

**Minutes  
Albany County Planning Board  
July 16, 2015**

**Present:**

Michael DeVall, Chair, Paul Cooney, Roland Graves, Ben Syden, Brian Crawford

**Albany County Planning:**

Leslie Lombardo

**Guests:**

Scott Siegel

**A call to order:**

Michael DeVall called the meeting to order at 3:30 p.m.

**Approval of minutes:**

Paul Cooney made a motion to accept the minutes from the June 18, 2015 meeting. The motion was seconded by Ben Syden and unanimously approved by the board.

**GML CASES RECOMMENDED FOR DEFER TO LOCAL CONSIDERATION**

Ben Syden made a motion to consider the 12 cases recommended for defer to local consideration. The motion was seconded by Paul Cooney and unanimously approved by the board.

**Case #: 7-150702293**

Kimberly Square - bank addition (Kimberly Partners LLC)  
475 Albany Shaker Rd./CR 151, north side of CR 151, 430' west of Osborne Rd/CR 154, Colonie  
Area variance from the required 100' setback to a residential zoning boundary line to allow the addition of a 3,440 s.f. building to an existing shopping center that will give a 41' setback. The new building is proposed to be a bank with a drive thru lane (using 1,800 s.f. of the building) and possibly a food establishment in the remaining 1640 s.f. of the building, but with no drive thru lane. The proposed building setback will be similar to existing setback of other buildings in the shopping plaza. Parking requirements for the new building uses are met.

**Advisory Note:** The town should consider any required accessory features to the food establishment; such as a dumpster and grease trap that would be located within the decreased setback before granting approval.

**Case #: 4-150702294**

Coldwell Banker signage (The Windsor Companies)  
1345 New Scotland Road/SR 85, (within Price Chopper Plaza), Slingerlands  
Area variance from sign regulations to allow two box signs for a building within a shopping center where town code allows only channel letter signage. Applicant requests two box signs (18 s.f. and 7.8 s.f.) to allow for a corporate logo to be displayed. There will be one sign on the front of the building facing the parking lot and one sign on the side of the building facing the road.

**Case #: 4-150702295**

Murray Ave/Haawk Court Subdivision- Anthony Cardona

203 Murray Ave, southwest corner of Murray Ave & Haak Ct., Delmar

Subdivision of 3.3 acres into three lots for residential use. Lot #1 will be 15,674 s.f., Lot #2 will be 15,895 s.f., Lot #3 will be the remaining acreage of 2.58 acres and has an existing residence. Lot #3 has an existing driveway to Murray Ave. Lot 2 and 3 will have access to a town road, Haawk Ct. Public sewer and water is available.

**Case #: 4-150702296**

Farm Family Life Insurance Co.

344 Route 9W, east side of Rt. 9W, across from Bender Lane, Glenmont

Site plan for an addition of 40 parking spaces to an existing parking lot for an office building. No additional space will be added to the building. There are 496 existing parking spaces, 29 spaces will be added along an existing internal roadway and additional spaces added in other parts of the existing parking lot by extending aisles. Applicant states that 11,130 s.f. will be added to the site; this includes additional sidewalks. No changes to the existing drainage patterns are shown. There is a piped stormwater system that outlets on to an adjacent Niagra Mohawk power line. No change to the existing access to Rt. 9W is proposed.

**Advisory Note:** Applicant states that snow events reduce parking capacity. A snow storage area should be planned as part of the changes for the parking lot.

**Case #: 10-150702297**

Marcus Rogers

457 Rt. 146, northeast corner of Rt. 146 & Main St., Guilderland Center

Special use permit to allow a dance studio as a tenant in an existing shopping center (Park Guilderland Plaza). No changes are proposed to the building or to the access to a town road.

**Case #: 10-150702298**

Northeastern Fine Jewelry

1575 Western Avenue/SR 20, north side of SR 20, between Church Rd and Crossgates Mall Rd, Guilderland

Special use permit and area variance to allow renovations to an existing commercial building. An addition of 800 s.f. to the rear of the building for office use is proposed as well as facade and building entrance changes. The area variance is from the side setback to allow a portion of the new facade to be constructed within the 15' side setback. No changes to the access to SR 20 are shown. No additional parking is proposed.

**Case #: 4-150702300**

Hewitt's Garden Center-sign

605 Feura Bush Road/SR 910A, north side of SR 910A, west of Wemple Rd., Glenmont

Area variance to allow a replacement sign for a commercial business that has a greater amount of square footage than allowed and will have internal illumination where only external illumination is allowed by code. The minimum square footage allowed is 20 s.f. per side; applicant is requesting 52 s.f. per side. Applicant states that the replacement sign will be smaller than the existing sign on the property.

**Advisory Note:** The Town Zoning Board should consider the precedent setting nature of allowing significant area variances to the sign code in the commercial zone.

**Case #: 4-150702301**

Vincent Crisafulli/266 Delaware Ave-sign  
266 Delaware Avenue/SR 443, south side of SR 443, between Elsmere Ave and Hudson Ave, Delmar  
Area variances from the sign code regulations to allow a non-conforming sign to increase in square footage and height. Applicant is requesting an addition to a free standing sign for a commercial building that would add space for another tenant. The proposed sign would be 77.75 s.f. per side, where 32 s.f. per side is allowed. The sign would be 17.5' tall where 10' is allowed, be setback 0' from the front property line where 10' is required, and continue to be internally illuminated where external illumination is required by code.

**Advisory Note:** The Town Zoning Board should consider the precedent setting nature of allowing significant area variances to the sign code in the commercial zone.

**Case #: 1-150702302**

Cellco Partnership/Verizon Wireless  
475 Central Avenue, north side of Central Ave., approx. 75' north of Partridge Street, Albany  
Special use permit to allow telecommunications equipment on an existing commercial building. Applicant proposes to install an antenna and GPS unit on the roof at a height of 28' above grade (rood height is 22'), as well as an equipment cabinet and cabeling on the ground at the rear of the building.

**Case #: 17-150702304**

422 5th Ave LLC  
422 5th Ave, north of 4th street, Watervliet  
Subdivision of .5 acres into 3 lots. Lot #1 will be 12,553 s.f., Lot #2 and Lot #3 will be 4,715 s.f each. No development is shown on the plans. The property is currently a paved parking lot with access to city streets.

**Case #: 17-150702305**

Matthew Buckley  
1862-1864 8th Ave, south of 19th Street, Watervliet  
Subdivision of a 12,500 s.f. property into two lots. Lot 1 will be 4,795 s.f. and has an existing commercial building that is a tavern. Lot 2 will be 7,705 s.f. and has an existing two family dwelling. No changes are proposed to the existing conditions. Access is to a city street.

**Case #: 7-150702303**

Town of Colonie - Local Law for garbage can size and storage  
Town-wide  
Adoption of a local law that will amend Chapter 62 (62-45(m)) of the town land use law to require refuse containers sufficient to hold waste for a property. No storage in the front yard and no containers larger than 96 gallons in size in the front or side yard except for residential weekly pick up.

## GML CASES RECOMMENDED FOR MODIFICATION

### **Case #: 10-150702261**

Henry V. LaBarba-special use permit amendment

100-200 & 300 Trillium Lane, south side of CR 204, across from Mcknown Rd West, Guilderland  
Special use permit to allow 10-15 parking spaces to be banked for future use on a property currently used as offices in the BNRP zone (Business Non-Retail Professional District). There are currently 21 parking spaces on the property. In order to accommodate the additional parking spaces the property owner is requesting a subdivision that would involve land exchanges with adjacent lots also owned by the applicant. The land exchange would add .5 acres to the office property from an adjacent single family zoned property and add .1 acres (adjacent to CR 204) to the property in the residential zone from the office property. The office property has access to CR 204 from a private driveway (Trillium Lane) that also provides access to the residential property. However, after the land exchange the access (Trillium Lane) to the office property would be by an easement over the residentially zoned property.

Staff opinion is to modify local approval to include:

1. AC DPW has concerns for the access to CR 204 from the multiple properties owned by the applicant on this section of a county road that is a curve, has existing residential driveways that are close together, a private road (Trillium Lane) with both office and residential uses along it, and a town road across the street (Mcknown Road West). ACDPW will not issue any additional driveway permits for these properties. Access will have to be to Trillium Lane.

There was discussion by the board about issues of a private road being used, a flag lot being created. Leslie said the town planning board had given concept approval to the proposed subdivision, it supposedly conditioned access by easements to Trillium, but it has not been sent here yet, a letter was sent to the town planning board from DPW to notify them that access driveways would not be given to CR 204 for newly created lots.

A motion to accept staff opinion was made by Paul Cooney. The motion was seconded by Ben Syden and unanimously approved by the board.

### **Case #: 10-150702262**

Henry V. LaBarba & Margot Thomas-area variance

159 Schoolhouse Road/CR 204, southwest side of CR 204, across from McKnown Road West, Guilderland  
Area variance from minimum lot size to allow a 15,000 s.f. residential lot to be created by subdivision in the R-40 zone where 40,000 s.f. is the required minimum. The lot would be created after land exchanges are made between adjoining parcels under similar ownership. See related case #10-15/7/2261 on this agenda. The 15,000 s.f. lot to be created would have access to a private road (Trillium Lane) that accesses CR 204.

Staff opinion is to modify local approval to include:

1. AC DPW has concerns for the access to CR 204 from the multiple properties owned by the applicant on this section of a county road that is a curve, has existing residential driveways that are close together, a private road (Trillium Lane) with both office and residential uses along it, and a town road across the street (Mcknown Road West). ACDPW will not issue any additional driveway permits for these properties. Access will have to be to Trillium Lane.

A motion to accept staff opinion was made by Ben Syden. The motion was seconded by Paul Cooney and unanimously approved by the board.

**Case #: 7-150702292**

Langan Audi

723 Loudon Road/SR 9, east side of SR 9, between Latham Circle and SR 155, Colonie

Site plan to demolish an existing auto dealership building, construct a new two story, 27,630 s.f. dealership building, redesign the existing vehicle parking storage area on the site and add to it at the rear of the property. The site has three existing curb cuts to SR 9 that will be reduced to two. Curb cuts are shared with the adjacent auto dealership under the same ownership (Toyota). Three tax parcels will be merged as part of this application. No SWPPP is required because less than one acre will be disturbed. However, porous pavement will be used in the new vehicle storage area. There is a water line easement that crosses parts of the property and belongs to the City of Watervliet. The City has been notified. Modifications were made to the plan to limit new pavement over the easement.

Staff opinion is to modify local approval to include:

1. Notification of the final approval should be given to the City of Watervliet.
2. The applicant should continue to work with the City of Watervliet to ensure that city requirements for work within the vicinity of the water main are met.
3. If a crane is used during construction then a review by the FAA (Form 7460-1 available from [www.faa.gov](http://www.faa.gov)) and notification to Albany Airport Authority for FAA FAR Part 77 Aeronautical Impact Notification for temporary construction related and structural incursions within the prescribed Runway Approach Surfaces.
4. Review by the New York State Department of Transportation for design of highway access, drainage and assessment of road capacity.

There was discussion by the board, Ben Syden asked to add that porous pavement be used on the parking lot.

A motion to accept staff opinion with the addition of an advisory that porous pavement be added as something to be considered for the parking lot was made by Paul Cooney. The motion was seconded by Roland Graves and unanimously approved by the board.

**Case #: 10-150702299**

JJE Development, LLC

3403 Carman Road/SR 146, east side of SR 146, south of Jessamine Rd., Guilderland

Special use permit to allow a portion of an existing commercial building to be used as a personal training facility for 3-6 clients. The building was previously used as a grocery store (Greulichs market). The front section of the building was recently approved to be used by a specialty bakery. Changes are shown on the plan to the existing parking lot to reduce pavement in front of the building and reduce the open pavement along SR 146. One 24' driveway access from SR 146 is now shown.

Staff opinion is to modify local approval to include:

1. Any work within the right of way of SR 146 will require a highway work permit from NYS DOT.
2. Review by the New York State Department of Transportation for design of highway access, drainage and assessment of road capacity.

A motion to accept staff opinion was made by Paul Cooney. The motion was seconded by Ben Syden and unanimously approved by the board.

New Business: Chairman DeVall asked about availability of board members for August 19<sup>th</sup> for the next meeting instead of August 20<sup>th</sup> since staff will be unavailable. A roll call was taken for 8/19 and there was a quorum, so it was agreed that the August meeting would be on Wednesday 8/19. Staff will make the change to the online calendar.

Meeting was adjourned at 3:55 p.m.

The next Albany County Planning Board meeting will be on Wednesday, August 19, 2015 at 3:30 p.m. in the conference room at the Albany County Department of Public Works 449 New Salem Road, Voorheesville, NY 12186