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COUNTY EXECUTIVE

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Jacqueline Coons  
Chief Building & Zoning Inspector  
Guilderland Town Hall – 2nd Floor  
5209 Western Turnpike  
P.O. Box 339  
Guilderland, NY 12084

May 4, 2020

Dear Jacqueline Coons,

Pursuant to your request and under the authority of Section 239-m or n of General Municipal Law, the Albany County Planning Department reviewed the following material:

<b>Case #:</b>	<b><u>10-200403466</u></b>
<b>Applicant:</b>	<b>Costco</b>
<b>Project Location:</b>	Western Ave. & Crossgates Mall Road
<b>Tax Map Number:</b>	52.1-1-6, 52.10-1-26, 52.10-1-27, 52.10-1-28, 52.10-1-29, 52.10-1-30, 52.10-1-31, 52.10-1-32, 52.10-1-33, 52.10-1-34, 52.10-1-35, 52.14-1-1, 52.14-1-2, 52.14-1-10, 52.14-1-20, 52.14-1-21, 52.14-1-22, 52.14-1-23, 52.14-1-24, 52.14-1-25, 52.14-1-26, 52.14-1-28, 52.14-1-29, 52.14-1-30, 52.14-1-31, 52.14-1-32
<b>Referring Agency:</b>	Town of Guilderland Zoning Board of Appeals
<b>Considerations:</b>	The special use permit to develop the parcel into a Costco.

In conducting the review as per GML 239-l the Albany County Planning Board (ACPB) finds the proposed Costco Wholesale retail facility and fueling stations will create a significant negative intermunicipal and county-wide impact and voted to **disapprove** the Special Use Permit.

Pursuant to GML 239-l, review and recommendation by the County Planning Agency includes consideration of “pertinent inter-community and county-wide planning, zoning, site plan, and subdivision considerations” with respect to:

**1. Compatibility of various land uses with one another:**

- A. The ACPB find the proposed use is not a compatible land use as it does not meet the purpose of an approved use in a Transit Oriented Development District (TOD)

as described in the Town of Guilderland (TOG) Zoning Code Chapter 280-18.1 A. Purpose.

- B. Page 56 in the Westmere Corridor study states, *“While several elements of TOD are recommended throughout the Westmere Corridor with regard to access management, traffic calming, pedestrian, bicycle and transit improvements, this particular part of the corridor has critical features that would be necessary for a successful TOD neighborhood. These features include the availability of underutilized or vacant land adjacent to major destinations that attract high volumes of people (such as shopping, entertainment and employment centers) and could support high ridership transit stops. The missing elements, mixed use structures and compact, walkable more “urban” form can be created when land exists to integrate and transition uses into a more connected area with short blocks, mixed use buildings, public spaces and a strong pedestrian, bicycle and transit presence.”* A warehouse retail store does meet the goals for the “missing elements” as described.
- C. Large warehouse stores are typically found in auto-oriented commercial zones that rely on highway infrastructure and are not found in TOD zones that promote walkability.
- D. Majority of customers visiting warehouse stores drive in. The closest Costco store is two hours away. Conceivable customers will be driving from many miles away to buy in bulk and leave. In this situation customers will typically not travel by bicycles or bus.
- E. The proposed warehouse along with 700 parking spaces does not show evidence of reducing the number of parking spaces and is in direct contradiction of the purpose of a TOD zone.
- F. In an article published by the American Planning Association dated May 2003 “How to Make Transit-Oriented Development Work” quotes Peter Albert, a Planner for Bay Area Rapid Transit (BART), *“If the parking requirements doesn’t reflect the transit resource, it’s not TOD. It’s just a development close to a transit station.”*
- G. In the Albany County Planning Board case #10-180503020 Town of Guilderland Local Law 4: Transit Oriented Development District (May 14, 2018) published meeting minutes states; *“Michael Shanley addressed the board explaining that this town-wide initiative helps Crossgates Mall, which is a major employer and tax revenue generator for the county and town. Crossgates is forced to look at doing business in a different way; the TOD will help to create a mixed “community.” Crossgates has bought property in the surrounding area, and is hoping to build something that is first floor commercial, upper floors residential apartments/condos; perhaps a civic component as well, maybe government offices, a Police station, and medical offices all of which will help support the overall health of Crossgates.”*

**2. Traffic generating characteristics of various land uses in relation to the effect of such traffic on other land uses and to the adequacy of existing and proposed thoroughfare facilities:**

- A. The ACPB finds the traffic impact will have detrimental effects in and around the proposed project. There will be an increase in accidents at the I-87 exit ramp leading to Crossgates Mall Ring Road, increased accidents and congestion along State Route 20 and increased traffic through the Rapp Road Historic District.
- B. In June 2001 the Altamont Enterprise published an article on the traffic accidents at the I-87 exit ramp leading to Crossgates Mall titled “Ending the ramp’age?” It noted 26 accidents in 1994 and jumped to 140 in 2000.
- C. New York State Department of Transportation provided accident reports on this same exit ramp. It noted 52 accidents in 2016, 48 accidents in 2017 and 54 accidents in 2018.
- D. In addition, the Westmere Corridor Study noted 502 accidents along the eastern portion of the Westmere Corridor in a three year span.
- E. New York State Thruway Authority is expecting cashless tolls by 2020. These tolls act as a “traffic calming measure” to the entrance onto I-87. How will this affect the traffic patterns and accidents at the Crossgates I-87 entrance?
- F. The proposed warehouse does not appear to show any traffic mitigation that address the accident prone exit ramp nor the heavily traveled eastern section of the Westmere corridor.

**3. Impact of proposed land uses on existing and proposed county or state institutional or other uses:**

- A. The special use permit does not demonstrate conclusively that no such negative impacts with regard to traffic and accidents in and around the proposed location and has not proposed any mitigation.
- B. We understand there is conversation with Town of Guilderland, Rapp Road Historic District, City of Albany and Pyramid regarding the adverse impacts to the Rapp Road Historical District. However at this time we don’t have a conclusive traffic mitigation proposal that was deemed viable either by the Town of Guilderland or the City of Albany to be commenting on.

**4. Protection of community character as regards predominant land uses, population density, and the relation between residential and nonresidential areas:**

- A. The proposed warehouse ignores the community character. If built, this structure will be the largest single use retail building found along State Route 20 in the Town of Guilderland.
- B. New York State General Municipal Law §96-a. Protection of historical places, buildings, and works of art states, *“In addition to any power or authority of a municipal corporation to regulate by planning or zoning laws and regulations or by local laws and regulations, the governing board or local legislative body of any county, city, town, or village is empowered to provide by regulation special conditions and restrictions for the protection, enhancement, perpetuation, and use*

*of places, districts, sites, buildings, structures, works of art, and other objects having a special character or special historical or aesthetic interest or value. Such regulations, special conditions and restrictions may include appropriate and reasonable control of the use or appearance of neighboring private property within public view, or both.”*

- C. The Rapp Road district was designated on the Nation’s list of properties worthy of preservation in 2002. The Director of New York State’s Technical Preservation Bureau within the State Historic Preservation Office, has advised that the impact of traffic and high density development is an adverse impact on the historical preservation of the Rapp Road historical community.
- D. The origin of the Historical Rapp Road community is an African American community that migrated from Shubuta, Mississippi during the Great Migration. The community is singular in Albany County in its living presentation of the agrarian lifestyle that remained intact through a community’s chain migration to the north and the subsequent five generations. Multiple decedent families from the original property owners still live on Rapp Road. The Great Migration was the largest migration of United States citizens in American History that culminated in the mass urbanization of most of the migrants. The historical Rapp Road community provides an alternate and unique oral and living history that is increasingly hard to maintain as development and density continues to encroach.

**5. Drainage:**

- A. Maser Consulting, on behalf of Pyramid LLC, responded to the Department of Public Work’s comments about the exceeding 5 acres disturbances in their phasing descriptions as such: “Due to the extent of mass grading +/-8’ across the majority of the site and the complexity of the proposed site improvements, it is not feasible to split up construction in such a way that there is less than 5 acres of disturbance at any given time.”. For construction activities outside of grading, Pyramid should adhere to recommended 5 acre maximum disturbance of a construction site at one time (GP-0-20-001).

**6. Community facilities:**

- A. Not applicable.

**7. Official municipal and county development policies, as may be expressed through comprehensive plans, capital programs or regulatory measures:**

- A. The proposed warehouse does not meet recommendations of the Westmere Corridor Study; it does not protect nearby neighborhoods, it does not create neighborhoods, it is not pedestrian friendly, it does not support bus transit services and does not emphasize alternate modes of non-automobile-oriented modes of transportation.
- B. Page 56 in the Westmere Corridor study states, “While several elements of TOD are recommended throughout the Westmere Corridor with regard to access management, traffic calming, pedestrian, bicycle and transit improvements, this

*particular part of the corridor has critical features that would be necessary for a successful TOD neighborhood. These features include the availability of underutilized or vacant land adjacent to major destinations that attract high volumes of people (such as shopping, entertainment and employment centers) and could support high ridership transit stops. The missing elements, mixed use structures and compact, walkable more “urban” form can be created when land exists to integrate and transition uses into a more connected area with short blocks, mixed use buildings, public spaces and a strong pedestrian, bicycle and transit presence.”*

**8. Such other matters as may relate to the public convenience, to governmental efficiency, and to the achieving and maintaining of a satisfactory community environment:**

- A. A satisfactory community environment should be planned and based on a process that involved analysis of existing conditions, as well as public and professional input. The Westmere Corridor study established the TOD zone and based its recommendations on an “analysis of the existing conditions information found in the previous sections, discussions with the Study Advisory Committee (SAC) and comments received from the public at the project open house (pg. 55).
- B. Based on the study a satisfactory community environment would contain “mixed use structures and (a) compact, walkable more “urban” form (that) can be created when land exists to integrate and transition uses into a more connected area with short street blocks, mixed use buildings, public spaces and a strong pedestrian, bicycle and transit presence (pg. 56). The environment would ideally consist of “at least 80% coverage”(pg. 63), “orienting buildings to the street with a consistent build-to line with maximum setbacks of no more than 15 feet”, and “parking in the rear” (pg. 68).
- C. Granting a Special Use Permit to the Costco proposal as is, would be out of compliance with the community and professional input in a pre-existing study produced by the Town of Guilderland. To maximize governmental efficiency and community character development should try to adhere to existing comprehensive plans and studies.



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Laura Trivison, Senior Planner  
Albany County Planning Board

In compliance with Article 12-B, Section 239 of New York State General Municipal Law, this serves as official notification to the Albany County Planning Board of the action taken on the application described above.

**LOCAL ACTION ON ACPB RECOMMENDATION:**

- AGREED WITH COUNTY PLANNING BOARD RECOMMENDATIONS TO MODIFY OR DISAPPROVE
- OVER-RULED COUNTY PLANNING BOARD RECOMMENDATIONS TO MODIFY OR DISAPPROVE

**LOCAL DECISION ON PROJECT:**

- PROJECT APPROVED
- PROJECT DISAPPROVED

VOTE RECORDED: \_\_\_\_\_ DATE OF LOCAL ACTION: \_\_\_\_\_

**Set forth the reasons for any action contrary to the ACPB recommendations (use additional sheets if needed):**

SIGNED: \_\_\_\_\_ TITLE: \_\_\_\_\_