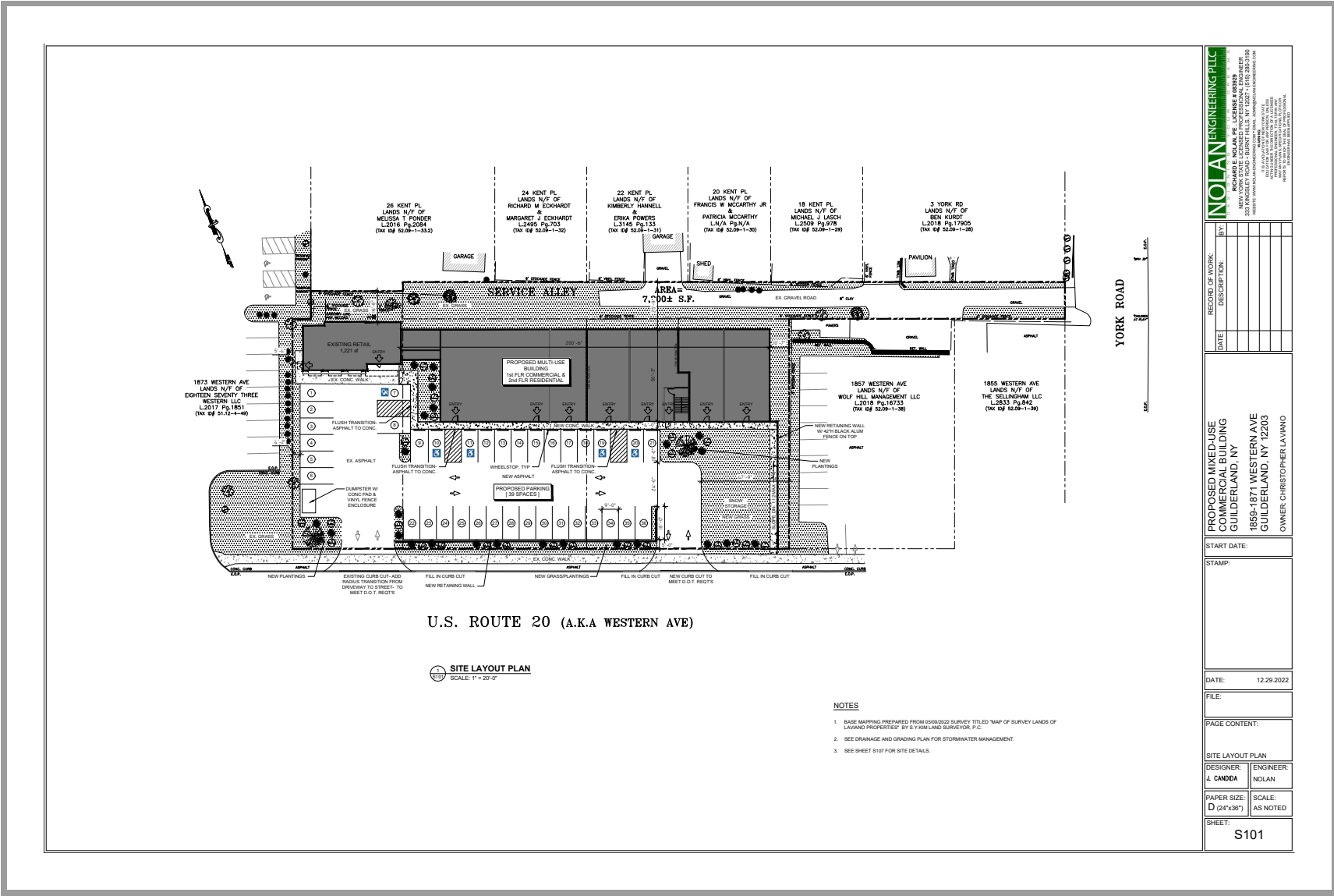
START DATE:
 STAMP:

DATE: 12.29.2022
 FILE:
 PAGE CONTENT:

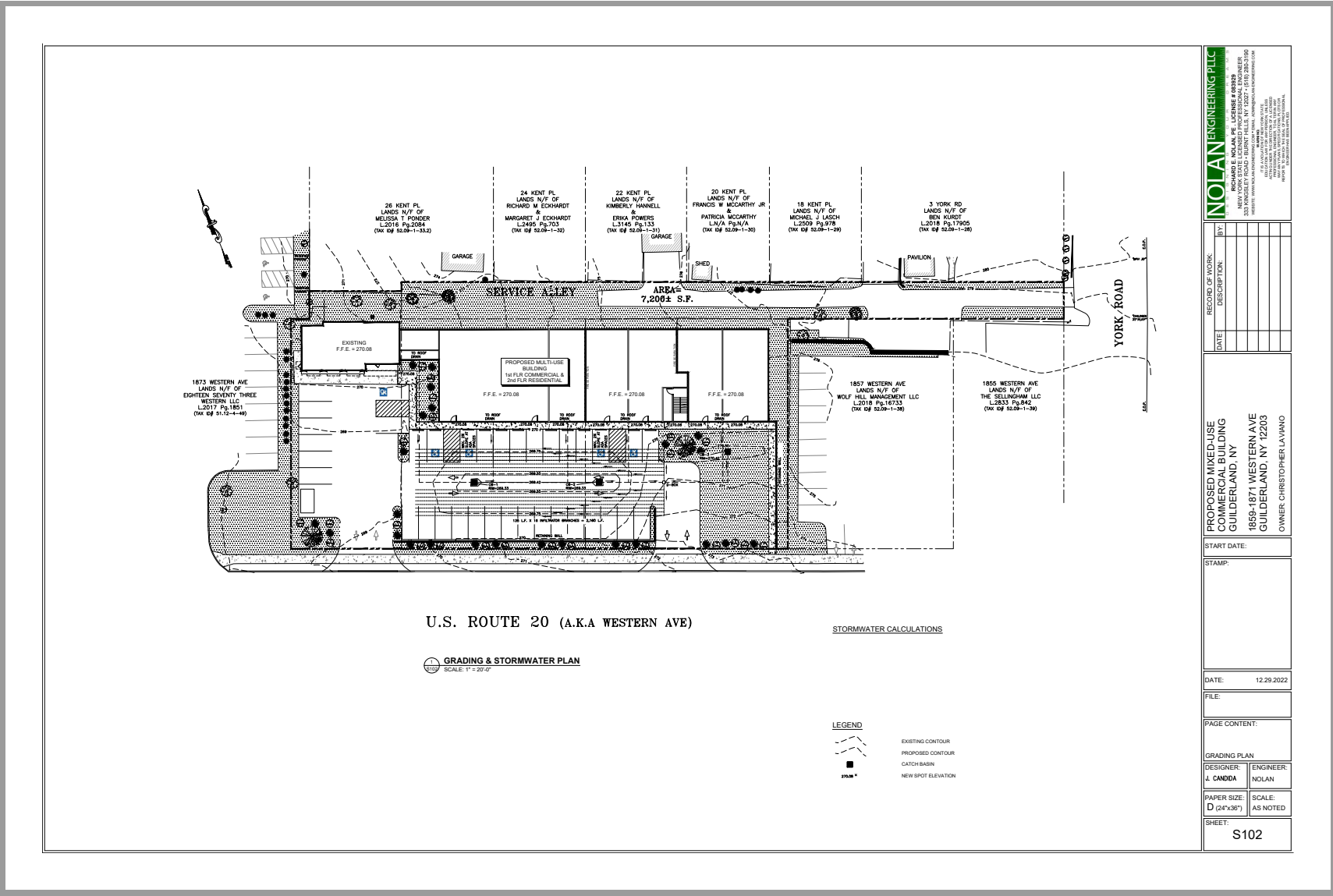
REMOVALS PLAN
 DESIGNER: J. CANDIA
 ENGINEER: NOLAN

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

S100



NOLAN ENGINEERING PLLC	
RICHARD E. NOLAN, P.E. LICENSE # 08028 NEW YORK STATE ENGINEER 333 KIMBLE OF ROAD - BURNT HILLS, NY 12027 - (518) 780-1500 OFFICE: 333 KIMBLE OF ROAD, BURNT HILLS, NY 12027 PHONE: (518) 780-1500 FAX: (518) 780-1501 WWW.NOLANENGINEERING.COM	
RECORD OF WORK:	BY:
DESCRIPTION:	
DATE:	
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:	
SITE LAYOUT PLAN	
DESIGNER:	ENGINEER:
J. CANDIA	NOLAN
PAPER SIZE:	SCALE:
D (24"x36")	AS NOTED
SHEET:	
S101	



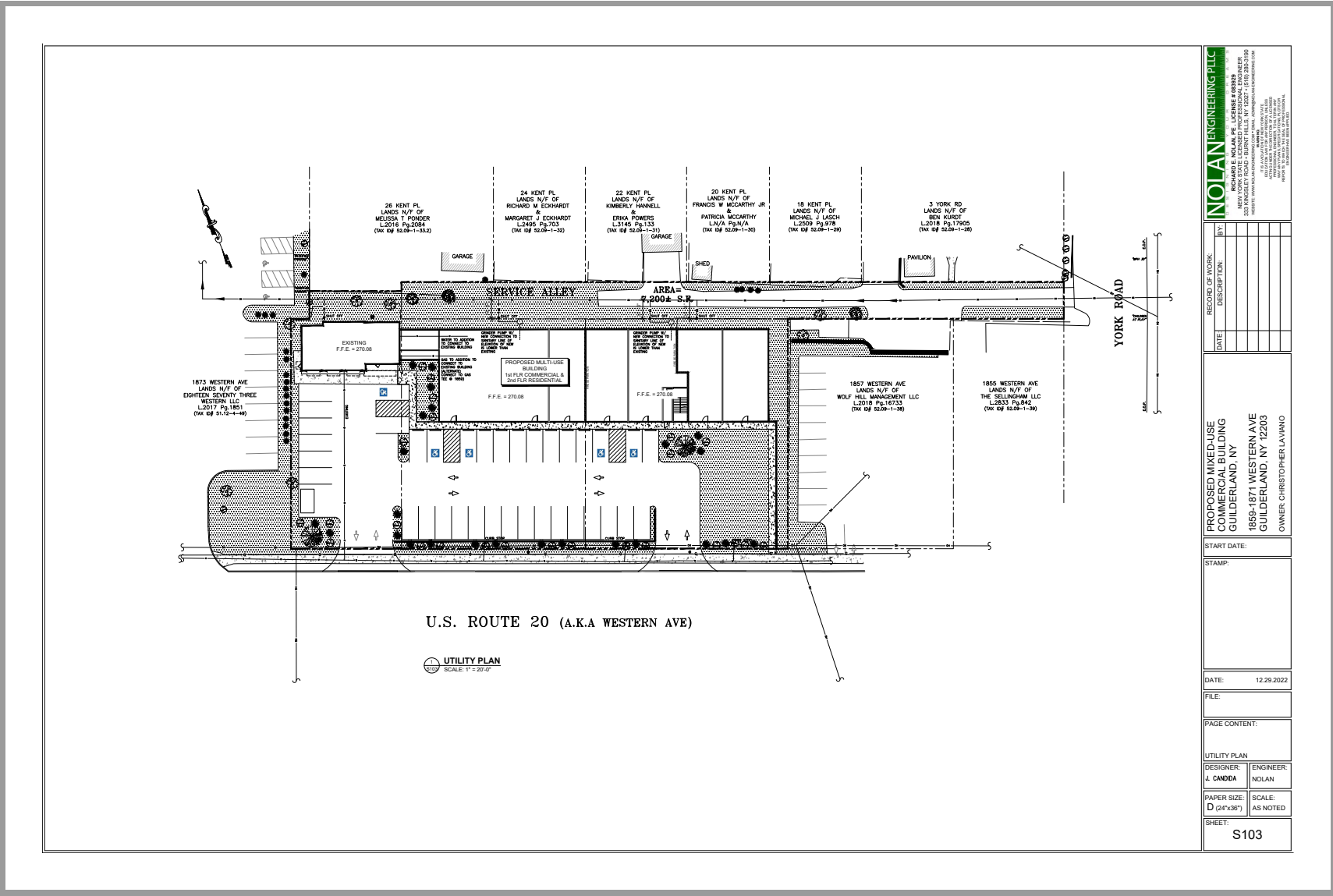
U.S. ROUTE 20 (A.K.A WESTERN AVE)

GRADING & STORMWATER PLAN
SCALE: 1" = 20'-0"

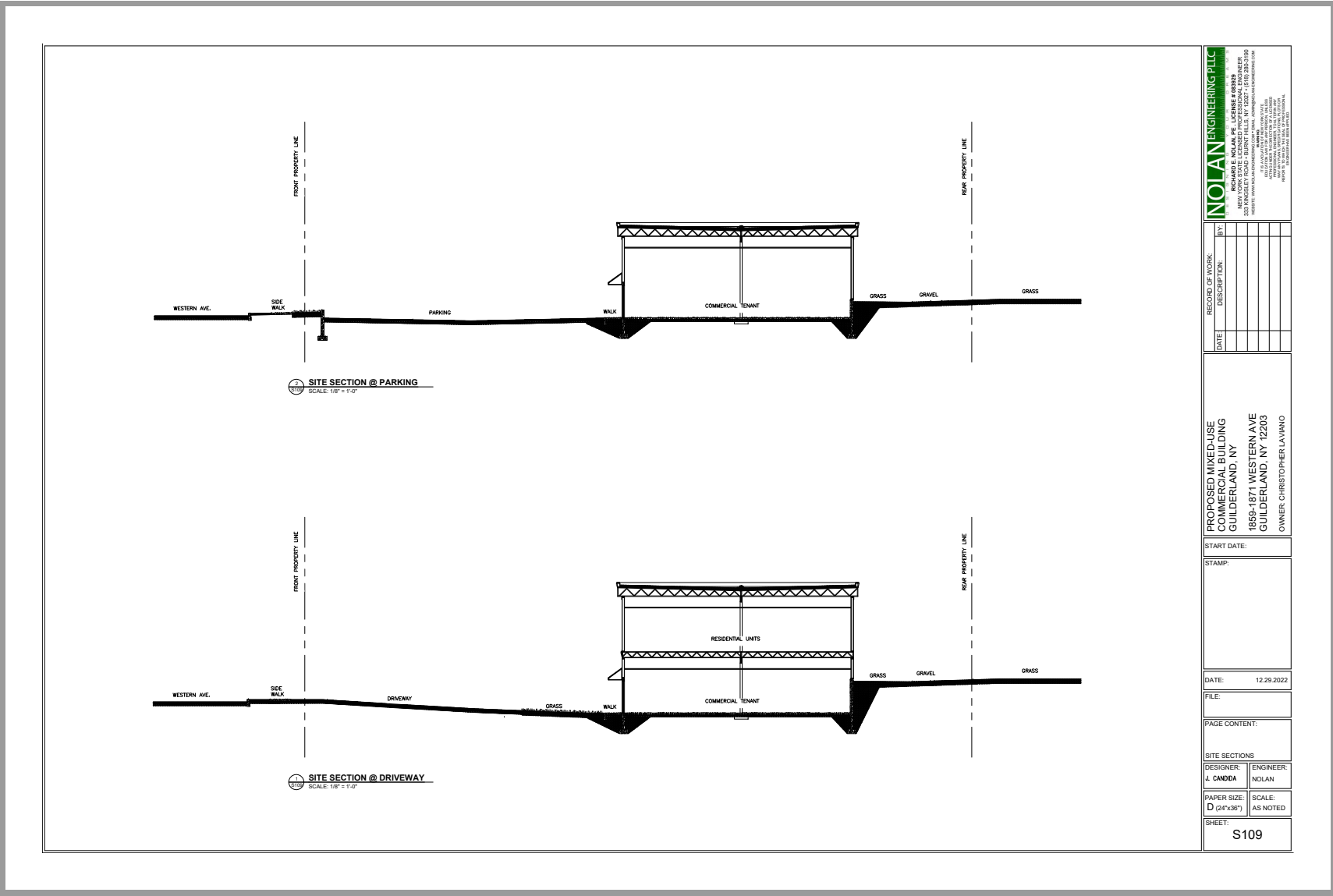
STORMWATER CALCULATIONS

LEGEND
 - - - - - EXISTING CONTOUR
 - - - - - PROPOSED CONTOUR
 ■ CATCH BASIN
 270.08 * NEW SPOT ELEVATION

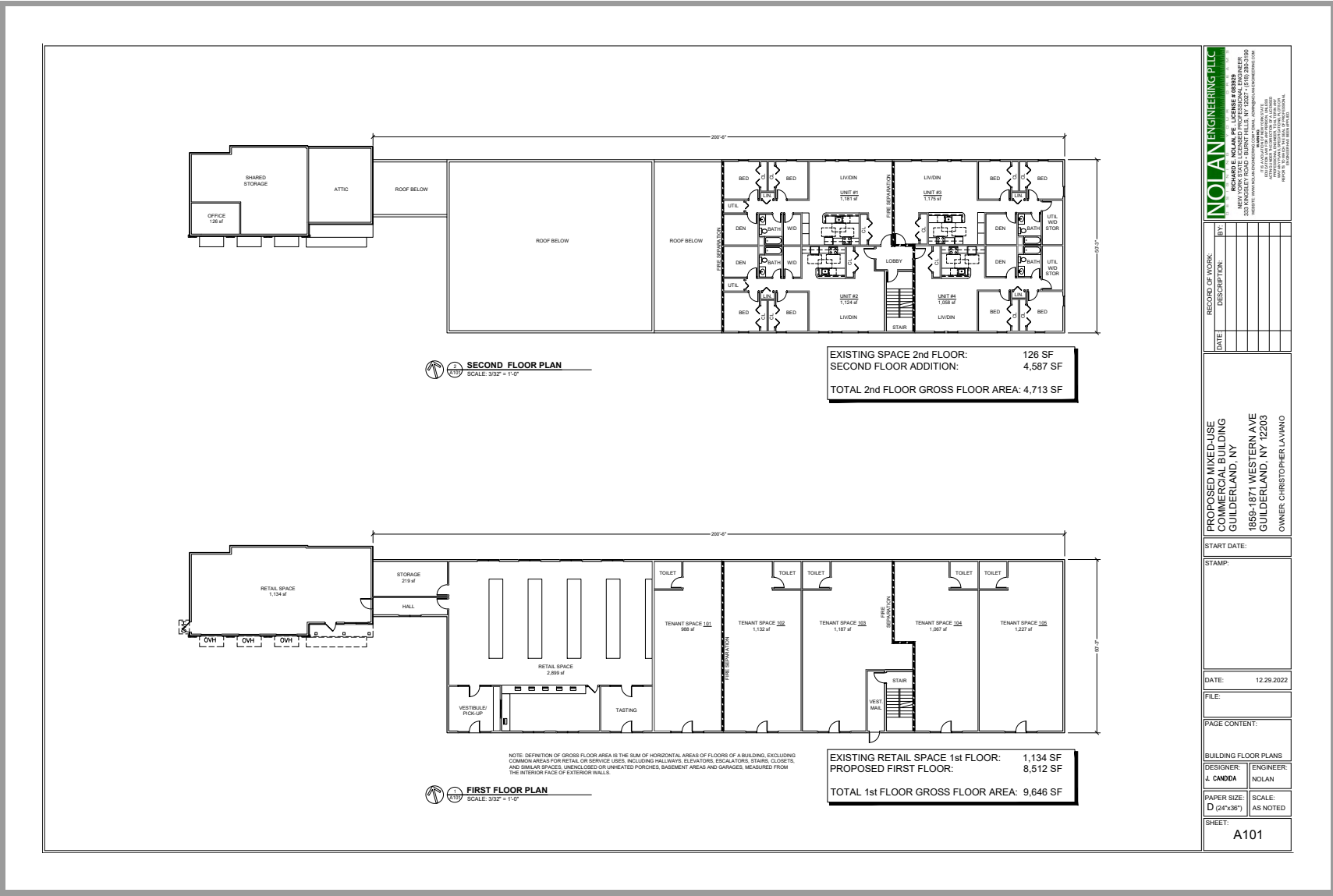
NOLAN ENGINEERING PLLC	
RICHARD E. NOLAN, P.E. LICENSE # 08028 NEW YORK STATE ENGINEER 333 KIMBLE RD. - BURNT HILLS, NY 12027 - (518) 780-1500 WWW.NOLANENGINEERING.COM	
RECORD OF WORK:	BY:
DATE:	DESCRIPTION:
PROPOSED MIXED-USE COMMERCIAL BUILDING GUILDERLAND, NY 1859-1871 WESTERN AVE GUILDERLAND, NY 12203 OWNER: CHRISTOPHER LAVIANO	
START DATE:	
STAMP:	
DATE:	12.29.2022
FILE:	
PAGE CONTENT:	
GRADING PLAN	
DESIGNER:	ENGINEER:
J. CANDIA	NOLAN
PAPER SIZE:	SCALE:
D (24"x36")	AS NOTED
SHEET:	
S102	



NOLAN ENGINEERING PLLC	
RICHARD E. NOLAN, P.E. LICENSE # 08028 NEW YORK STATE ENGINEER 333 KIMBLE ST. ROAD - BURNT HILLS, NY 10027 - (516) 780-1000 OFFICE: (516) 780-1000 FAX: (516) 780-1001 WWW.NOLANENGINEERING.COM	
RECORD OF WORK:	BY:
DESCRIPTION:	
DATE:	
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:	
UTILITY PLAN	
DESIGNER:	ENGINEER:
J. CANDIA	NOLAN
PAPER SIZE:	SCALE:
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SHEET:	
S103	



NOLAN ENGINEERING PLLC	
185 WESTERN AVENUE GUILDERLAND, NY 12033 PH: 518.783.1500 FAX: 518.783.1501 WWW.NOLANENGINEERING.COM	
RICHARD E. NOLAN, P.E. LICENSE #08028 NEW YORK STATE REGISTERED PROFESSIONAL ENGINEER 333 KINGSLEY ROAD - BURNT HILLS, NY 12027 - (518) 783-1500 LICENSE #08028	
RECORD OF WORK:	BY:
DESCRIPTION:	
DATE:	
PROPOSED MIXED-USE COMMERCIAL BUILDING GUILDERLAND, NY 1859-1871 WESTERN AVE GUILDERLAND, NY 12203 OWNER: CHRISTOPHER LAVIANO	
START DATE:	
STAMP:	
DATE:	12.29.2022
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PAGE CONTENT:	
SITE SECTIONS:	
DESIGNER:	ENGINEER:
J. CANDIA	NOLAN
PAPER SIZE:	SCALE:
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SHEET:	
S109	



NOLAN ENGINEERING PLLC
 100 WESTERN AVENUE, SUITE 200
 GUILDERLAND, NY 12031
 PH: 518.283.1500
 FAX: 518.283.1501
 WWW.NOLANENGINEERING.COM

DATE	DESCRIPTION	BY:

PROPOSED MIXED-USE
 COMMERCIAL BUILDING
 GUILDERLAND, NY
 1859-1871 WESTERN AVE
 GUILDERLAND, NY 12031
 OWNER: CHRISTOPHER LAVIANO

START DATE:

STAMP:

DATE: 12.29.2022

FILE:

PAGE CONTENT:

BUILDING FLOOR PLANS
 DESIGNER: J. CANDIA
 ENGINEER: NOLAN
 PAPER SIZE: D (24"x36")
 SCALE: AS NOTED
 SHEET:

A101

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: Laviano Mixed-Use Commercial Building			
Project Location (describe, and attach a location map): 1859-1871 Western Ave. Guilderland, NY 12203			
Brief Description of Proposed Action: Addition of mixed-use commercial building to existing retail store. First floor retail and office tenants with partial second floor residential (4 dwelling units). Asphalt parking lot added to existing parking.			
Name of Applicant or Sponsor: Nolan Engineering, PLLC		Telephone: 518-280-3190 E-Mail: singerj@nolan-engineering.com	
Address: 333 Kingsley Rd.			
City/PO: Burnt Hills		State: NY	Zip Code: 12027
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 <input type="checkbox"/>
			YES <input checked="" type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval: NYDOT			NO <input type="checkbox"/>
			YES <input checked="" type="checkbox"/>
3. a. Total acreage of the site of the proposed action?		0.9573 acres	
b. Total acreage to be physically disturbed?		0.7036 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		0.9573 acres	
4. Check all land uses that occur on, are adjoining or near the proposed action: <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify): <input type="checkbox"/> Parkland			

5. Is the proposed action, a. A permitted use under the zoning regulations?	NO	YES	N/A
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input checked="" 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 the 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 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"/>	
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/grasslands <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 plan?	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: Stormwater will be collected via catch basins and roof drains, and directed below grade through infiltration chambers into the sandy soil	NO	YES
	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input checked="" 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"/>
<p>I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</p> <p>Applicant/sponsor/name: <u>Nolan Engineering, PLLC- Jason Singer, RA</u> Date: <u>12.29.22</u></p> <p>Signature: <u><i>Jason R. Singer</i></u> Title: <u>Project Manager</u></p>		

PRINT FORM