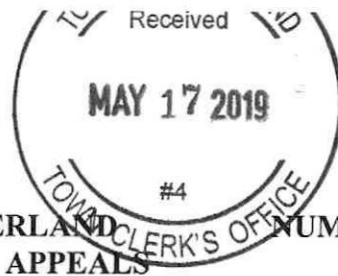


HIAWATHA



**SPECIAL USE PERMIT
VARIANCE**

**TOWN OF GUILDERLAND
ZONING BOARD OF APPEALS**

NUMBER 02-19

APPLICANT: HIAWATHA TRAILS

ADDRESS: 6025 & 6051 STATE FARM RD. GUILDERLAND, NY 12084

GRANTED: MAY 15, 2019

WHEREAS, a public hearing to consider the applicant's request was duly noticed and held before the Zoning Board of Appeals this on February 6, 2019, April 17, 2019 and again this evening to consider:

Special Use Permit/Variance Request No. 4696

Request of Hiawatha Land Development for a Special Use Permit/Variance under the Zoning Law to permit: the construction of a 256 unit "Residential Facility-Independent Living" development. Variances are requested for (1) 4-story, 46ft high buildings where 2.5-story, 35ft high buildings are permitted and (2) to construct detached garages in a side yard.

Per Articles III, IV & V Sections 280-12, 280-24, 280-51 & 280-52 respectively

For property owned by Michele & Geoffrey VanEpps

Situated as follows: 6025 & 6051 State Farm Road Guilderland, NY 12084

Tax Maps # 51.00-1-13.1, 51.00-1-13.2 & 51.00-1-14 Zoned: RO40 & R15

In rendering this decision, the Board makes the following findings of fact:

- A public hearing was duly noticed and held on February 6, 2019, April 17, 2019 and again this evening where the Board received several hours of comments. Neighboring residents and property owners provided either written or oral comments regarding the application.
- This Board has reviewed the Town's required forms for an area variance and special use permits, and the Full Environmental Assessment Form for an Unlisted Action under SEQRA.
- This Board has adopted a negative declaration under SEQRA by a unanimous 4 – 0 vote this evening after careful consideration of the Environmental Concerns and Impacts.


Albany County Planning Board's notification of September 20, 2018 was to modify local approval to include:

1. A Notice of Intent filed with NYSDEC affirming that a SWPPP has been prepared and is being implemented, or submission of a SWPPP that is consistent with the requirements included in the NYSDEC SPDES General Permit for construction activities that disturb more than one acre of land. The applicant will need to meet the water quality treatment and quantity control requirements for a redevelopment project under the NYS Stormwater Management Design Manual (2015 or current version), pursuant to NYSPDES GP-0-15-002.
2. Review and permits by the Albany County Department of Health for extension of sewer line.

3. Review by the NYSDOT for design of highway access, drainage, and assessment of road capacity.
4. Notification of the local fire department of the project site plans. Any comments related to fire service safety, including but not limited to design of emergency vehicle access road and location of fire hydrants, should be considered prior to granting final site plan approval.

Advised: As a condition of any town approval the ACPB encourages a permanent land use of limited used for Lot #2 due to its significance to the proposed development and surrounding community.

Town of Guilderland Planning Board's Site Plan Review Report was to approve with the following conditions

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- NYSDOT approval of final access design and pedestrian improvements.
 - Replace the existing invasive Russian Olive trees along State Farm Road with deciduous street trees and plant additional evergreens such as spruce to provide additional screening from State Farm Road.
 - Eliminate banked parking areas to the extent it exceeds 125% of the minimum parking required and provide additional landscaped/green area. The long, uninterrupted parking aisles along the frontage and north side of the building should be broken up with landscaped islands.
 - Construction of multi-use paths, with layout and design details preapproved by the Director of Parks & Recreation, prior to the issuance of a Certificate of Occupancy.
 - Increase proposed lands to be dedicated to the Town by amending the lot line to abut the western edge of the pond. The proposed dedication of parkland, with delivery of deed, title insurance, and filing fees, prior to the issuance of a building permit.
 - Permanently restrict proposed recreation area serving the residences from any further development.
 - Provide a design and architectural rendering of proposed garage buildings.
 - Provide a detailed lighting plan. Lighting should be pedestrian scale, designed and installed to prevent illumination beyond the property and incorporate cutoffs to screen the view of luminaries from residential property.
 - The Town Conservation Advisory Council should be given the opportunity to review the proposal prior to Town Zoning Board of Appeals review.

The applicant submitted updated site plans and designs to address concerns and recommendations from the Planning Board as part of their application to the Zoning Board; and the Conservation Advisory Council reviewed the project.

The Town Planner had the following comments:

- The multi-use trail shall be constructed prior to the issuance of a Certificate of Occupancy for the building.
- The applicant shall continue to work with NYSDOT on off-site improvements to assess the need for a left-turn lane for vehicles traveling eastbound on Rt. 155 and making a left turn

into the site.

- If a left turn lane will be provided for eastbound vehicles the applicant shall coordinate with NYSDOT on relocation of the existing crosswalk.
- The applicant will need to submit a minor subdivision plan for the creation of Lot 1 and Lot 2 prior to any construction activities occurring on the site.
- The applicant should provide draft easement language for ingress/egress to Lot 2 as part of the subdivision application.
- Prior to any banked parking spaces being constructed on the site in the future the applicant shall contact the Town Planning Department and Building Department to determine if any additional review by the Zoning Board/Planning Board will be necessary.
- Any substantial changes in the site plan during the final review by the Zoning Board of Appeals will require the application to be referred back to the Planning Board.

Delaware Engineering was appointed as the Town Designated Engineer to review the project by the Zoning Board of Appeals on August 1, 2018.

- Delaware Engineering provided a report to the Chief Building and Zoning Inspector on April 8, 2019. The report was reviewed at the public hearing with this Board on April 17, 2019. A revised report was submitted on May 9, 2019 as a follow up to the April 17, 2019 meeting.
- The Town Designated Engineer provided the applicant, the Board and the public their review and report on the site plan, Full Environmental Assessment Form, Stormwater Review, and water and sewer review.
- The Town Designated Engineer's memos are part of and included in the Town file for the project and the applicant addressed the concerns of the memorandum on the project review at the meeting of the Zoning Board of Appeals on April 17, 2019.
- The updates include the flow of stormwater for the dry swales, updated plans for the Guilderland Fire District for hydrant placements and the ladder truck clearance. Along with the need for inspection of the sewer drain with the Wastewater Department.
- The conditions and reviews by the Town Planning Board, the Town Planner and the Town Designated Engineer have been met by the applicant through their presentations, submissions, and revisions to their submissions to this Board and the Town Designated Engineer.
- The site plans submitted by the applicant show that height from the road from the front of the project would be about 35', the height of the building from the back is 46' but one story lower at the front. About 81% of the building is within the allowable height under the current Town zoning code.
- The proposed project will dedicate to the Town of Guilderland 24.22 acres as town parkland. This will allow for the preservation of green space as part of the Comprehensive Plan and the Guilderland Hamlet Neighborhood Plan. The applicant has proposed the installation of a

multi-use path and open space for use by residents of the Town of Guilderland. The remaining "Lot 1" as designated on the site plan maintains more than 63% of the site as green space.

- The applicant has provided traffic studies which were conducted by and adhered to nationally accepted standards for such studies. These studies were conducted in October and February of 2018. After numerous communications with the applicant and the New York State Department of Transportation the Department stated that a traffic signal at the proposed intersection with the application and State Route 155 was not warranted. While this Board may not fully agree with NYSDOT's review of the necessity of a traffic signal or other means of handling the traffic flow on NYS Rt. 155 such as a traffic circle or roundabout; it is their jurisdiction and we are not able to address how they will plan to handle the traffic flow in the future on Rt. 155 as they have determined that the proposed project can handle the determined increased traffic from a constructed Senior Residential Independent Living Facility.
- The Guilderland Fire Department has submitted a letter stating that they are satisfied with the plans and information provided by the developer. The access roads will provide 360° access to the building, providing for ladder truck operations to the proposed site. The fire department has been advised that the road will be maintained year round and the hydrants have been located on the property in consultation with the fire district. The developer's plans have met all requests made by the fire district. The fire district is comfortable with approval and with being able to provide fire protection to the site.
- The applicant has reduced the initial application for a requested height variance of light poles and has reduced all lighting to align with the Town Zoning Code with lights below 10' that will provide for shining down directly and maintaining the light on the property without providing significant glare to neighboring property owners.

After reviewing the site plan, the comments both at public hearings and written materials submitted to this Board the proposed project will not have an undesirable change on the neighborhood.

- The proposed project while over the 2 ½ story limitation by the Town Zoning Code will actually be at an elevation lower than the neighboring apartment complex which will be the closest property to the project.
- This area of the Town of Guilderland is already home to other apartment and town home developments on both sides of State Farm Road.
- The proposal situated the project to be further from the nearest residential homes that abut the site plan and closer to the existing apartment complex at Regency Park.
- No comments were received against the construction of detached garages in a side yard as proposed by the developer.

- The site plan as submitted while needing a variance from the Zoning Code on the height will have less of a negative impact on the physical or environmental conditions than if the project were to be spread out to maintain the height of building under the 35' and 2 ½ stories with the existing topography. These plans were submitted to the Board for their review. The plan will leave about 37 acres undeveloped or unpaved from the entire 44 acre site.
- The stormwater plan submitted is to be managed in accordance with all New York State standards for Stormwater Pollution Prevention Plans.
- The proposed project will not create adverse shadowing on neighboring property owners.
- The planned use of the property for an Independent Residential Living Facility for Seniors over the age of 55 is consistent with the Town Code as a permitted and allowed use and will not have an adverse effect on the neighboring property owners or the Comprehensive Plan or Neighborhood Plan.

Based on these findings, I move that the Board grant the variance and approve the Special Use Permit with the following conditions:

- 1) Adherence to the revised site plans, applications and submittals and all representations made here to the Zoning Board at the previously held public hearings of the Zoning Board of Appeals.
- 2) The project will continue to be monitored through construction by Town stormwater personnel and the Town Designated Engineer. The Town Designated Engineer will continue to oversee the project and authorize necessary changes that must be made to the plans that have been submitted, including but not limited to the improvements requested for dry swales in the hydroCAD models as requested by the Town Designated Engineer.
- 3) The project is not to exceed 256 units and is encouraged to develop less than the application. The applicant will work to build the units in phases. As stated by the applicant, Phase 1 would consist of 130 units and through consultation with the Town Planner and the Chief Building and Zoning Inspector will decide the feasibility of the remaining units of the project.
- 4) Each year on the anniversary of the issuance of the Certificate of Occupancy, the owner will submit evidence that each lease signed will have an occupant that qualifies to live in the senior living facility. This facility will not be used for non-senior apartments.
- 5) All water main, hydrants, and sanitary sewers and final connection points will be approved by the Town of Guilderland Water and Wastewater Department. Video review inspection of town sewer for the project will be conducted in consultation with the Superintendent of Water and Wastewater for the Town of Guilderland. If improvements are required, the applicant will provide the necessary improvements
- 6) Provide for removal of excess snow from the property if the green spaces on the property cannot handle accumulation to maintain parking spaces both for the facility and the designated parking for the Town parkland.

- 7) The Town parkland shall be dedicated to the Town of Guilderland before the issuance of building permits by the Town. The multi-use trail shall be constructed prior to the issuance of the initial Certificate of Occupancy by the Town but not before the completion of the Stormwater Pollution Prevention Plan; the final trail layout, materials, and timeline will be subject to the approval of the Town of Guilderland Parks Director.
- 8) Final sign off from the Guilderland Fire District must be received before the issuance of a Certificate of Occupancy.
- 9) Light poles will not exceed 10' in height as shown on submitted site plans.
- 10) The height of the building shall not exceed 35' above the elevation of State Farm Road NYS Route 155.
- 11) Elevators shall be able to accommodate stretchers as used by the Town of Guilderland Emergency Personnel.
- 12) Applicant will work with the Town Parks Department and Chief Building and Zoning Administrator for final determination on the number of parking spaces necessary to accommodate the use of the dedicated parkland and receive their final approval on the construction of the parking lot, to be constructed before the issuance of the Certificate of Occupancy.
- 13) The developer will work with the Town Planning Department to determine proper removal of mature trees from the property and will provide for the addition of evergreen trees along the southwest side of the property to provide for screening of the project from neighboring property owners on Campus Club Drive area of the property. These plantings should be done in consultation with the Town Director of Parks Department, Town Planner, and Chief Building and Zoning Inspector.
- 14) Final sign off from the NYSDOT on the proposed project will be required. The applicant will work with the NYSDOT to improve and create enhanced pedestrian crossings and signals. Increased signage to the extent allowable and approved by NYSDOT on the school zone speed limit and reduced speed in the area, and upcoming pedestrian crossings. NYSDOT will approve final access designs for ingress and egress from the property. If necessary the applicant will provide an escrow account for a future traffic signal at the created intersection of Rt. 155 and the project.
- 15) Hours for construction of the project will be from 7am to 6pm on Monday through Friday and no earlier than 9am on Saturday and no later than 5pm on Saturday with no construction hours on Sunday.
- 16) The Chief Building and Zoning Administrator is authorized to take necessary actions to implement this decision.

Upon compliance with all other requirements of the Town Law and other applicable laws and regulations, this resolution was adopted by a 4 – 0 (Remmert, Albert recused) vote of the Zoning Board of Appeals.

BY ORDER OF THE ZONING BOARD OF APPEALS

Dated: 5/16/19

Jacob Crawford (db)
Acting CHAIRMAN

ATTEST: Dawn Berschinger
SECRETARY

**STATE ENVIRONMENTAL QUALITY REVIEW ACT
NEGATIVE DECLARATION
NOTICE OF DETERMINATION OF NON-SIGNIFICANCE**

Pursuant to Part 617 of the regulations promulgated under the State Environmental Quality Review Act ("SEQRA"), NYS Environmental Conservation Law §8-0101 et seq., the Zoning Board of Appeals has declared that the proposed action described below is a Type I action under SEQRA, and determined that the proposed action will not have a potential significant adverse environmental impact, the preparation of an Environmental Impact Statement is not required, and this negative declaration under SEQRA is issued.

Property: 6051 State Farm Road (State Route 155), Town of Guilderland. The property is zoned residential (R15 & R040).

Lead Agency: Zoning Board of Appeals, Town Hall, Town of Guilderland, PO Box 339, Guilderland, NY 12084-0339.

For additional information: Jacqueline Coons, Chief Building and Zoning Inspector, Town Hall, Town of Guilderland, PO Box 339, Guilderland, NY 12084-0339; Phone: (518) 356-1980.

Description of proposed action: The proposed action is an application for a special use permit and area variances for Hiawatha Trails Retirement Community, an aged-restricted housing facility with 256 dwelling units, garages, parking spaces, and dedication of open space, with multi-use trail and parking area, to the Town of Guilderland.

SEQRA Classification: Type I.

Determination of Significance: After review of the Full Environmental Assessment Form ("EAF"), the criteria contained in 6 NYCRR §617.7(c) of the SEQRA regulations, input from the general public, and correspondence from the NYS Department of Transportation, NYS Office of Parks, Recreation and Historic Preservation, US Army Corps of Engineers, Albany County Planning Board, Town Planner, Town Planning Board, Guilderland Conservation Advisory Council and the Town's designated engineers, Greenman-Pedersen, Inc. and Delaware Engineering, D.P.C., the Zoning Board of Appeals identified and thoroughly analyzed relevant areas of environmental concern, as detailed below and determined that the proposed action will not have a significant adverse impact upon the environment.

Reasoning supporting determination:

The Zoning Board determined that, under 6 NYCRR §617.4(b)(5)(iii), the proposed action is a Type I action under SEQRA based upon the number (256) of proposed dwelling units. The Zoning Board notified Involved and Interested Agencies of its intention to act as Lead Agency for this proposed action and circulated the full

Environmental Assessment Form ("EAF"). The comments received from these agencies are addressed in this Negative Declaration.

The Zoning Board reviewed the application, prepared EAF, site plan, traffic evaluation study, wetland delineation report, cultural resources report, and supporting materials and, at public hearings on February 6 and April 17, 2019, considered public comments and submitted written materials. The Zoning Board considered the Albany County Planning Board's recommendation dated September 26, 2018, NYS Department of Transportation's ("DOT") letter dated November 21, 2018, and emails, NYS Office of Parks, Recreation and Historic Preservation ("SHPO") dated May 8, 2018, and US Army Corps of Engineers' letter dated November 21, 2018.

The Zoning Board also considered comments and reports by the Town Planner's memorandum dated September 21, 2018, Town Planning Board's Site Plan Review Report dated December 12, 2018, Guilderland Conservation Advisory Council's ("GCAC") Report dated January 31, 2019, and letters by Greenman-Pedersen, Inc., the Town's retained engineer on traffic impacts, and Delaware Engineering, PC, the Town's retained engineer on storm water impacts.

RELEVANT AREAS OF ENVIRONMENTAL CONCERN

TRAFFIC IMPACTS

The proposed action includes a private driveway opposite Presidential Way at the intersection with State Farm Road (State Route 155) which is subject to DOT's jurisdiction. It proposes a new traffic signal which was supported by VHB Engineering, Surveying & Landscaping Architecture, P.C.'s ("VHB") traffic studies dated April 9, June 26, August 14 & October 18, 2018. The traffic studies assessed the cumulative traffic impacts of proposed, approved and constructed projects, including the Capital District Transportation Committee's projected 0.5% annual growth in traffic volumes in the study area, and an analysis justifying the proposed new traffic signal.

In its letter dated October 30 2018, Greenman-Pedersen, Inc. ("GPI"), the Town's retained engineer, stated that VHB's traffic studies adhered to generally accepted standards for traffic impact studies, used appropriate industry references, and concurred with VHB's trip generation and distribution estimates. GPI's letter recommended that DOT and VHB consider additional warrants that could justify the new traffic signal at the intersection. GPI, VHB, and DOT exchanged emails and letters discussing various improvements at the intersection.

In a letter dated November 21, 2018, DOT stated that its analysis of warrants for new traffic light did not support the installation of a traffic light at this location. DOT noted that it would evaluate the need for additional traffic controls should conditions change in the future. In an email dated November 26, 2018, DOT stated that it would consider other mitigation measures including a new northbound left-turn lane on Route 146 at the intersection into the new retirement community, with appropriate signage,

length, and tapering, and new enhanced crosswalk a short distance from the intersection. Site Plan C3 ("Overall Plan") & C4 ("Detailed Site Plan") (last revised as of April 11, 2019) include the specific mitigation measures required by DOT.

CONSISTENCY WITH COMPREHENSIVE PLAN AND HAMLET PLAN

The proposed action is consistent with the Zoning Code, recommendations in the Town's Comprehensive Plan dated August 2001, and the Guilderland Hamlet Neighborhood Plan ("Hamlet Plan") dated January 2007.

1. Preservation of Open Space/Green Space

The Hamlet Plan, at pages 8-9, recommends the maintaining and expansion of open spaces including to "[c]ontinue to reach out to property owners interested in conservation, including the Hiawatha Golf Course and the various active farmland properties in the neighborhood. The Hamlet Plan, at page 45, also identifies as a "primary recommendation" the creation of a "green infrastructure" network of parks, preserves, farms, ecological resources, and open space.

The proposed action meets these core recommendations. Its total acreage is 43.82 acres. Site Plan C3 ("Overall Plan") & C4 ("Detailed Site Plan") shows the property owner's proposed conveyance of Lot 2, measuring 24.22 acres or 55% of the site, to the Town as open space and recreation area. The Site Plan also shows that 83% of the site will be green space. Site Plan C5 ("Walking Trail") shows the applicant's proposed installation of a multi-use path with looping trails and small parking area on the open space.

2. Connectivity and linkages between residential neighborhoods and the Hamlet's resources.

The Hamlet Plan, at pages 8 and 46, also recommends bicycle and pedestrian connections from residential neighborhoods linking to the hamlet's resources including the YMCA, Guilderland Library, Guilderland Elementary School, and Pine Bush Preserve. The Hamlet Plan, at page 45, identifies as a "primary recommendation," a "safe, non-motorized transportation network." The Hamlet Plan's "Vision Map" and "Transportation Improvement Concepts" recommends a potential greenway connecting the residential neighborhoods on State Farm Road with the hamlet's cultural and educational resources.

The proposed action includes the installation of a 10' wide multi-use path on the Town's open space. The multi-use path would connect to the existing extensive sidewalk system on State Farm Road (State Route 155). The multi-use path could also provide future linkage to the properties to the west, including the YMCA, Guilderland Library, and Guilderland Elementary School. The Hamlet Plan, at page 3, states that "the hamlet is strengthened by a diversity of community resources and amenities, including the Library, schools and town parks, YMCA, and range of housing and employment opportunities."

The Hamlet Plan's goal of connectivity is further advanced by the Town's securing of grant funds to construct a sidewalk next year on Western Avenue between Regency Apartments and the Library. The Hamlet Plan, at pages 18, states that this sidewalk was the "highest priority for pedestrian connectivity in the study"

3. Compatibility with Surrounding Uses

The Hamlet Plan, at page 8, cites compatibility of land uses as an important goal for land use development in the hamlet. Senior residential uses are allowed uses in residential districts under Zoning Code §280-12(D)(7). The proposed retirement community has lesser impacts, including traffic volume, rush hour traffic, and school age children, than nearby multi-family residential uses including the 520 unit Regency Park Apartments, 448 unit Heritage Village, and 128 unit Presidential Estates Townhomes.

The proposed senior housing furthers the Town's Comprehensive Plan which, at page III-3, noted the community's "perceived deficiency in senior housing with almost 60% of the respondents indicating there is not enough." Since the adoption of the Comprehensive Plan in August, 2001, only one new senior housing facility, Omni Development on Carman Road (State Route 146), has been built in the Town. That was nearly 20 years ago. In its Site Plan Review Report dated December 12, 2018, at page 1, the Planning Board found that the proposed senior housing "is consistent with the Town Comprehensive Plan's Growth Management recommendations with regard to accommodating the need for housing diversity and providing housing opportunities for the elderly to allow residents to remain in the Town despite changing housing and care requirements."

STORMWATER IMPACTS

The proposed action includes a Stormwater Pollution Prevention Plan ("SWPPP") consistent with SPDES General Permit #0-15-002 and Site Plan C8 ("Erosion and Sediment Control Plan"). In a report dated April 8, 2019, and a letter dated May 9, 2019 from Delaware Engineering, D.P.C., the Town's retained engineer on stormwater impacts, determined that the SWPPP was designed in accordance with industry standards and recommended changes, including pre-treatment, yard drain, gutters and downspouts on garages, re-sized piping, and other minor changes. The applicant has submitted a revised SWPPP and Stormwater Management Report dated April 11, 2019 which incorporates almost all of the changes requested by Delaware Engineering. The outstanding changes relate to the HydroCAD and final connection point of the sewer. Delaware Engineering D.P.C. Said in its letter dated May 9, 2019 that these changes were minor and can become a condition of approval.

WETLAND IMPACTS

The wetland delineation report and endangered species screening finds that there are no NYS freshwater wetlands and no endangered species on the site and that the proposed

development avoids and will have no environmental impact upon the riparian strip along the Kaikout Kill. In a letter dated November 21, 2018, US Army Corps of Engineers determined that the construction of the retirement community will not impact wetlands or water bodies within its jurisdiction.

PROTECTION OF WATER RESOURCES

The Kaikout Kill, a class C(T) stream, runs through the parcel, including the Town's open space. In contrast to the use of pesticides and fertilizer for the current use of the property as a private golf course or potential development as single-family subdivision, the Town's preservation of the open space avoids these damaging environmental impacts. The proposed development also complies with the setback under Zoning Code §280-30(B) for watercourse protection and angle of repose.

The Town maintains water wells on property located at 6011 State Farm Road (State Route 155). The proposed building has more than a 900 feet horizontal separation from the Town's wells, far in excess of NYS Health Department regulations and Albany County Department of Health's guidance. Moreover, the Town-owned open space will provide an additional protection area for these wells.

ARCHAEOLOGICAL IMPACTS

In a Phase I Archaeological Survey Report dated May 4, 2018, Stony Creek Archaeology, Inc. determined that the proposed development will have no impacts. In a letter dated May 8, 2018, SHPO confirmed the survey's finding and found that the project would have no impact upon cultural or historic resources.

VISUAL IMPACTS

Potential visual impacts of the proposed retirement community were carefully analyzed and determined to be minimal. The building will setback approximately 100 feet from State Farm Road at its closest point on the south and 200 feet on the north. Architectural renderings show that the building is similar in style to the adjacent Regency Park Apartments and Presidential Estates Townhomes. The building is located approximately 400 feet west of the closest single-family residence in the Presidential Estates to the east and approximately 1000 feet north of the closest single-family residence in the Campus Club subdivision which will also be buffered by the Town-owned open space.

The existing grade elevations and topography will further reduce any visual impacts. Site Plan C7 ("Landscape & Snow Storage Plan") shows the preservation of numerous hardwood trees and replacement of invasive tree species along State Farm Road with appropriate trees and landscaping which will serve as an additional visual buffer. In its Report dated January 31, 2019, the GCAC favorably commented upon the proposed landscaping plan and its visual buffer.

More than 80% of the building meets the Town's height requirements, and the remainder of the building is at the rear of the building, not visible from State Farm Road. Given the site's topography, the ground elevation at the building at the rear is approximately 10 feet below its front. As a result, when viewed from the front, the entire building appears consistent in height. The proposed building's height is also compatible with the immediately adjacent Regency Park Apartments. It is approximately 6 feet below the elevation of the adjacent apartment building.

At the Board's request, the applicant provided plans showing two-story buildings to assess their potential impacts upon green space and the Town's proposed open space. Even assuming this alternative were economically and functionally feasible, this option would negatively impact the preservation of open space, one of the key goals of the Hamlet Plan, and would weaken the protections of the Town's wells by causing the replacement of green space with more impervious surfaces resulting in increased post-construction stormwater.

OTHER POTENTIAL IMPACTS

Other potential impacts, including water and sewer system, fire protection, and light, have been reviewed by Town staff with comments incorporated into the Site Plan. Site Plan C10 ("Lighting Plan") shows proposed light poles have been reduced in height to 10 feet, with full cutoff shielding, and do not require a variance. Water and sewer improvements have been proposed in reports to the Superintendent of Water & Wastewater Management. In a letter dated February 8, 2019, the Guilderland Fire District, Inc. provided comments on fire protection and public safety which were addressed and incorporated into the Site Plan C11 ("Fire Truck & Fire Department Connection").